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No. 9381.1A40

v. 13



NATIONAL RECOVERY ADMINISTRATION

HUGH S. JOHNSON, Administrator for National Recovery

CODES OF FAIR COMPETITION

Nos. 477-490

AS APPROVED

JULY 6-JULY 22, 1934

**WITH SUPPLEMENTAL CODES, AMENDMENTS
EXECUTIVE AND ADMINISTRATIVE
ORDERS ISSUED BETWEEN
THESE DATES**

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CODES OF FAIR COMPETITION

Approved Code No. 477

CODE OF FAIR COMPETITION
FOR THE
PUBLIC SEATING INDUSTRY

As Approved on July 10, 1934

ORDER

**APPROVING CODE OF FAIR COMPETITION FOR THE PUBLIC SEATING
INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of the Code of Fair Competition for the Public Seating Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved for a period of ninety (90) days; provided, however, that the provisions of Article VII, Section 2 insofar as they prescribe a waiting period between the filing with the Code Authority and the effective date of revised price lists or revised terms and conditions of sale, be and they hereby are stayed pending my further Order.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 10, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Public Seating Industry, as revised after a public hearing conducted in Washington, D.C., on January 19, 1934 in accordance with the provisions of Title I of the National Industrial Recovery Act.

PROVISIONS OF THE CODE AS TO HOURS, WAGES AND GENERAL LABOR PROVISIONS

1. This Code provides that no employee shall be permitted to work in excess of thirty-six (36) hours in any week or in excess of eight (8) hours in any day or more than five (5) days in any week, except as follows:

(a) Employees engaged in clerical or office work shall not be permitted to work in excess of forty (40) hours in any week or nine (9) hours in any day or five and one-half ($5\frac{1}{2}$) days in any week.

(b) Employees engaged as watchmen and night firemen shall not be permitted to work in excess of eighty-four (84) hours in any two (2) weeks' period or forty-eight (48) hours in any week.

(c) To provide for seasonal peaks, employees (other than those engaged in clerical or office work and those engaged as watchmen and night firemen), may be permitted to work not in excess of forty-eight (48) hours in any one (1) week in not more than six (6) weeks of any six (6) months' period; provided, however, that this tolerance shall not be permitted if seasonal demands can be met by the employment of additional employees; and further provided, that at least one and one-half ($1\frac{1}{2}$) times the normal rate of pay shall be paid for all hours worked in excess of the maxima provided in Section 1 of Article III of the Code.

2. This Code exempts from hourly limitations persons employed in a managerial or executive capacity who earn not less than thirty-five dollars (\$35.00) per week and employees engaged in emergency maintenance or emergency repair work provided, however, that in cases of emergency maintenance or emergency repair work, at least one and one-half ($1\frac{1}{2}$) times the normal rate of pay shall be paid for hours worked in excess of the maximum hours provided in Section 1 of Article III.

3. This Code establishes a minimum rate of pay of forty cents (\$0.40) per hour and a minimum rate of pay irrespective of whether the employee is actually compensated on a time rate, piece work or other basis. Handicapped persons may be employed at less than the minimum wage under the usual prescribed conditions.

4. This Code also provides that no employer shall reduce the existing minimum wage rates of pay where these are now in excess of the

minimum rates established by the Code and further provides for an equitable adjustment of all wages above the minimum. Provisions are incorporated relative to the employment of handicapped persons and rates of pay for female employees and covering complaints by employees of alleged violations, standards for safety and health, posting of the Code, and payment of wages.

5. Further, this Code provides that no employee now employed at a rate in excess of the minimum shall be discharged and reemployed or displaced by another employee at a lower rate for purposes of evading the provisions of this Code. Further, no person under sixteen (16) years of age shall be employed in the industry, and no person under eighteen (18) years of age shall be employed at operations or occupations hazardous in nature or dangerous to health. Further, no employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge for the purpose of defeating the provisions of the Act or of this Code.

ECONOMIC EFFECTS OF THE CODE

1. The report of the Research and Planning Division indicates that the sales volume of the industry in 1929 was approximately \$25,000,000 and that about 2,550 were employed in the industry in that year. This report further indicates the absence of available statistics reflecting the trends in this Industry, but nevertheless indicates that the annual sales declined from about \$28,000,000 in the year 1927 to about \$4,800,000 for the year 1933, or about eighty-two percent (82%), and that the severest decline occurred during the last three (3) years as witnessed by a decline from \$20,100,000 in 1930 to \$4,800,000 in 1933. The trend of factory employment has likewise been steadily downward. Since the high point in 1928, employment has dropped about fifty percent (50%) to about 1,041 factory employees in the first half of 1933.

2. The demand for the products of this Industry is to a large degree dependent on the construction, alteration and repair of public structures including schools, theatres and churches.

3. It has been deemed impractical to reduce the work week sufficiently to reabsorb those unemployed since 1929 (which would necessitate a fifteen (15) to twenty (20) hour week) and at the same time to restore the purchasing power of 1929. However, the thirty-six (36) hour week and the minimum hourly rate of forty cents (\$0.40) as established by the Code should provide a material increase in purchasing power.

FINDINGS

The Assistant Deputy Administrator in his final report to me on said Code having found as herein set forth and on the basis of all the proceedings in this matter;

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign

commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant group is an industrial group truly representative of the aforesaid Industry; and that said group imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Code.

For these reasons, therefore, I have approved this Code for a period of ninety (90) days in order to provide for the further study and establishment of a more inclusive code or codes comprehending those businesses competitive or potentially competitive in nature and producing products from the same or similar classifications of labor, and by the same or similar machines.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 10, 1934.

CODE OF FAIR COMPETITION FOR THE PUBLIC SEATING INDUSTRY

ARTICLE I—PURPOSE

To effect the policies of Title I of the National Industrial Recovery Act, this Code is established as a Code of Fair Competition for the Public Seating Industry, and its provisions shall be the standard of fair competition for such industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

SECTION 1. The term "Public Seating Industry" or "industry", as used herein is defined to mean and include the fabricating and/or assembling (for sale) and installing (by those who fabricate and/or assemble) of the products of this industry, and such related branches and sub-divisions as may be from time to time included under the provisions of the Code by the Administrator after such notice and hearing as he may prescribe.

SECTION 2. The term "products of the industry" or "products" as used herein is defined to mean and include public seating (upholstered or non-upholstered), fabricated and/or assembled of wood, plywood, iron, steel, non-ferrous metals, or any combinations of these materials, and consisting of the following:

(a) Fixed or connected seating for such public places as theatres, auditoriums, lodges, assembly halls, shoe stores, rinks, ball parks, race tracks, stadia, and other similar buildings, and structures;

(b) Pewing, chancel, choir stalls, and related furniture and accessories for ecclesiastical purposes (of which an itemized list is attached hereto as Appendix A); furniture for such places as lodge rooms and Sunday schools (of which an itemized list is attached hereto as Appendix B); seats and benches for court houses, hospitals, public waiting rooms and for other similar public purposes, provided, however, all such products are fabricated and/or assembled predominantly of wood or plywood, for a specified project;

(c) Pupil's desks, pupil's tables, pupil's chairs, and school furniture for all educational purposes;

(d) Portable chairs with folding seats in both single and multiple units;

(e) Portable folding seating in single units for other than household use;

(f) Fixed seating for public passenger transportation not including vertical transportation:

Provided, further, that the following are specifically not included:

(g) Bleacher type seats and benches, fabricated and/or assembled exclusively of wood and iron;

(h) Products as defined by Schedule D, the Supplementary Code for the Laboratory Furniture Manufacturers' Section of the Code of Fair Competition for the Scientific Apparatus Industry as approved by the President on November 14, 1933;

(i) Tablet arm chairs and school chairs fabricated and/or assembled exclusively of wood.

SECTION 3. The term "member of the industry" includes anyone engaged in the industry as above defined, either as an employer or on his or its own behalf.

SECTION 4. The term "employee" as used herein includes any and all persons engaged in the industry, however compensated, except a member of the industry.

SECTION 5. The term "employer" as used herein includes anyone by whom any such employee is compensated or employed.

SECTION 6. The term "trade" as used herein is defined to mean and include all functional classifications of enterprise in the distributive process.

SECTION 7. The "Trade Practice Committee" as used herein is defined to mean the Committee established by virtue of the approval of the Federal Trade Commission as of February 12, 1930, and which functions as the trade association proposing this Code.

SECTION 8. The terms "President", "Act", and "Administrator" as used herein shall mean respectively the President of the United States, Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

ARTICLE III—HOURS

SECTION 1. *Maximum Hours.*—No employee shall be permitted to work in excess of thirty-six (36) hours in any week (seven (7) day period), or eight (8) hours in any one day (twenty-four (24) hour period), or more than five (5) days in any one seven (7) day period.

SECTION 2. *Exceptions as to Hours.*—No person employed in clerical or office work shall be permitted to work in excess of forty (40) hours in any week (seven (7) day period), or nine (9) hours in any day (twenty-four (24) hour period), or five and one-half (5½) days in any seven (7) day period.

SECTION 3. No person employed as watchman or night fireman shall be permitted to work in excess of eighty-four (84) hours in any two (2) weeks' period or forty-eight (48) hours in any one week.

SECTION 4. To provide for seasonal peaks, employees covered by Section 1 may be permitted to work not in excess of nine (9) hours in any twenty-four (24) hour period, nor more than forty-eight (48) hours in any one week (seven (7) day period) in not more than six (6) weeks of any six (6) months' period; provided, however, that this tolerance shall not be permitted if seasonal demands can be met by the employment of additional employees; and further provided, that at least one and one-half (1½) times the normal rate of pay shall be paid for all hours worked in excess of the maximum provided herein in Section 1.

SECTION 5. *Exemptions as to Hours.*—The maximum hours provided by this Article shall not apply to traveling salesmen, or to persons employed in a managerial or executive capacity who earn

not less than thirty-five dollars (\$35.00) per week, or to employees engaged in emergency maintenance or emergency repair work; provided, however, that in cases of emergency maintenance or emergency repair work at least one and one-half (1½) times the normal rate of pay shall be paid for hours worked in excess of the maximum hours provided herein.

SECTION 6. *Employment by Several Employers.*—No employer shall knowingly permit any employee to work for any time which when totaled with that already performed for another employer or employers exceeds the maximum permitted herein.

ARTICLE IV—WAGES

SECTION 1. *Minimum Wage.*—No employee shall be paid less than at the rate of forty cents (\$0.40) per hour, except as herein otherwise provided.

SECTION 2. *Wage Reductions.*—No employer shall reduce existing minimum wage rates of pay where these are now in excess of the minimum rates established by this Article.

SECTION 3. *Handicapped Persons.*—A person whose earning capacity is limited because of age, physical or mental handicap, or other infirmity, may be employed on light work at a wage below the minimum established by this Code if the employer obtains from the state authority designated by the United States Department of Labor a certificate authorizing such person's employment at such wages and for such hours as shall be stated in the certificate. Such authority shall be guided by the instructions of the United States Department of Labor in issuing certificates to such persons. Each employer shall file monthly with the Code Authority a list of all such persons employed by him, showing the wages paid to and the maximum hours of work for such employees.

SECTION 4. *Piece-work Compensation—Minimum Wages.*—A guaranteed minimum rate of pay is established by this Article regardless of whether the employee is compensated on the basis of the time rate or on a piece-work performance or other basis.

SECTION 5. *Evasion through Reemployment.*—No employee now employed at a rate in excess of the minimum shall be discharged and reemployed or replaced by another at a lower rate for the purpose of evading the provisions of this Code.

SECTION 6. *Female Employees.*—Female employees performing substantially the same work as male employees shall receive the same rates of pay as male employees.

SECTION 7. *Wages above the Minimum.*—On or before the effective date every employer shall make an equitable adjustment of all wage rates above the minimum. In no case shall wage rates be reduced, notwithstanding that the number of hours worked in such employment may be hereby decreased. No change shall be made in piece-work rates which will reduce the hourly or daily earnings of piece workers. The action taken by each member of the industry in accordance with this provision shall be reported to the Code Authority within thirty (30) days after the effective date of this Code and to the Administrator on his request and shall be subject to the Administrator's review and disapproval.

ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. *Child Labor Provision.*—No person under sixteen (16) years of age shall be employed in the industry. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. The Code Authority shall submit to the Administrator within 60 days of the effective date of this Code a list of such operations or occupations. In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly issued by the authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

SECTION 2. *Provisions from the Act.*—As provided by Section 7 (a) of the Act:

(a) Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection;

(b) No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing; and

(c) Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

SECTION 3. *Standards for Safety and Health.*—Every employer shall make reasonable provisions for the safety and health of his employees at the place and during the hours of their employment. Standards for safety and health shall be submitted by the Code Authority to the Administrator within three (3) months after the effective date of this Code.

SECTION 4. *State Laws.*—No provision in this Code shall supersede any State or Federal law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions, or insurance, or fire protection, than are imposed by this Code.

SECTION 5. *Posting.*—Each member of the industry shall comply with the rules and regulations of the Administrator as to posting this Code or portions thereof.

SECTION 6. *Payment of Wages.*—Every employer shall agree to make payment of all wages due in lawful currency or by negotiable check therefor, payable on demand, at the end of each weekly pay period. These wages shall be exempt from any payment for pensions, insurance, or sick benefits other than those voluntarily paid by employees or required by law. Employers or their agents shall not accept, directly or indirectly, rebates on such wages or give anything of value nor extend any favors to any person for the purpose of influencing rates of wages or working conditions of their employees.

The provisions of this section regarding payment of wages at the end of each weekly pay period shall not apply to persons employed

in a managerial or executive capacity who earn not less than thirty-five dollars (\$35.00) per week, nor to persons employed in clerical or office work. Employers shall agree that the wages for persons employed in clerical or office work shall be paid at the end of pay periods not to exceed semi-monthly periods.

SECTION 7. *Dismissals*.—No employee shall be dismissed by reason of making a complaint or giving evidence with respect to an alleged violation of this Code.

SECTION 8. *Reclassifications of Employees*.—No member of the industry shall reclassify employees or duties of occupations performed or engage in any other subterfuge for the purpose of defeating the provisions of the Act or of this Code.

ARTICLE VI—ORGANIZATION, POWERS AND DUTIES OF THE CODE AUTHORITY

SECTION 1. *Organization and Constitution*.—To further effectuate the policies of the Act, a Code Authority is hereby constituted to cooperate with the Administrator in the administration of this Code.

SECTION 2. The Code Authority shall consist of seven (7) individuals to be selected as hereinafter set forth. The Administrator, in his discretion, may appoint not more than three (3) members, without vote to serve for such terms as he may prescribe.

SECTION 3. These seven individuals constituting industry representatives of the Code Authority shall be elected by a majority vote of members of the industry eligible (as defined by Section 10 of this Article) to participate and participating in the elections. All such members shall be elected from directors, officers, or executives of members of the industry. All seven individuals shall have equal voting power. The first Code Authority shall be elected at a general meeting of the industry called and conducted by the Trade Practice Committee of this industry within fifteen (15) days after the effective date of this Code. Members of the Code Authority shall be elected to serve for a term of one (1) year or until their successors are elected at the next annual meeting of the members of the industry. In the event of any vacancy in the membership of the Code Authority, a special meeting of the members of the industry for an election to fill the incomplete terms of such members shall be called within thirty (30) days after such vacancy shall have occurred. Notice of the time and place of each election shall be sent to all members of the industry who are registered with the Committee or after the effective date of this Code with the Code Authority, or whose names and addresses can be ascertained through diligent inquiry, and to the Administrator at least ten (10) days in advance of such election and voting at such election may be by person, by proxy, or by letter ballot. Each member of the industry eligible (as defined by Section 10 of this Article) shall have one (1) vote. Not more than one (1) representative of the same member of the industry may serve on the Code Authority at any time.

SECTION 4. The representative or representatives who may be appointed by the Administrator together with the Administrator shall be given notice of and may sit at all meetings of the Code Authority and any agency thereof.

SECTION 5. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

SECTION 6. In order that the Code Authority shall at all times be truly representative of the industry and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate change in personnel or modification of the method of selection of the Code Authority.

SECTION 7. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Code Authority. Nor shall any member of the Code Authority exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under the Code, except for his own willful malfeasance or non-feasance.

SECTION 8. The Code Authority shall have the following powers and duties to the extent permitted by the Act; provided, however, that if the Administrator shall at any time determine that any action of the Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by the Code Authority or agency pending final action, which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty (30) days' notice to him of intention to proceed with such action in its original or modified form:

(a) To insure the execution of the provisions of this Code and provide for the compliance of the industry with the provisions of the Act, subject to such rules and regulations as the Administrator may prescribe.

(b) To adopt by-laws and rules and regulations for its procedure and for administering and facilitating the enforcement of the Code.

(c) To obtain from members of the industry such information and reports as are required for the administration of the Code and to provide for submission by members of such information and reports as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act, to such Federal and State agencies as he may designate; provided that nothing in this Code shall relieve any member of the industry of any existing obligations to furnish reports to any Government agency. No individual reports shall be disclosed to any other member of the industry or any other party except to such governmental agencies as may be directed by the Administrator.

(d) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(e) To make recommendations to the Administrator for the coordination of the administration of this Code with such other codes, if any, as may be related to the industry.

(f) To appoint a trade practice committee which shall meet with the trade practice committees appointed under such other codes as may be related to this industry for the purpose of formulating fair trade practices to govern the relationships between production and distribution employers under this Code and under such others to the end that such fair trade practices may be proposed to the Administrator as amendments to this Code and such other codes.

(g) To cooperate with the Administrator in regulating the use of any N.R.A. insignia solely by those members of the industry who are complying with this Code.

(h) To recommend to the Administrator further fair trade practice provisions and measures for industrial control, including stabilization of employment.

(i) To establish minimum standards of quality of material, workmanship, operation and installation of the products of the industry, provided that nothing herein contained shall be applied to restrict development or advancement of the industry or to prevent any member from manufacturing any industry products, or perfecting developments or making changes or additions.

SECTION 9. It being found necessary to support the Administration of this Code, in order to effectuate the policy of the Act and to maintain the standards of fair competition established hereunder, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which shall be held in trust for the purposes of the Code and raised as hereinafter provided.

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary;

(1) An itemized Budget of its estimated expenses for the foregoing purposes, and

(2) An equitable basis upon which the funds necessary to support such Budget shall be contributed by all members of the industry entitled to benefits accruing from the maintenance of such standards, and the Administration thereof.

(c) After such Budget and basis of contribution have been approved by the Administrator, to determine and collect equitable contributions as above set forth and to that end, if necessary, institute legal proceedings therefor in its own name.

SECTION 10. Each member of the industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the industry complying with the Code

and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any problem or insignia of the National Recovery Administration.

SECTION 11. The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved Budget, except upon approval of the Administrator; and no subsequent Budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

ARTICLE VII—PUBLICITY OF PRICES, TERMS, CONDITIONS OF SALE AND COSTS

SECTION 1. Within ten (10) days after the election of the Code Authority of this Code, every member of the industry shall file and shall maintain on file with the Code Authority, or with such agency as the Code Authority may designate, the member's most recently published catalogue, specifications, price lists, discounts applicable thereto, and terms and conditions of sale for all his standard products. Such lists and/or discounts shall include all terms and conditions of sale to each of the member's class of trade provided, however, that no price and/or discount applicable thereto shall provide for less than the member's cost pursuant to Sections 6 and 7 of this Article. A complete schedule of all such catalogues, specifications, price lists, discounts applicable thereto, and terms and conditions of sale for all his standard products shall be immediately distributed by the Code Authority to all members of the industry. Each member of the industry shall also, upon request of the Code Authority, report to the Code Authority prices quoted and prices received and all other terms and conditions of sale on individual closed transactions in such detail as the Code Authority may prescribe. These reports shall be summarized by the Code Authority and distributed to those members of the industry who manufacture and sell identical or similar products as defined in Section 2 of Article II.

SECTION 2. Each member of the industry shall have the right, individually, to file new prices, discounts, terms, and conditions of sale, from time to time, as herein provided. In the event of any change by any member of the industry in any price, discount, specification, term or condition of sale, he shall file full and complete copies of every such change with the Code Authority on the tenth (10th) day in advance of the effective date of any such change, the filing of these copies to be in sufficient quantity to permit copies with notice of the effective date of such change to be immediately distributed by the Code Authority to the members of the industry who may file, if they so desire, revisions of their prices, discounts, specifications, terms or conditions of sale which, if filed in not less than five (5) days prior to such effective date, shall be effective on the same such effective date.¹

¹ See paragraph 2 of order approving this Code.

SECTION 3. Such catalogues, specifications, price lists, discounts, and terms and conditions of sale together with any changes thereto shall be available and open to inspection at all reasonable times by any interested party.

SECTION 4. No member of the industry shall directly or indirectly pay a rebate, allow a deduction, sell or offer to sell or otherwise dispose of any of the standard products of this industry or furnish accessories or parts thereof or any service at any time at more favorable prices, terms and/or conditions of sale than those then in effect and filed in the manner described herein.

SECTION 5. No member of the industry shall render any service other than advice and consultation to any purchaser of any product of the industry in connection with the sale or installation of any product unless a schedule of such services shall have been previously filed with the Code Authority pursuant to the provisions of this Article, and unless fair compensation for such service shall be paid by such purchaser.

SECTION 6. Pending the adoption and use of an approved cost accounting system or methods, as provided herein, each member of the industry shall determine its individual costs in accordance with such cost accounting system or method customarily used by such member.

SECTION 7. The Code Authority shall cause to be formulated an accounting system and methods of cost finding and/or estimating capable of use by all members of the industry. After such system and methods have been formulated and approved by the Administrator, full details concerning them shall be made available to all members. Thereafter, all members shall determine and/or estimate costs in accordance with the principles of such methods.

SECTION 8. When the Code Authority determines that an emergency exists in this industry and that the cause thereof is destructive price-cutting such as to render ineffective or seriously endanger the maintenance of the provisions of this Code, the Code Authority may cause to be determined the lowest reasonable cost of the products of this industry, such determination to be subject to such notice and hearing as the Administrator may require. The Administrator may approve, disapprove, or modify the determination. Thereafter, during the period of the emergency, it shall be an unfair trade practice for any member of the industry to sell or offer to sell any products of the industry for which the lowest reasonable cost has been determined at such prices or upon such terms or conditions of sale that the buyer will pay less therefor than the lowest reasonable cost of such products.

When it appears that conditions have changed, the Code Authority, upon its own initiative or upon the request of any interested party, shall cause the determination to be reviewed.

ARTICLE VIII—TRADE PRACTICE RULES

General Definition.—For all purposes of the Code the acts described in this Article shall constitute unfair practices. Any member of the industry who shall directly, or indirectly, through any officer, employee, agent, or representative, knowingly use, employ, or permit to be employed, any of such unfair practices shall be guilty of a violation of the Code.

RULE 1. No member of the industry shall maliciously induce or attempt to induce the breach of an existing oral or written contract between a competitor and his customer or source of supply, or interfere with or obstruct the performance of any contractual duties or services.

RULE 2. No member of the industry shall defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or by the false disparagement of the grade or quality of their goods.

RULE 3. No member of the industry shall make or cause or knowingly permit to be made or published any false, materially inaccurate or deceptive statement by way of advertisement or otherwise, whether concerning the grade, quality, quantity, substance, character, nature, origin, size, finish, or preparation of any product of the industry, or the credit terms, values, policies, or services of any member of the industry, or otherwise, having the tendency or capacity to mislead or deceive customers or prospective customers.

RULE 4. No member of the industry shall secretly pay or allow rebates, refunds, commissions, credits, or unearned discounts, whether in the form of money or otherwise, or extend to certain purchasers special services or privileges not extended to all purchasers on like terms and conditions.

RULE 5. No member of the industry shall give, permit to be given, or offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal, or party. This provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

RULE 6. No member of the industry shall make deceptive or misleading bids to secure an award as low bidder and subsequently make changes in quality, quantity, terms and conditions of sale for the purpose or with the effect of misleading the buyer.

RULE 7. No member of the industry shall recall or revise or offer to recall or revise any quotation, proposal or bid, whether oral or written (submitted in competition to a prospective purchaser) for the purpose or with the intent of submitting a more favorable price, discount, term or condition of sale unless and until there has been a bona fide revision in the plans, specifications or other estimating or purchasing data forming the basis of the prior quotation proposal or bid or unless and until the prospective purchaser has requested revised bids for the materials, labor or service involved.

RULE 8. No member of the industry shall combine quotations or contracts for any product of this industry with any quotation or contract for any other material, labor, or service, for the purpose and with the intent or effect of concealing the true selling price of the product of this industry.

RULE 9. No member of the industry shall omit from its quotation, proposal, or bid, any material, labor, or service required and/or called for by the plans, specifications, or other estimating or purchas-

ing data in order to avoid full responsibility for the complete compliance with all provisions of such plans, specifications, or other estimating or other purchasing data or for the purpose and with the intent of subsequently informing the purchaser that such omitted material, labor, or service was included, in order to underbid a competitor.

RULE 10. No member of the industry shall post-date or pre-date any contract, invoice, quotation, or receipt, withhold from or insert in any contract, invoice, quotation, or receipt any statement which makes such contract, invoice, quotation, or receipt an inaccurate statement either in whole or in part or accept or offer to accept any such contract with the effect of injuring the business of a competitor or violating the provisions of this Code.

RULE 11. No member shall publish or circulate threats or suits for infringement of patents or trade-marks or of any other legal proceedings not in good faith, with the tendency or effect of harassing competitors or intimidating their customers.

RULE 12. No member of the industry shall dispose of dropped lines, seconds, distressed merchandise, obsolete items or inventories, at less than cost, unless and until a statement in writing is filed with the Code Authority not less than fourteen (14) days in advance of such disposal setting forth details of and the necessity for each such transaction.

RULE 13. No member of the industry shall directly or indirectly sell or offer to sell or otherwise dispose of any of the products of this industry or furnish accessories or parts thereof or perform any service below its cost ascertained pursuant to Sections 6 and 7 of Article VII, except to meet quoted competition of a member of the industry whose costs are lower, and which quoted competition is not in violation of the Code.

ARTICLE IX—MODIFICATION

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of sub-section (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule or regulation issued under Title I of said Act and specifically, but without limitation, to the right of the President to cancel or modify his approval of this Code or any conditions imposed by him upon his approval thereof.

SECTION 2. This Code, except as to provisions required by the Act, may be modified on the basis of experience or changes in circumstances, such modification to be based upon application to the Administrator and such notice and hearing as he shall specify, and to become effective on approval of the Administrator. Any such application may be made by the Code Authority.

ARTICLE X—MONOPOLIES

No provision of this Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress or discriminate against small enterprises.

ARTICLE XI—PRICE INCREASES

Whereas the policy of the Act to increase real purchasing power will be made more difficult of consummation if prices of goods and services increase as rapidly as wages, it is recognized that price increases, except such as may be required to meet individual cost, should be delayed. But when such increases are made, they should, so far as possible, be limited to actual additional increases in the seller's costs.

ARTICLE XII—SUBTERFUGE

No member of the industry shall engage in any subterfuge for the purpose or with the intent or with the effect of defeating the provisions of the Act or of this Code.

ARTICLE XIII—REGISTRATION OF MEMBERS OF THE INDUSTRY

Every person subject to this Code of Fair Competition shall comply with the rules and regulations of the Administrator as to the registration with the Code Authority, or such other agency as the Administrator may direct and including, but without limitation, the number of shops, establishments or separate units thereof and their location, as well as each additional shop, establishment or separate unit opened after registration.

ARTICLE XIV—INSTALLATION (FIELD ERECTION)

The maximum hours, the minimum wages and conditions of employment of all persons engaged in the installation of public seating shall conform to the maximum hours, the minimum wages, and conditions of employment provided in the appropriate code or codes in the construction industry as approved by the President.

ARTICLE XV—EFFECTIVE DATE

This Code shall be effective on the second Monday after approval by the President of the United States.

Approved Code No. 477.
Registry No. 312-21.

APPENDIX A

CHURCH FURNITURE AND ACCESSORIES

CHURCH FURNITURE

Ambulatory Screens	Contribution Plates	Pulpit (High)
Acolyte Seats	Credence Shelf	Balustrade
Alms Boxes	Credence Table	Canopies
Altars	Crosses	Newel Posts
Rails	Dossals	Stairs
Re-Table	Figures (Carved)	Pulpit Set
Tabernacle	Flag Holders	Bible Stand
Tabernacle Safe	Holy Water Fonts	Center Chair
Ambrys	Hymn Boards	Communion Tables
Arks	Iconostasis	Flower Stands
Balcony Fronts	Lecterns	Pulpit
Baldachinos	Litany Desks	Side Chairs
Baptismal Font	Memorial Boards	Readers' Desk
Baptistry Screens	Music Racks	Reliquaries
Bema	Name Plates	Reredos
Bishop's Chair	Narthex Benches and	Riddle Posts
Book Cases	Desks	Rood Beam
Bulletin Boards	Narthex Screen	Rood Screen
Candle Sticks	Organ Console Cases	Sedilia
Cathedral Chairs	Organ Console Screens	Shrines
Ceilings	Organ Screens	Tables
Celebrants' Benches	Panels (Carved)	Tri-Seats
Chancel Front	Parapets	Trophy Cases
Choir Fronts	Parclose Screens	Tryptich
Choir Stalls	Pedestals	Vestment Cases
Clergy Chairs	Piscina	Wainscot
Communion Rails	Prayer Desks	Wardrobe Cases
Confessionals	Predellas	
Console	Prie Dieu	

CHURCH PEWS AND ACCESSORIES

Back and Seat Supports	Communion Glass Hold-	Front Screens
Body	ers	Guards
Backs	Communion Glass Silenc-	Kneelers
Seats		ers
	Convent Stalls	Rear Screens
	Divisions	Seat Supports
Book Racks	Ends (Pew and Wall)	Talis Boxes
Card Holders	Envelope Holders	Wall Boards

APPENDIX B

LODGE OR FRATERNAL BUILDING FURNITURE

Members Seating	Secretary Desks and	Register Desks
Station Chairs	Chairs	Apron Cabinets
Altar	Middle Chamber Col-	Tilers' Tables
Station Pedestals	ums	Petition Blank Cabinets
Lesser Light Pedestals	Foyer Settees	

SUNDAY SCHOOL FURNITURE

Class Room Benches and	Sand Tables	Class Tables
Chairs	Teachers' Lecterns	
Supply Cabinets	Register Boards	



Approved Code No. 478

CODE OF FAIR COMPETITION

FOR THE

**SECONDARY STEEL PRODUCTS WAREHOUSING
TRADE**

As Approved on July 10, 1934

ORDER

**CODE OF FAIR COMPETITION FOR THE SECONDARY STEEL PRODUCTS
WAREHOUSING TRADE**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Secondary Steel Products Warehousing Trade, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved; provided, however, that the provisions of Articles IV, V and VI be and they are hereby stayed for a period of twenty-five (25) days; then to become effective unless I by further Order otherwise direct, within which time cause may be shown, if any there be, why the above provisions should not become effective; and provided further that during the above mentioned period of twenty-five (25) days all members of the Secondary Steel Products Warehousing Trade shall comply with all the terms and provisions of Articles IV, V and VI of the approved Code of Fair Competition for the Wholesaling or Distributing Trade.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

ROBERT L. HOUSTON,
Division Administrator.

WASHINGTON, D.C.,
July 10, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report of the hearing on the Code of Fair Competition for the Secondary Steel Products Warehousing Trade, conducted in the Green Room of the Raleigh Hotel on April 28, 1934. The Code which is attached was presented by duly qualified and authorized representatives of the Trade, complying with the statutory requirements, said to represent 90 per cent in number and about 90 per cent in volume of sales of the Trade which could be included in this Code.

THE TRADE

According to statistics furnished by members of the Secondary Steel Products Warehousing Trade and checked by the Division of Economic Research and Planning, there are at the present time approximately sixty-five (65) concerns engaged in the Trade, with aggregate annual sales of \$35,000,000. The Trade employs about 3,000 persons.

HOURS AND WAGES

The hour and wage provisions of this Code establish a maximum 40 hour work week and a minimum \$15.00 weekly wage.

OTHER PROVISIONS OF THE CODE

The provisions containing definitions are inclusive and accurate.

The administrative provisions of the Code establish a Divisional Code Authority which is fairly and adequately representative of all the different elements in the Trade.

The trade practices proposed are not considered in any way objectionable. They are, with the exception of one provision relating to cash discounts, the same trade practice provisions as are included in the approved Code of Fair Competition for the Wholesaling or Distributing Trade.

FINDINGS

The Deputy Administrator in his final report to me on said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by

inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible use of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Trade normally employs not more than 50,000 employees and it is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is a trade association truly representative of the aforesaid Trade; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to the approval of this Code.

For these reasons, the Code has been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 10, 1934.

CODE OF FAIR COMPETITION FOR THE SECONDARY STEEL PRODUCTS WAREHOUSING TRADE

ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Secondary Steel Products Warehousing Trade, and shall be the standard of fair competition for such Trade, and be binding upon every member thereof.

ARTICLE II—DEFINITIONS

SECTION 1. The term "the Trade", as used herein, shall mean the business of buying and of distributing and/or carrying warehouse stocks of secondary products of rolled, drawn, cold-finished, and/or hammered steel products (such secondary products being known as "seconds", "rejects", and "excess" or "wasters"). This term shall not include a business which is principally that of distributing "prime" materials.

SECTION 2. The term "member of the Trade" as used herein shall include any individual, partnership, association, corporation or other form of enterprise engaged in the Trade, either as an employer or on his or its own behalf.

SECTION 3. The term "Association" as used herein shall mean the National Association of Distributors of Secondary Steel Products.

SECTION 4. The term "Executive Committee" as used herein shall mean the Executive Committee of the Association.

SECTION 5. The term "chapter" as used herein, shall mean a local or regional chapter of the Association.

SECTION 6. The term "employee" as used herein shall mean anyone engaged in the Trade in any capacity receiving compensation for his services irrespective of the nature or method of payment of such compensation, except a member of the Trade.

SECTION 7. The term "employer" as used herein shall mean anyone by whom such employee is compensated or employed.

SECTION 8. The terms "President", "Act", "Administrator", as used herein shall mean respectively the President of the United States, Title I of the National Industrial Recovery Act and the Administrator for Industrial Recovery.

ARTICLE III—ADMINISTRATION

SECTION 1. For the purpose of administering this Code the Trade shall be divided into five (5) districts, which districts shall be known as the Chicago, Detroit, Cleveland, Youngstown and New York districts.

The Chicago District shall consist of the states of Wisconsin, Illinois, Indiana, Louisiana and all states west of the Mississippi River.

The Detroit District shall consist of the state of Michigan.

The Cleveland District shall consist of the state of Ohio, (except the cities of Warren, Niles and Youngstown) and all states east of the Mississippi River and south of Illinois, Indiana, Ohio, Pennsylvania, Maryland and Delaware.

The Youngstown District shall consist of the cities of Warren, Niles and Youngstown, Ohio, and Pittsburgh, Pennsylvania.

The New York District shall consist of the states of New York, New Jersey, Delaware, Maryland, Rhode Island, Connecticut, Maine, New Hampshire, Massachusetts, Vermont and the state of Pennsylvania excepting the city of Pittsburgh.

SECTION 2. (a) A Code Authority of eight (8) members to cooperate with the Administrator in the administration of the provisions of this Code is hereby established, said members of the Code Authority to be elected as hereinafter provided under the supervision of the Executive Committee. The Administrator may appoint not more than three (3) members without vote to serve for such time as the Administrator may designate.

(b) There shall be one (1) member of the Code Authority for each of the five (5) districts established in Section 1 of this Article III, two (2) members elected at large, and one (1) member to be appointed by the Administrator representing members of the Trade not members of the Association.

(c) The Executive Committee shall nominate two (2) candidates from each of the five (5) districts established in Section 1 of this Article and four (4) candidates at large.

(d) The Executive Committee shall mail ballots containing the names of these candidates to all members of the Trade discoverable by diligent search. These ballots shall contain blank spaces in which voters may write their choices.

(e) Each voter shall cast his ballot for one (1) candidate from his district and for two (2) candidates at large.

(f) Fifteen (15) days after these ballots have been sent out the Executive Committee shall publicly count the votes in its possession. The candidate in each district and the two candidates at large receiving the largest number of votes, shall be declared elected.

(g) The Executive Committee shall certify to the Administrator the method of conducting this election and the results thereof.

SECTION 3. Subject to such rules and regulations as may be issued by the Administrator, the Code Authority shall have the following powers and duties:

(a) To organize, elect officers, hire necessary employees, appoint agents, and perform such other acts as may be necessary for the proper administration of this Code.

(b) To appoint a Trade Practice Committee, which shall meet with the Trade Practice Committees appointed under such other Codes as may be related to the Trade, for the purpose of formulating Fair Trade Practices to govern the relationships between production and distribution employers under this Code and under such others, to the end that such Fair Trade Practices may be proposed to the Administrator as amendments to this Code and such other Codes.

(c) To adopt by-laws and rules and regulations for its procedure.

(d) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for

herein; provided however that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(e) To recommend to the Administrator any action or measures deemed advisable, including further fair trade practice provisions to govern members of the Trade in their relations with each other or with other trades, measures for industrial planning, and stabilization of employment; and including modifications of this Code which shall become effective as part hereof upon approval by the Administrator after such notice and hearing as he may specify.

(f) To obtain from members of the Trade such information and reports as are required for the administration of the Code. In addition to information required to be submitted to the Code Authority, members of the Trade subject to this Code shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act to such federal and state agencies as he may designate: provided that nothing in this Code shall relieve any member of the Trade of any existing obligations to furnish reports to any governmental agency. No individual report shall be disclosed to any other member of the Trade or any other party except to such other governmental agencies as may be directed by the Administrator.

SECTION 4. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose, nor shall any member or members of the Code Authority be liable in any manner to any one for any act of any other member, officer, agent, or employee of the Code Authority. Nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable, to anyone for any action or omission to act under this Code, except for his own willful misfeasance or nonfeasance.

SECTION 5. If the Administrator shall determine that any action of the Code Authority or any agency thereof, may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and for further consideration by such Code Authority or agency, pending final action, which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty days' notice to him of intention to proceed with such action in its original or modified form.

SECTION 6. In order to assist in making effective the reports from the Trade and in eliminating unfair competition, the Code Authority shall, within two weeks after the effective date of the Code, appoint a committee (so constituted as to give producer, consumer, and governmental representation satisfactory to the Administrator) to make a study with a view to the establishment of classifications and standards of definitions of each class of staple products of the Trade wherever such standards are deemed feasible. The findings and recommendations of this committee shall, within three (3) months, be submitted to the Administrator, and after such hearings and investigations as he may designate, and upon approval by him, shall be made a part of this Code and be binding upon every member of the Trade.

SECTION 7. (a) It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(1) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(2) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Trade;

(3) After such budget and basis of contribution have been approved by the Administrator to determine and obtain equitable contribution as above set forth by all members of the Trade, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(b) Each member of the Trade shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Trade complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contribution, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(c) The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

SECTION 8. (a) There is hereby created an Industrial Relations Committee to be composed of three (3) persons who shall be selected as follows:

(1) A representative of the employers to be appointed by the Code Authority.

(2) A representative of the employees to be nominated by a truly representative employee organization. If no truly representative labor organization exists the employee member of such Committee may be nominated by the Labor Advisory Board of the National Recovery Administration and appointed by the Administrator.

(3) An impartial chairman to be selected by the two (2) members already appointed or, in case they disagree, by the Administrator.

(b) The members of this Committee shall hold office for six (6) months from the date of their appointments, and re-appointments shall be made and vacancies shall be filled in the same manner as provided in paragraph (a) of this Section 8.

(c) This Industrial Relations Committee shall have the duty of dealing with complaints and disputes relating to labor in accordance with rules and regulations issued by the Administrator.

SECTION 9. Each trade association directly or indirectly participating in the selection or activities of the Code Authority shall: (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purpose of the Act.

SECTION 10. In order that the Code Authority shall at all times be truly representative of the Trade and in other respects comply with the provisions of the Act, the Administrator may provide such hearings as he may deem proper; and, thereafter, if he shall find that the Code Authority is not truly representative or does not in any other respect comply with the provisions of the Act, may request an appropriate modification in the method of selection of any such Code Authority.

ARTICLE IV—HOURS¹

SECTION 1. *Maximum Hours and Exemptions.*—(a) No member of the Trade shall cause or permit any employee except an employee in an executive, supervisory, technical or professional capacity, who receives a salary or a guaranteed minimum of thirty-five (\$35.00) dollars per week or more, to work more than eight (8) hours in any one day, or more than forty (40) hours in any seven (7) day period, or more than six (6) days in any seven (7) day period, except as hereinafter specified:

(b) No watchman shall work more than nine (9) hours in any one day or more than fifty-four (54) hours in any seven (7) day period or more than six (6) days in any seven (7) day period.

(c) No outside delivery man, maintenance man, outside repair service man or installation man shall work more than forty-eight (48) hours in any seven (7) day period or more than six (6) days in any seven (7) day period.

(d) An employer may work an employee in excess of the hours specified in paragraphs (a), (b), and (c) of this Section, if time and one-third is paid for all such additional hours; provided, however, that in no case shall any employee work more than eight (8) hours per week in excess of his regular hours as specified in paragraphs (a), (b), and (c); and provided further that such eight (8) hours per week overtime be limited to any twelve (12) weeks in any twelve (12) months' period.

(e) The hours worked by any one employee in any one day shall be consecutive with the exception of a period of not more than one (1) hour out for lunch.

SECTION 2. No employer shall knowingly permit any employee to work for any time which, when totaled with that already performed with another employer or employers in this or any other Trade, exceeds the maximum permitted herein.

ARTICLE V—WAGES¹

SECTION 1. (a) No employee shall be paid less than at the rate of fifteen (\$15.00) dollars per week of forty (40) hours.

¹ See paragraph 2 of order approving this Code.

(b) A part time employee or one paid on an hourly basis shall be paid not less than forty cents (40¢) per hour.

(c) This Article establishes a minimum rate of compensation which shall apply irrespective of whether an employee is actually compensated on a time rate, piece work, commission or other basis.

(d) Female employees performing substantially the same work as male employees shall have the same rate of pay as such male employees.

(e) Wages shall be paid weekly or semimonthly in lawful money or by negotiable checks.

SECTION 2. No hourly, daily or full-time weekly compensation for employees who are paid less than fifty dollars (\$50.00) per week shall be less than such compensation existing as of June 16, 1933, and no employee shall be paid a wage rate which will yield a less wage for the shorter full-time week herein established than he could have earned for the same class of work for the longer full-time week existing as of June 16, 1933. Wage increases established under the President's Reemployment Agreement shall at least be maintained.

ARTICLE VI—GENERAL LABOR PROVISIONS¹

SECTION 1. *Minimum Age Requirements.*—No person under eighteen years of age shall be employed in the Trade except in clerical or office work or as a messenger.

No person under sixteen years of age shall be employed in the Trade in any capacity.

In any State any employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly signed by the authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

SECTION 2. No employer shall reclassify employees or duties of occupations performed or engaged in any other subterfuge so as to defeat the purposes or provisions of the Act or of this Code.

SECTION 3. Each employer shall post in conspicuous places, accessible to employees, full copies of the labor provisions of this Code.

SECTION 4. No employees shall be dismissed or demoted by reason of making a complaint or giving evidence with respect to an alleged violation of this Code.

SECTION 5. Every employer shall make reasonable provisions for the safety and health of his employees at the place and during the hours of their employment. Standards of safety and health shall be submitted by the Code Authority to the Administrator within three months after the effective date of this Code.

SECTION 6. (a) Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

¹ See paragraph 2 of order approving this Code.

(b) No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing, and

(c) Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

SECTION 7. No provision in this Code shall supersede any State or Federal law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, safety, health, sanitary or general working conditions, and/or insurance or fire protection, than are imposed by this Code.

ARTICLE VII—TRADE PRACTICES

SECTION 1. Regular terms shall be thirty (30) days net less one half of 1% cash discount if paid within ten (10) days or twice per month. Any deviation from these recognized terms including the permitting of customers to take unearned discounts for cash or discounts for cash in excess of the foregoing shall be deemed an unfair trade practice, and is prohibited.

SECTION 2. *Inaccurate Advertising.*—No member of the Trade shall publish advertising (whether printed, radio, display, or of any other nature), which is misleading or inaccurate in any material particular, nor shall any member in any way misrepresent any goods (including, but without limitation, its use, trade-mark, grade, quality, quantity, origin, size, substance, character, nature, finish, material, content or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted.

SECTION 3. *False Billing.*—No member of the Trade shall knowingly withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any material particular.

SECTION 4. *Inaccurate Labelling.*—No member of the Trade shall brand or mark or pack any goods in any manner which is intended to or does deceive or mislead purchasers with respect to the brand, grade, quality, quantity, origin, size, substance, character, nature, finish, material content, or preparation of such goods.

SECTION 5. *Inaccurate References to Competitors, etc.*—No member of the Trade shall publish advertising which refers inaccurately in any material particular to any competitors or their goods, prices, values, credit terms, policies, or services.

SECTION 6. *Threats of Law Suits.*—No member of the Trade shall publish or circulate unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harassing competitors or intimidating their customers. Failure to prosecute in due course shall be evidence that any such threat is unwarranted or unjustified.

SECTION 7. *Secret Rebates.*—No member of the Trade shall secretly and directly offer or make any payment or allowance of a rebate, refund, commission, credit, unearned discount, or excess allowance, whether in the form of money or otherwise, nor shall a member of the Trade secretly offer or extend to any customer any special service or privilege not extended to all customers of the same class, for the purpose of influencing a sale.

SECTION 8. *Bribing Employees.*—No member of the Trade shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal, or party.

Commercial bribery provisions shall not be construed to prohibit free and general distribution of articles commonly used for advertising except as far as such articles are actually used for commercial bribery as hereinabove defined.

SECTION 9. *Interference with Another's Contracts.*—No member of the Trade shall attempt to induce the breach of an existing contract between a competitor and his customer or source of supply; nor shall any such wholesaler interfere with or obstruct the performance of such contractual duties or services.

SECTION 10. *Coercion.*—No member of the Trade shall require that the purchase or lease of any goods be a prerequisite to the purchase or lease of any other goods.

ARTICLE VIII—POWER OF PRESIDENT TO MODIFY

This Code and all the provisions thereof are expressly made subject to the right of the President in accordance with the provisions of Subsection (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule or regulation issued under Title I of said Act.

ARTICLE IX—MONOPOLIES

No provision in this Code shall be so applied as to permit monopolies or monopolistic practices or to eliminate, oppress or discriminate against small enterprises.

ARTICLE X—EFFECTIVE DATE

This Code shall become effective on the second Monday after its approval.

Approved Code No. 478.
Registry No. 1118—17.



Approved Code No. 479

CODE OF FAIR COMPETITION
FOR THE
COLD STORAGE DOOR MANUFACTURING
INDUSTRY

As Approved on July 11, 1934

ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE COLD STORAGE DOOR
MANUFACTURING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of the Code of Fair Competition for the Cold Storage Door Manufacturing Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said Code of Fair Competition be and it is hereby approved; provided, however, that the provisions of Article VII, insofar as they prescribe a waiting period between the filing with the Code Authority and the effective date of price lists, as originally filed and/or revised price lists or revised terms and conditions of sale be and they hereby are stayed pending my further Order; and, further provided, that the Trade Association proposing the Code revises its Constitution and By-Laws prior to the election of the Code Authority to conform to the requirements of the National Recovery Administration.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 11, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Cold Storage Door Manufacturing Industry, as revised after a public hearing conducted in Washington, D.C., on January 3, 1934, in accordance with the provisions of Title I of the National Industrial Recovery Act.

Provisions Of The Code As To Hours, Wages and General Labor Provisions:

1. This Code provides that no employee shall be permitted to work in excess of forty (40) hours in any seven (7) day period, or more than eight (8) hours in any twenty-four (24) hour period, except as follows:

(a) No person employed in clerical or office work shall be permitted to work in excess of eight (8) hours in any twenty-four (24) hour period.

(b) Employees engaged as truck drivers may be permitted to work not in excess of forty-four (44) hours in any seven (7) day period or more than nine (9) hours in any twenty-four (24) hour period; provided that at least one and one-half ($1\frac{1}{2}$) times the normal rate of pay shall be paid for time worked in excess of forty (40) hours in any seven (7) day period or in excess of eight (8) hours in any twenty-four (24) hour period.

(c) Employees engaged as watchmen in manufacturing plants in operation may be permitted to work not in excess of ninety-six (96) hours in any fourteen (14) day period.

(d) To provide for seasonal peaks, employees (other than those engaged in clerical and office work and those engaged as truck drivers and watchmen in manufacturing plants in operation) may be permitted to work not in excess of forty-eight (48) hours in any seven (7) day period in not more than six (6) consecutive seven (7) day periods of any six (6) months' period; provided, however, that this tolerance shall not be permitted if seasonal demands can be met by the employment of additional employees, and further provided, that at least one and one-half ($1\frac{1}{2}$) times the normal rate of pay shall be paid for all time worked in excess of the maxima provided by Section (1) of Article III of the Code.

(e) This Code exempts from hourly limitation traveling salesmen, and persons employed in a managerial or executive capacity who earn not less than thirty-five dollars (\$35.00) per week and employees engaged in emergency maintenance or emergency repair work involving breakdowns or the protection of life or property; provided, however, that in cases of emergency maintenance or emergency repair work, at least one and one-half ($1\frac{1}{2}$) times the normal rate of pay shall be paid for all time worked in excess of the maximum hours provided by Section 1 of Article III of the Code.

2. This Code also provides that no employee shall be permitted to work more than six (6) days in any seven (7) day period.

3. This Code establishes a minimum rate of pay of forty cents (\$0.40) per hour except that:

(a) persons employed in clerical or office work shall be paid not less than at the rate of fifteen dollars (\$15.00) per week, and

(b) the wage rates for apprentices (limited to not more than five per cent (5%) of the total number of employees engaged in the classification of work in which they are employed, by any employer in any calendar month) shall be determined by collective bargaining.

(c) office boys and office girls under eighteen (18) years of age limited to not more than one (1) for each twenty (20) clerical and office employees employed by any one member of the industry in any calendar month, except that each member of the industry may employ at least one (1). Such office boy or office girl shall be paid not less than eighty per cent (80%) of the minimum wage rate for clerical and office employees provided by Section 2 of Article IV of the Code.

4. The Code provides for a minimum rate of pay irrespective of whether the employee is actually compensated on a time rate, piece-work or other basis.

5. This Code also provides for an equitable adjustment of all wage rates above the minimum. Provisions are incorporated relative to the employment of handicapped persons, rates of pay for female employees, standards of safety and health, posting of the Code, and payment of wages.

6. This Code provides that no employee now employed at a rate in excess of the minimum shall be discharged and reemployed or displaced by another employee at a lower rate of pay for purposes of evading the provisions of this Code. No person under sixteen (16) years of age shall be employed in the industry, and no person under eighteen (18) years of age shall be employed at operations or occupations hazardous in nature or dangerous to health. No employer shall reclassify employees or duties of occupations performed or engage in any subterfuge for the purpose of defeating the provisions of this Code or of the Act.

ECONOMIC EFFECTS OF THE CODE

The Cold Storage Door Industry includes the manufacture for sale of cold storage doors and windows, refrigerator fronts and ice-passing chutes, except such products as are integral parts of a commercial refrigerator. This industry to a large extent depends for consumption of its products upon the alteration, repair and construction of packing houses, ice manufacturing and distributing plants, hotels, breweries, butcheries and other institutions requiring cold storage.

The Report of the Research and Planning Division indicates that the volume of annual sales of the industry's products declined from about \$570,000 in 1929 to about \$379,000 for the year 1932 and to an estimated value of about \$299,000 for the year 1933. Invested capital has declined approximately nine per cent (9%) since 1930.

This is not a large industry and the report of the Research and Planning Division indicates that in 1929 the maximum number of

employees was about ninety-nine (99) and in June, 1933, about fifty-nine (59). As of October 15, 1933, the number of employees has increased to about ninety-one (91). The provisions of this Code, as demand for the products of this industry increases, should restore employment and purchasing power to the 1929 level.

FINDINGS

The Assistant Deputy Administrator in his final report to me on said Code having found as herein set forth and on the basis of all the proceedings in this matter;

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Code.

For these reasons, therefore, I have approved this Code.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 11, 1934.

CODE OF FAIR COMPETITION FOR THE COLD STORAGE DOOR MANUFACTURING INDUSTRY

ARTICLE I—PURPOSES

To effect the policies of Title I of the National Industrial Recovery Act, this Code is established as a Code of Fair Competition for the Cold Storage Door Manufacturing Industry, and its provisions shall be the standard of fair competition for such industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

SECTION 1. The term "Cold Storage Door Industry" or "Industry" as herein used is defined to mean and include the manufacture for sale of products of this industry.

SECTION 2. The products of this industry are defined to mean and include cold storage doors, cold storage windows, refrigerator fronts, and ice-passing chutes, except that such products as are included as integral parts of a commercial refrigerator are specifically not included.

SECTION 3. The term "Council," as used herein, shall mean the "Cold Storage Door Manufacturers' Council."

SECTION 4. The term "employee," as used herein, includes any and all persons engaged in the industry, however compensated, except a member of the industry.

SECTION 5. The term "employer" as used herein includes anyone by whom such employee is compensated or employed.

SECTION 6. The term "member of the industry," includes, but without limitation, any individual, partnership, association, corporation, or other form of enterprise engaged in the industry, either as an employer or on his or its own behalf.

SECTION 7. The term "apprentice" as used herein is defined to mean and include any employee apprenticed to his employer by an indenture made in pursuance to law or by a written contract between such an employee and his employer under an apprenticeship system established and maintained by his employer.

SECTION 8. The term "trade" as used herein is defined to mean and include all channels of distribution for the products of this industry.

SECTION 9. The terms "President," "Act" and "Administrator" as used herein shall mean respectively the President of the United States, Title I of the National Industrial Recovery Act and the Administrator for Industrial Recovery.

ARTICLE III—MAXIMUM HOURS

SECTION 1. No employee shall be permitted to work in excess of forty (40) hours in any one seven (7) day period or more than

eight (8) hours in any twenty-four (24) hour period, except as herein otherwise provided.

SECTION 2. *Hours for Clerical and Office Employees.*—No person employed in clerical or office work shall be permitted to work in excess of forty (40) hours in any seven (7) day period or more than eight (8) hours in any twenty-four (24) hour period.

SECTION 3. *Exceptions as to Hours.*—Employees engaged as truck drivers may be permitted to work not in excess of forty-four (44) hours in any seven (7) day period, or more than nine (9) hours in any twenty-four (24) hour period or more than six (6) days in any seven (7) day period; provided that at least one and one-half ($1\frac{1}{2}$) times the normal rate of pay shall be paid for time worked in excess of forty (40) hours in any seven (7) day period or in excess of eight (8) hours in any twenty-four (24) hour period.

SECTION 4. Employees engaged as watchmen in manufacturing plants in operation may be permitted to work not in excess of ninety-six (96) hours in any fourteen (14) day period.

SECTION 5. To provide for seasonal peaks, employees, except those described in Sections 2, 3 and 4 of this Article, may be permitted to work not in excess of nine (9) hours in any twenty-four (24) hour period, or more than forty-eight (48) hours in any seven (7) day period in not more than six (6) consecutive seven (7) day periods of any six (6) months' period; provided, however, that this tolerance shall not be permitted if seasonal demands can be met by the employment of additional employees; and, further provided, that at least one and one-half ($1\frac{1}{2}$) times the normal rate of pay shall be paid for all time worked in excess of the maximum provided herein in Section 1 of this Article.

SECTION 6. *Exemptions as to Hours.*—The provisions of this Article in respect to maximum hours shall not apply to traveling salesmen, or to persons employed in a managerial or executive capacity who earn not less than thirty-five dollars (\$35.00) per week.

SECTION 7. The provisions of this Article in respect to maximum hours shall not apply to employees engaged in emergency maintenance or emergency repair work involving breakdowns or the protection of life or property, provided, however, that in any such emergency work at least one and one-half ($1\frac{1}{2}$) times the normal rate of pay shall be paid for all time worked in excess of the maxima herein provided by this Article, and further provided that all cases of overtime emergency work shall be reported to the Code Authority.

SECTION 8. *Standard Week.*—No employee shall be permitted to work more than six (6) days in any seven (7) day period.

SECTION 9. *Employment by several employers.*—No employer shall knowingly permit any employee to work for any time which when totaled with that already performed with another employer, or employers, exceeds the maximum permitted herein.

ARTICLE IV—WAGES

SECTION 1. *Minimum wages.*—No employee shall be paid, in any pay period, less than at the rate of forty cents (40¢) per hour, except as herein otherwise provided.

SECTION 2. No person employed in clerical or office work shall be paid in any pay period less than at the rate of fifteen dollars (\$15.00) per week, except as herein otherwise provided.

SECTION 3. The wage rates for apprentices shall be determined by collective bargaining, but in no case shall any apprentice be paid in any pay period at less than the minimum rate provided under Section 1 of this Article. The total number of apprentices employed by any member of the industry shall not exceed in any calendar month five per cent (5%) of the total number of employees engaged in the classification of work in which they are employed, but at least one (1) apprentice shall be permitted for each classification.

SECTION 4. Office boys and office girls under eighteen (18) years of age shall be paid no less than eighty per cent (80%) of the minimum wage rates for clerical and office employees provided herein under Section 2. Such office boys or office girls shall be limited in any calendar month to one (1) for each twenty (20) clerical and office employees employed by any one (1) member of the industry, except that each member of the industry may employ at least one (1) such office boy or office girl.

SECTION 5. *Piece-work compensation.*—This Article establishes a minimum rate of pay which shall apply irrespective of whether an employee is actually compensated on a time-rate, piece-work, or other basis.

SECTION 6. *Wages above the Minimum.*—On or before the effective date every employer shall make an equitable adjustment of all wage rates above the minimum. In no case shall wage rates be reduced, notwithstanding that the number of hours worked in such employment may be hereby decreased. No change shall be made in piece-work rates which will reduce the hourly or daily earnings of piece workers. The action taken by each member of the industry in accordance with this provision shall be reported to the Code Authority within thirty (30) days after the effective date of this Code and to the Administrator on his request and shall be subject to the Administrator's review and disapproval.

SECTION 7. *Female employees.*—Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees and where they displace men, and perform substantially the same work as the men they displace, they shall receive the same rate of pay as the men they displace. The Code Authority shall, within ninety (90) days after the effective date of this Code, file with the Administrator a description of all occupations in the industry in which both men and women were employed at the effective date of the Code.

SECTION 8. *Handicapped persons.*—A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage below the minimum established by this Code if the employer obtains from the State Authority designated by the United States Department of Labor, a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Such authority shall be guided by the instructions of the United States Department of Labor in

issuing certificates to such persons. Each employer shall file monthly with the Code Authority a list of all such persons employed by him.

SECTION 9. *Evasion through Re-employment.*—No employee now employed at a rate in excess of the minimum shall be discharged and reemployed or replaced by another at a lower rate for the purposes of evading the provisions of this Code.

ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. *Child Labor Provisions.*—No person under sixteen (16) years of age shall be employed in the industry. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. The Code Authority shall submit to the Administrator within sixty days (60) days after the effective date of this Code a list of such operations or occupations. In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly issued by the Agency in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

SECTION 2. *Provisions from the Act.*—In compliance with Section 7 (a) of the Act, it is provided:

(a) That employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

(b) That no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing; and

(c) That employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

SECTION 3. *Reclassification of Employees.*—No employer shall reclassify employees or duties of occupations performed or engage in any subterfuge for the purpose of defeating the provisions of the Act or of this Code.

SECTION 4. *Standard for safety and health.*—Every employer shall provide for the safety and health of his employees at the place and during the hours of their employment. Standards for safety and health shall be submitted by the Code Authority to the Administrator within three (3) months after the effective date of this Code.

SECTION 5. *State Laws.*—No provisions in this Code shall supersede any State or Federal law which imposes more stringent requirements on employers as to age of employees, wages, hours or work, or as to safety, health, sanitary or general working conditions or insurance, or fire protection, than are imposed by this Code.

SECTION 6. *Posting.*—Each member of the industry shall comply with the rules and regulations of the Administrator as to posting this Code or portions thereof.

SECTION 7. *Payment of Wages.*—Each member of the industry shall agree to make payment of all wages due in lawful currency or by negotiable check therefor payable on demand. Wages shall be due and payable at the end of each regular pay period but which shall not exceed semi-monthly intervals. The provisions of this Section shall not apply to persons employed in a managerial or executive capacity who earn not less than thirty-five dollars (\$35.00) per week.

ARTICLE VI—ORGANIZATION, POWERS, AND DUTIES OF THE CODE AUTHORITY

SECTION 1. *Organization and Constitution:* A Code Authority is hereby constituted to cooperate with the Administrator in the administration of this Code.

SECTION 2. The Code Authority shall consist of three individuals, constituting the industry representatives, elected by a majority vote of the members of the industry, participating in the election and eligible to vote under Section 11 of this Article, which majority must include members of the industry producing seventy-five per cent (75%) of the dollar sales value of the products of the industry sold during the preceding year. Each member of the industry shall be entitled to one vote. No member of the industry shall be entitled to more than one representative on the Code Authority.

SECTION 3. *Election of Code Authority.*—The Council is hereby designated as the agency to conduct an election of the members of the Code Authority within twenty (20) days after the effective date of this Code, and any other election of members of the Code Authority which may hereafter be held. Members of the Code Authority shall be elected to serve for a term of one (1) year, or until their successors are elected at the next annual meeting of the industry. In the event of any vacancy in the membership of the Code Authority, a special meeting of the members of the industry for an election to fill the incomplete term of such member shall be called and held within thirty (30) days after such vacancy occurs. Until the vacancy has been filled by election of the members of the industry, the Code Authority may appoint a member of the industry to fill the vacancy in the interim. Notice of such election shall be sent by registered mail to all members of the industry and the Administrator at least ten (10) days in advance of such election, and voting at such election may be by person, by proxy, or by letter ballot.

SECTION 4. In addition to membership, as above provided, there may be three (3) members, without vote, to be appointed by the Administrator for such terms as he may prescribe.

SECTION 5. The representatives who may be appointed by the Administrator, together with the Administrator, shall be given notice of and may sit at all meetings of the Code Authority and any agency thereof.

SECTION 6. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall: (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of Association, By-laws, regulations, and any amendments when made

thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

SECTION 7. In order that the Code Authority shall at all times be truly representative of the industry and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification of the Code Authority.

SECTION 8. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any members of the Code Authority be liable in any manner to any one for any act of any other member, officer, agent or employee of the Code Authority. Nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to any other for any action or omission to act under this Code, except for his own willful malfeasance or nonfeasance.

SECTION 9. If the Administrator shall at any time determine that any action of a Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty (30) days' notice to him of intention to proceed with such action in its original or modified form.

SECTION 10. *Powers and Duties of Code Authority.*—Subject to such rules and regulations as may be issued by the Administrator, the Code Authority shall have the following powers and duties, in addition to those authorized by other provisions of this Code.

(a) To insure the execution of the provisions of this Code and to provide for the compliance of the industry with the provisions of the Act.

(b) To adopt by-laws and rules and regulations for its procedure.

(c) To obtain from members of the industry such information and reports as are required for the administration of the Code. In addition to information required to be submitted to the Code Authority, members of the industry subject to this Code shall furnish such information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as he may designate; provided that nothing in this Code shall relieve any member of the industry of any existing obligations to furnish reports to any Government agency. No individual report shall be disclosed to any other member of the industry or any other party except to such other Governmental agencies as may be directed by the Administrator.

(d) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(e) To make recommendations to the Administrator for the coordination of the administration of this Code with such other codes, if any, as may be related to or affect members of the industry.

(f) To cooperate with the Administrator in regulating the use of any N.R.A. insignia solely by those members of the industry who are complying with this Code.

(g) To recommend to the Administrator any action or measures deemed advisable, including further fair trade practice provisions to govern members of the industry in their relations with each other or with other industries; measures for industrial planning, and stabilization of employment; and including modifications of this Code which shall become effective as part hereof upon approval by the Administrator after such notice and hearing as he may specify.

(h) To appoint a Trade Practice Committee which shall meet with the Trade Practice Committees appointed under such other codes as may be related to the industry for the purpose of formulating fair trade practices to govern the relationships between employers under this code and under such other codes to the end that such fair trade practices may be proposed to the Administrator as amendments to this code and such other codes.

(i) To provide appropriate facilities for arbitration, and subject to the approval of the Administrator, to prescribe rules of procedure and rules to effect compliance with awards and determinations.

SECTION 11. 1. It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry;

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

2. Each member of the industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Failure on the part of a member of the industry to make such contribution shall be a violation of this Code. Only members of the industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Code Authority or to receive the

benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

3. The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

ARTICLE VII¹—PUBLICITY OF PRICES, TERMS, AND CONDITIONS OF SALES

SECTION 1. Within twenty (20) days after the effective date of this Code each member of the industry shall file with the Code Authority, or with such agency as the Code Authority may designate a complete schedule of prices, and maximum discounts applicable thereto, for all its products offered for sale. Such schedule of prices shall stipulate that such prices and discounts shall be effective on the tenth (10) day after the date of filing with freight allowed to destination, shall include all terms and conditions of sale to each of the members' classes of trade, and shall be supplied in sufficient number for distribution to all interested parties.

SECTION 2. Except as provided herein in Section 3 of this Article in the event of any revision by any member of the Industry of any prices, discounts, terms, or conditions of sale, such member shall file with the Code Authority, or with such agency as the Code Authority may designate, full and complete copies of every such revision in sufficient number for distribution to all interested parties and shall stipulate that such revision shall be effective on the tenth (10th) day after the filing of such revision.

SECTION 3. *Filing Revised Prices, Terms, Etc.*—In the event that any member of the industry shall file a revision in any prices, discounts, terms or conditions of sale, then any other member of the industry may file a similar revision in any prices, discounts, terms, or conditions of sale for the same or equivalent product under the same or equivalent terms or conditions of sale (to become effective on the same date as the first filed revision); provided, that no such revised prices, discounts, terms or conditions of sale are more favorable to the purchaser than the first filed revisions; and further provided, that any such revised prices, discounts, terms or conditions of sale shall have been filed not less than five (5) days prior to the effective date of the first filed revisions.

SECTION 4. *Availability of Filed Prices, Etc.*—All information filed in accordance with this Article shall be open for inspection at all reasonable times by any interested person.

SECTION 5. *Adherence to Prices and Terms.*—No member of the industry shall directly or indirectly pay a rebate or allow a deduction, sell or offer to sell or otherwise dispose of any of the products of this industry, except in accordance with its prices, discounts, terms and conditions of sale filed at such time and in such manner as is described herein in this Article.

¹ See paragraph 2 of order approving this Code.

SECTION 6. Definitions for the classifications of buyers for this industry shall be determined by the Code Authority, subject to the approval of the Administrator.

ARTICLE VIII—TRADE PRACTICE RULES

General Definition.—For all purposes of the Code the acts described in this Article shall constitute unfair practices. Any member of the industry who shall directly, or indirectly through any officer, employee, agent, or representative, knowingly use, employ, or permit to be employed, any of such unfair practices shall be guilty of a violation of the Code.

RULE 1. *Selling below cost.*—No member of the industry shall sell below his individual cost, except to meet the price competition of another member whose cost is lower.

The Code Authority shall cause to be formulated an accounting system and methods of cost finding and/or estimating capable of use by all members of the industry. After such system and methods have been formulated, and approved by the Administrator, full details concerning them shall be made available to all members. Thereafter all members shall determine and/or estimate costs in accordance with the principles of such methods.

When the Code Authority determines that an emergency exists in this industry and that the cause thereof is destructive price-cutting such as to render ineffective or seriously endanger the maintenance of the provisions of this Code, the Code Authority may cause to be determined the lowest reasonable cost of the products of this industry, such determination to be subject to such notice and hearing as the Administrator may require. The Administrator may approve, disapprove, or modify the determination. Thereafter, during the period of the emergency, it shall be an unfair trade practice for any member of the industry to sell or offer to sell any products of the industry for which the lowest reasonable cost has been determined at such prices or upon such terms or conditions of sale that the buyer will pay less therefor than the lowest reasonable cost of such products. When it appears that conditions have changed, the Code Authority, upon its own initiative or upon the request of any interested party, shall cause the determination to be reviewed.

Pending the adoption and use of an approved cost accounting system or method as provided herein, each member of the industry shall determine his "individual cost" of a product of the industry in accordance with such cost accounting system or method customarily used by such member, provided that interest on indebtedness, interest on investment, depreciation on idle facilities, and selling administrative cost shall not be included in the mandatory cost below which no member of the industry may sell.

RULE 2. *Secret rebates.*—No member of the industry shall directly or indirectly offer or make any secret or discriminatory payment or allowance of a rebate, refund, commission, credit, unearned discount, or allowance, whether in the form of money or otherwise, nor shall any member extend to any customer any special, secret or discriminatory service or privilege not extended to all customers of the same

class for the purpose of influencing a sale or with the intent or with the effect of injuring a competitor or violating any of the provisions of this Code.

RULE 3. *False Billing.*—No member of the industry shall post-date or pre-date any contract, invoice, quotation, or receipt, withhold from or insert in any contract, invoice, quotation or receipt any statement which makes such contract, invoice, quotation, or receipt inaccurate in any material particular or accept or offer to accept any such contract, with the effect of injuring the business of a competitor or violating the provisions of this Code.

RULE 4. *Inaccurate advertising.*—No member of the industry shall use or publish advertising (whether printed, radio, display, or of any other nature) or other representation which is inaccurate in any material particular or in any way misrepresent any commodity (including its use, trade mark, grade, quality, quantity, origin, size, substance, character, nature, finish, material content, or preparation), or credit terms, values, policies, services, or the nature or form of the business conducted.

RULE 5. *Inaccurate labeling.*—No member of the industry shall brand or mark or pack any goods in any manner which is intended to or does deceive or mislead purchasers with respect to the brand, grade, quality, quantity, origin, size, substance, character, nature, finish, material content, or preparation of such goods.

RULE 6. *Inaccurate references to competitor, Etc.*—No member of the industry shall use advertising or other representation which refers inaccurately in any material particular to any competitors or their commodities, prices, values, credit terms, policies, or services.

RULE 7. *Threats of law suits.*—No member of the industry shall publish or circularize unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harassing competitors or intimidating their customers.

RULE 8. *Bribing Employees.*—No member of the industry shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent, or the represented party, without the knowledge of such employer, principal or party. This provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

RULE 9. *Guarantees.*—No member of the industry shall guarantee for a period longer than one (1) year from date of installation to furnish or replace, free of charge, a product of this industry or any part thereof found to be defective in material or workmanship.

RULE 10. *Terms of payment.*—No member of the industry shall accept or offer to accept any contract or order providing more favorable terms of payment than to provide: (1) net cash thirty (30) days from date of invoice, or (2) three percent (3%) discount on net amount of invoice (freight charges not included) for cash payment within ten (10) days from date of invoice; provided, however, that

members of the industry may provide for three percent (3%) discount from the net amount of the invoice (freight charges not included) for cash payment on current month's bills paid before the tenth of the month following by continuous purchasers, or (3) that eighty-five percent (85%) of the value of any material, labor or service furnished, delivered or installed during the preceding calendar month shall be due and payable on the fifteenth day of each month following such furnishing, delivering or installing and that the balance shall be due and payable within thirty (30) days after the completion of the contract or order.

RULE 11. Revised Quotations.—No member of the industry shall recall or revise or offer to recall or revise any quotation (whether oral or written, submitted in competition to a buyer) for the purpose or with the intent of submitting a more favorable price discount, term or condition of sale, unless there has been a bona fide revision in the plans, specifications or other estimating or purchasing data forming the basis of the original quotation. On written request of any interested member of the industry, any other member of the industry shall be required to file with the Code Authority or such other agency as the Code Authority may designate full and complete copies of each revised quotation submitted as the result of a bona fide revision in the plans, specifications or other estimating or purchasing data of the buyer. All revised quotations filed pursuant to this section shall be kept confidential by the Code Authority or its agency, except as may be necessary for the administration or enforcement of the provisions of this Code.

ARTICLE IX—REGISTRATION OF MEMBERS OF THE INDUSTRY

Every member of the industry shall comply with the rules and regulations of the Administrator as to registration with the Code Authority, or such other agency as the Administrator may direct and including, but without limitation, the number of shops, establishments or separate units thereof and their location, as well as each additional shop, establishment or separate unit opened after registration.

ARTICLE X—MODIFICATION

1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of subsection (b) of Section 10 of the National Industrial Recovery Act, from time to time to cancel or modify any order, approval, license, rule or regulation, issued under Title I of said Act specifically, but without limitation, to the right of the President to cancel or modify his approval of this Code or any conditions imposed by him upon his approval thereof.

2. This Code, except as to provisions required by the Act may be modified on the basis of experience or changes in circumstances, such modification to be based upon application to the Administrator and such notice and hearing as he shall specify, and to become effective on approval of the Administrator.

ARTICLE XI—MONOPOLIES

No provision of this Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

ARTICLE XII—PRICE INCREASES

Whereas the policy of the Act to increase real purchasing power will be made more difficult of consummation if prices of goods and services increase as rapidly as wages, it is recognized that price increases except such as may be required to meet individual cost should be delayed. But when made, such increases should, so far as possible, be limited to actual additional increases in the seller's cost.

ARTICLE XIII—EFFECTIVE DATE

This code shall become effective on the second Monday after its approval by the President.

Approved Code No. 479.
Registry No. 1328-12.



Approved Code No. 480

CODE OF FAIR COMPETITION

FOR THE

**STRUCTURAL STEEL AND IRON FABRICATING
INDUSTRY**

As Approved on July 11, 1934

ORDER

**CODE OF FAIR COMPETITION FOR THE STRUCTURAL STEEL AND IRON
FABRICATING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Structural Steel and Iron Fabricating Industry, and hearing having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved; provided, however, that the following changes be, and the same hereby are, made:

(1) That all provisions governing erection work are hereby deleted and that such erection work shall be governed by the provisions of Chapter I of the Code of Fair Competition for the Construction Industry, approved January 31, 1934.

(2) That Section 2 of Article IV be, and the same hereby is, eliminated, and in lieu thereof, the following provision be, and it hereby is, inserted:

“Section 2. (a) No employee shall be permitted to work in excess of 40 hours in any one week or 8 hours in any twenty-four (24) hour period except as herein otherwise provided.

(b) The provisions of this Article shall not apply to employees engaged in emergency maintenance or emergency repair work, or to persons employed in a managerial or executive capacity who earn regularly \$35.00 per week or more; provided, however, that employees engaged in emergency maintenance or emergency repair work shall be paid not less than at the rate of $1\frac{1}{2}$ times their normal hourly rate for all hours worked in excess of 40 hours in each week or 8 hours in each twenty-four (24) hour period.

(c) Watchmen may be permitted to work not to exceed 56 hours in any one week.

(d) No employee shall be permitted to work more than 6 days in any 7-day period.

(e) No employer shall knowingly permit any employee to work for any time which, when added to the time spent at work for another employer or other employers in this industry or any other industry exceeds the maximum permitted herein."

(3) That the following be, and the same hereby is, added as a Subsection (a) 2 of Section 5 of Article IV:

"(a) 2. No employee engaged in drafting, detailing and/or designing shall be paid in any pay period less than at the rate of twenty (20) dollars per week."

(4) That Subsection (d) of Section 5 of Article IV be, and the same hereby is, amended to read as follows:

"(d) The respective rates of pay per hour for all employees, other than common laborers, employed in any plant of any member of the Industry shall be such that the minimum monthly average rate of pay per hour for all employees (except plant superintendents) employed in such plant shall be 150% of the minimum rate of pay per hour for common labor in such plant specified in Subdivision 1 of such Schedule C for the locality in which such plant is located; provided, however, that such minimum monthly average rate of pay per hour shall in no case be less than 51 cents. For all purposes of this paragraph (d) the monthly average rate of pay per hour at any plant of any member of the Industry in any calendar month shall be deemed to be the quotient obtained by dividing the total compensation paid to all employees (except plant superintendents) at such plant for such month by the total number of hours worked by such employees at such plant in such month."

(5) That the following be, and the same hereby is, added as Section 14 of Article IV:

"Section 14. No employer shall dismiss or demote any employee for making a complaint or giving evidence with respect to an alleged violation of the provisions of this or any Code of Fair Competition."

(6) That the following be, and the same hereby is, added as Section 4 of Article V:

"Section 4. In order that the Code Authority shall at all times be truly representative of the Industry and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter if he shall find the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification of the Code Authority."

(7) That Section 1 of Article VII be, and the same hereby is, amended to read as follows:

"Section 1. None of the members of the Industry shall sell or contract or offer to sell any product and/or do or contract or offer to do any erection work at a price which shall be less than the reasonable estimated cost to such member of such product and/or of such erection work, as the case may be. For the purposes of this Article VII such reasonable estimated cost shall be determined in accordance with the following provisions; provided, however, that no member of the Industry shall sell or offer to sell any product or products and/or

erection work at a price below the member's own cost for such product or products and/or erection work."

(8) That the following be, and the same hereby is, added as Subsection (e) of Section 1 of Article VII:

"(e) The Code Authority shall within ten days engage a competent firm of public accountants who, subject to the review of the Administrator, shall not later than two months after the effective date of this Code report to the Code Authority a comprehensive estimating formula including all direct and indirect charges. This report immediately upon approval of the Administrator will replace this Section 1 and will become the estimating formula of the industry."

(9) That Section 2 of Article XII be, and the same is, hereby deleted.

(10) That Subdivision I of Schedule C be, and the same hereby is, eliminated, and in lieu thereof, the following provision be, and the same hereby is inserted:

"I. Minimum Rates of Pay for Common Labor in Plants

The minimum rates of pay per hour for common labor in plants shall be as follows:

District No. 1.....	40¢
District No. 2.....	40¢
District No. 3.....	34¢
District No. 4.....	40¢
District No. 5.....	40¢
District No. 6.....	34¢
District No. 7:	
Territory of Hawaii.....	34¢
All other localities in District No. 7.....	40¢

The minimum rates of pay established herein for common labor shall not be construed as authorizing reductions in existing rates of pay."

(11) That the following be, and the same hereby are, added as additional unfair practices under Schedule F:

"R. Purchasing below advertised price of materials or accepting rebates, credits (secret or otherwise), waiving of extras or any way purchasing materials below published prices.

S. The shipping of material by fabrication in transit privilege to a point or points other than actually specified on the orders to the rolling mills for that particular material provided, however, that nothing shall prevent the use of the fabrication in transit privilege for the normal movement of stock material.

T. The violation of any provision of Schedule G in the purchasing and/or selling of any material or services."

and provided, further, that within ninety days I may direct that there be a further hearing on such of the provisions of this Code as I may designate, and that any order which I may make after such hearing shall have the effect of a condition on the approval of said Code.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended.

GEORGE L. BERRY,
Division Administrator.

JULY 11, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Structural Steel and Iron Fabricating Industry, as revised after the Public Hearing conducted in Washington on October 30, 1933, in accordance with the provisions of the National Industrial Recovery Act. All statements in this report are based on the Code as transmitted herewith and the Order of Approval submitted for your signature.

HOURS AND WAGES

This Code provides that workers shall not be employed for more than forty (40) hours in any one (1) week nor more than eight (8) hours in any twenty-four (24) hour period nor more than six (6) days in any seven (7), except in cases of emergency when all overtime shall be paid for at the rate of time and one-third. Furthermore, these restrictions do not apply to those in a managerial or executive capacity who earn thirty-five dollars (\$35.00) or more per week. Employees engaged in drafting, detailing and/or designing are to be paid not less than at the rate of twenty dollars (\$20.00) per week. No person under sixteen (16) years of age may be employed in the industry nor anyone under eighteen (18) years of age in plants or in erection work. The minimum rate of pay per hour for common labor in the Territory of Hawaii and the Southern States is established at thirty-four cents (34¢) per hour, the balance of the United States, Alaska and the Canal Zone at forty cents (40¢).

ECONOMIC EFFECTS OF THE CODE

This industry, being a capital goods industry, has suffered severely during the depression. The number of employees in the industry in 1929 was approximately fifty thousand but this number has now been reduced to about one-half although the volume of production has fallen to about one-quarter of the 1929 volume. The analysis of the Research and Planning Division indicates that about fifteen percent of the number of employees will probably immediately benefit by increases in wages, although any increase in wage earners will be in large measure dependent upon increases in demand for products of the industry. The provisions designed to prevent sales below cost should prevent a resulting loss of working capital with its tendency to cut wages to reduce losses.

FINDINGS

The Deputy Administrator in his final report to me on said Code having found as herein set forth and on the basis of all the proceedings in this matter;

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as approved complies in all respect with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(c) The Code is not designed to and will not permit monopolies or monopolistic practices.

(d) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Code.

For these reasons this Code has been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 11, 1934.

CODE OF FAIR COMPETITION FOR THE STRUCTURAL STEEL AND IRON FABRICATING INDUSTRY ¹

ARTICLE I—DEFINITIONS

Wherever used in this Code or in any schedule appertaining hereto the terms hereinafter in this Article defined shall, unless the context shall otherwise clearly indicate, have the respective meanings hereinafter in this Article set forth. The definition of any such term in the singular shall apply to the use of such term in the plural and vice versa.

SECTION 1. The term "the United States" means and includes all of the territory of the United States of America on the North American continent (including Alaska and the Canal Zone) and the Territory of Hawaii.

SECTION 2. The terms "the President", "the National Industrial Recovery Act", "the Administrator", and "the Administration" mean, respectively, the President of the United States of America, Title I of the National Industrial Recovery Act as approved by the President June 16, 1933, the Administrator for Industrial Recovery appointed by the President and at the time in office under, and the agency established pursuant to Section 2 of Title I of the National Industrial Recovery Act.

SECTION 3. The term "person" means and includes any individual, firm, association, corporation or other form of business enterprise.

SECTION 4. The term "products" means and includes fabricated steel or iron shapes, plates or bars (other than concrete reinforcing bars) for use in the construction of buildings, bridges or other structures and any other articles incidental thereto and used in connection therewith which shall be manufactured or processed by the person who fabricates such plates, shapes or bars.

SECTION 5. The term "erection work" means and includes the work of erecting products in place in buildings, bridges or other structures and any other work incidental thereto and customarily undertaken in connection therewith by members of the Industry. Such other work is hereinafter sometimes referred to as "incidental erection work."

Nothing in the Code contained, however, shall be deemed to relieve any person from any obligation of such person to comply with the provisions of the Code of Fair Competition for the Construction Industry approved by the President January 31, 1934, or with the provisions of any other code of fair competition or of any chapter of such Construction Code that shall have been approved by the President pursuant to the provisions of Section 3 of the National Industrial Recovery Act, in bidding for, contracting to do, doing or subletting any part of the work of erecting materials in place in

¹ See paragraph 2 (1) of order approving this Code.

buildings, bridges or other structures (other than erection work as hereinbefore defined) in so far as such provisions shall be properly applicable to such part of such work.

SECTION 6. The term "the Industry" means and includes the business of fabricating in the United States and selling products, or any of them, and/or the business of contracting to do and doing erection work in the United States, including the designing of such products, or any of them, and of such erection work by the member of the Industry which fabricates such products or does such erection work.

SECTION 7. The term "member of the Industry" means and includes any person conducting in the United States the business of fabricating and selling products, or any of them, and/or the business of contracting to do and doing erection work in the United States.

SECTION 8. The term "the Code" means and includes this Code and all schedules annexed hereto as originally approved by the President and all amendments hereof and thereof that shall lawfully be made.

SECTION 9. The term "member of the Code" means any member of the Industry which shall have become a member of the Code as hereinafter in Section 2 of Article III provided.

SECTION 10. The term "the Institute" means American Institute of Steel Construction, Inc., a New York membership corporation.

SECTION 11. The term "the Code Authority" means the Code Authority as from time to time constituted pursuant to the provisions of Article V of the Code.

SECTION 12. The term "the Secretary" means the secretary of the Institute at the time in office.

SECTION 13. The term "the Treasurer" means the treasurer of the Institute at the time in office.

SECTION 14. The term "unfair practice" means and includes any act described as an unfair practice in Schedule F annexed hereto.

SECTION 15. Wherever used in the Code with reference to the Industry or any member of the Industry or any member of the Code, unless the context shall otherwise clearly indicate,

(a) the term "plant" means only a plant for the fabrication of one or more products in the Industry;

(b) the term "prices" includes only prices for the sale of products and/or for erection work;

(c) the term "labor" means only labor performed in the Industry; and

(d) the term "employee" means only an employee in the Industry.

SECTION 16. The term "the effective date of the Code" means the eleventh day after the day on which the Code shall have been approved by the President pursuant to the National Industrial Recovery Act.

SECTION 17. The term "an affiliated group" means one or more corporations connected through stock ownership with a common parent corporation if (1) at least 50% of the stock of each such corporation (except such common parent corporation) is owned directly by one or more of the other corporations, and (2) such common parent corporation owns directly or through one or more of the other corporations. The term "an affiliated company of a member

of the Industry" means (1) a corporation which is one of an affiliated group that also includes such member of the Industry, or (2) a corporation at least 50% of the stock of which is owned by such member or by such member and any other member or members of the Industry. For the purposes of this Section 16 the term "stock" does not include non-voting stock which is limited and preferred as to dividends.

ARTICLE II—PURPOSE OF THE CODE

SECTION 1. The Code is adopted pursuant to Title I of the National Industrial Recovery Act.

SECTION 2. The purpose of the Code is to effectuate the policy of Title I of the National Industrial Recovery Act in so far as it is applicable to the Industry.

ARTICLE III—MEMBERSHIP IN THE CODE

SECTION 1. It is of the essence of the Code that all members of the Industry which shall comply with the provisions of the Code shall be entitled to participate in its benefits upon the terms and conditions set forth in the Code.

SECTION 2. Any member of the Industry which shall desire to become a member of the Code may do so by signing and delivering to the Secretary a letter substantially in the form set forth in Schedule A annexed hereto.

SECTION 3. A meeting of members of the Code may be called and held at any time by order of the Code Authority, or by members of the Code having the right to cast at least 50% of all the votes that might be cast at such meeting, if all the members of the Code were present thereat, on not less than ten days' notice to each of such members stating the time and place of such meeting and the purposes thereof.

A meeting of members of the Industry may be called and held at any time by order of the Code Authority, or by members of the Industry having the right to cast at least 50% of all the votes that might be cast at such meeting, if all the members of the Industry entitled to vote at such meeting were present thereat, on not less than ten days' notice to each of such members stating the time and place of such meeting and the purposes thereof.

SECTION 4. Subject as hereinafter in this Section 4 provided, at each meeting of the members of the Code and, except as provided in Section 2 of Article V of the Code, at each meeting of members of the Industry, each member of the Code shall have as many votes as shall equal the sum of (a) the quotient obtained by dividing by 2000 the average annual amount in tons of the products fabricated by such member and delivered for use within the United States during the four calendar years 1928 to 1931, inclusive, and (b) the quotient obtained by dividing by 10,000 the average annual amount in tons of the products the erection work on which in the United States was done by such member during the four calendar years 1928 to 1931, inclusive. Fractions in such quotients shall be disregarded; provided, however, that each member of the Code shall have at least

one vote. The number of votes which each member of the Code shall be entitled to cast at any such meeting shall be determined by the Code Authority in accordance with the provisions of this Section 4.

If any member of the Industry shall, within thirty days after it shall have become a member of the Code, file with the Secretary a petition stating that the average annual amount in tons of the products fabricated and delivered by such member for use within the United States during the four calendar years 1928 to 1931, inclusive, did not fairly represent the comparative position of such member in the Industry at the end of such four year period, the Code Authority may fix the amounts in tons which in its opinion would fairly represent the position of such members in the Industry at the end of such four year period and the number of votes to which such member shall be entitled under the provisions of this Section 4 shall be computed on the basis of the amounts so fixed. The Code Authority may also, from time to time in its discretion, adjust the amounts in tons on the basis of which the number of votes of each member of the Code shall be computed in such manner as fairly to apportion such votes among the members of the Code with due regard to their comparative positions in the business of fabricating, and/or doing erection work on, products used in the United States at the time of any such adjustment; provided, however, that no adjustment made by the Code Authority under the provisions of this sentence shall take effect prior to January 1, 1935. At each meeting of members of the Code or of members of the Industry, as the case may be, any individual or firm who shall be entitled to vote thereat may, and any association or corporation which shall be entitled to vote thereat shall, vote by proxy in writing duly executed by such member and filed with the Secretary. Any such proxy may be for a specified meeting or be a general proxy for any or all meetings that may be held until such proxy shall have been revoked by an instrument in writing duly executed and filed with the Secretary by the member of the Industry which gave such proxy.

SECTION 5. At each meeting of the members of the Code or of the members of the Industry, as the case may be, members thereof having the right to cast at least two-thirds of all the votes that might be cast at such meeting, if all the members of the Industry entitled to vote at such meeting were present thereat, shall constitute a quorum for the transaction of business at such meeting.

SECTION 6. The Institute shall impose no inequitable restrictions on membership, and will maintain on file with the Administrator true copies of its certificate of incorporation, constitution and by-laws, regulations and any amendments when made thereto, together with such other information as to membership, organization and activities as the Administrator may from time to time deem necessary to effectuate the purpose of Title I of the National Industrial Recovery Act.

SECTION 7. In order to be entitled to notice of and to vote at any meeting of members of the Industry, a member of the Industry which shall not be a member of the Code

(a) must in good faith be complying with the provisions of the Code;

(b) must, at least ten days prior to the date of such meeting, have filed with the Secretary a statement showing its name and address and the report required by the provisions of Section 6 of Article IX of the Code; and

(c) must have contributed toward the expenses of administering the Code in an amount at least equal to the amount which would have been payable by it had it been a member of the Code from the effective date of the Code or from the date on which it became such member of the Industry, whichever date shall be the later, to the date of such meeting.

Except as provided in Section 2 of Article V of the Code, at each meeting of the members of the Industry each member thereof which shall have qualified to vote at such meeting as hereinbefore in this Section 7 provided shall have a number of votes determined in the same manner as is hereinbefore in Section 4 of this Article VI provided for determining the number of votes which a member of the Code shall have at such meeting.

ARTICLE IV—HOURS OF LABOR, RATES OF PAY AND OTHER CONDITIONS OF EMPLOYMENT.

SECTION 1. Pursuant to subsection (a) of Section 7 of the National Industrial Recovery Act, the Code contains the following conditions:

(1) That employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection;

(2) that no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing; and

(3) that employers shall comply with the maximum hours of labor, minimum rate of pay, and other conditions of employment, approved or prescribed by the President.

SECTION 2. Except as hereinafter in this Section 2 provided and so long as employees qualified for the work required shall be available in the respective localities where such work shall be required,

(a) none of the members of the Industry shall cause or permit any employee in any of its plants to work more than 40 hours or more than 6 days in any one week; *provided, however,* that such employees may be permitted to work more than 40 hours per week, but not more than 48 hours per week, in any 4 weeks of any period of 16 consecutive weeks; and

(b) employees employed on erection work shall not be permitted to work more than 40 hours in any one week or more than 8 hours in any 24 hour period; *provided, however,* that, if on any job of erection work working time shall have been lost because of weather conditions or unavoidable delays, until such lost working time shall be made up, employees on such job may be permitted to work more than 40 hours per week and more than 8 hours in any 24 hour period,

but not more than 48 hours per week, in any 4 weeks of any period of 16 consecutive weeks.

The foregoing provisions of this Section 2 shall not apply

(1) to the following classes of employees, if they shall be receiving pay at a rate of \$35 per week or more, viz: executives, those employed in supervisory capacities (other than foremen regularly performing manual labor) and in technical work and their respective staffs; or

(2) to watchmen or those employed in emergency work. Watchmen may be permitted to work not more than 56 hours in any one week.

None of the members of the Industry shall knowingly permit any employee who also shall have performed work for one or more other employers (whether or not members of the Industry) to work for such member such number of hours as would result in a violation of the Code had all such work been performed for such member.²

SECTION 3. None of the members of the Industry shall employ any employee under 16 years of age; nor shall any member of the Industry employ any employee under 18 years of age in or about its plants or in or about any erection work.

SECTION 4. For the more effective administration of the Code, the districts described in Schedule B annexed hereto have been established and the minimum rates of pay for labor have been fixed for the various localities described in Schedule C annexed hereto within the respective districts.

SECTION 5. Subject as hereinafter in Section 7 of this Article IV provided:

(a) The rate of pay per hour which each member of the Industry shall pay for common labor employed in its plant or plants in any of the localities described in Subdivision I of Schedule C annexed hereto shall be not less than the minimum rate of pay set forth in such Subdivision I for such common labor in such locality.³

(b) The rate of pay per hour which each member of the Industry shall pay for common labor employed by such member in erection work in any of the localities described in Subdivision II of such Schedule C shall be not less than the minimum rate of pay set forth in such Subdivision II for such common labor in such locality; provided, however, that the provisions of this paragraph (b) shall not be construed as establishing a minimum rate of pay for other than common labor.

(c) Except as hereinafter in this Section 5 provided, none of the members of the Industry shall pay any of its employees performing labor in its plant or plants in any locality described in Subdivision I of such Schedule C, or in erection work in any locality described in Subdivision II of such Schedule C, at any rate of pay less than the minimum rate specified in such Subdivision I or in such Subdivision II, as the case may be, for common labor in such locality.

(d) The respective rates of pay per hour for all employees, other than common laborers, employed in any plant of any member of the Industry shall be such that the minimum monthly average

² Section 2 deleted and substitution inserted. See paragraph 2 (2) of order approving this Code.

³ Additional subsection inserted. See paragraph 2 (3) of order approving this Code.

rate of pay per hour for all employees (except plant superintendents) employed in such plant shall be 127½ percent of the minimum rate of pay per hour for common labor in such plant specified in Subdivision I of such Schedule C for the locality in which such plant is located; provided, however, that such minimum monthly average rate of pay per hour shall in no case be less than 38 cents. For all purposes of this paragraph (d) the monthly average rate of pay per hour at any plant of any member of the Industry in any calendar month shall be deemed to be the quotient obtained by dividing the total compensation paid to all employees (except plant superintendents) at such plant for such month by the total number of hours worked by such employees at such plant in such month.⁴

(e) The employees referred to in the foregoing paragraph (d) of this Section 5 shall not include superintendents, managers, civil engineers, draughtsmen, accountants, clerks or stenographers, or other employees whose pay is customarily included as a part of administrative and/or selling expenses. The respective rates of pay which shall be paid by each member of the Industry to its employees of the classes hereinbefore in this paragraph (e) referred to (not including such employees whose rates of pay were more than \$35 per week on August 15, 1933) in any locality shall be at least 80% of the respective rates of pay (not including any bonus) paid by it to its employees of such classes in such locality on July 16, 1928; provided, however, that none of the members of the Industry shall pay any such employee at a rate of pay less than \$14 per week. Each member of the Industry which shall not have done so since June 15, 1933, shall make such adjustments in the rates of pay of its employees of the classes referred to in this paragraph (e) whose rates of pay on August 15, 1933, were greater than \$35 per week (not including executives and heads of departments) as shall be fair and equitable to such employees.

(f) If any member of the Industry shall pay any employee per piece work performed, the minimum rate of pay which such member shall pay to such employee for such work shall be such that the rate of pay per hour of such employee for the number of hours worked by him during the pay period in which such work shall be performed shall be not less than the minimum rate of pay per hour provided under the Code for such class of work in the plant or locality in which such work shall be performed.

(g) Anything in the Code to the contrary notwithstanding, the rate of pay per hour for apprentices, watchmen or office boys, or for any employee who because of age or disability shall not be engaged in active manual labor, shall be not less than 80% of the minimum rate of pay per hour for common labor applicable under Subdivision I of such Schedule C to the plant at which such employee shall be employed; provided, however, that the number of such employees who shall be employed at such plant and who shall be paid at a rate of pay per hour less than such minimum rate of pay per hour for common labor shall not exceed 5% of the total number of employees regularly employed at such plant; and provided further that for the purposes of this paragraph (g) none of the employees of a member

⁴ Amended. See paragraph 2 (4) of order approving this Code.

of the Industry shall be deemed an apprentice after he shall have been in the employ of such member for a period of six months.

SECTION 6. Each member of the Code which shall violate any provision of Section 5 of this Article IV shall pay to the Treasurer as an individual and not as treasurer of the Institute, in trust, a sum equal to \$3 per ton of each ton of any product or products which shall have been fabricated in the plant of such member in which the violation shall have occurred during the continuance of such violation or in the erection work on which such violation shall have occurred and which shall have been erected during the continuance of such violation, as the case may be.

SECTION 7. Where provisions concerning hours of labor or rates of pay have been established for specific projects, by competent governmental authority or agencies (whether Federal, State, or political subdivisions thereof) acting in accordance with law, any member of the Industry required to comply and complying with the provisions so established shall be relieved of compliance with any conflicting provisions of this Article IV.

SECTION 8. If any member of the Code shall sublet any erection work to any person not a member of the Code, such member shall procure from such person an agreement substantially in such form as shall have been approved by the Code Authority whereby such person shall agree to comply, and to cause any subcontractor to which such person may in turn sublet such erection work or any part thereof to comply, with the provisions of this Article IV in respect of the maximum hours of labor and minimum rates of pay for common labor which shall be employed by such person or such subcontractor, as the case may be, in such erection work. Each member of the Code which shall violate any provision of this Section 8 shall pay to the Treasurer as an individual and not as treasurer of the Institute, in trust, a sum equal to \$5 per ton for each ton of any product or products the erection work on which shall have been sublet by such member in violation of this Section 8.

SECTION 9. None of the members of the Industry shall sublet all or any part of the work of fabricating any product or products in quantities of 10 tons or over for any one job, or the making of any drawings in connection therewith, to any person who shall not agree to conform to the provisions of the Code or of another code of fair competition approved by the President pursuant to the provisions of the National Industrial Recovery Act and applicable to such person, in respect of maximum hours of labor and minimum rates of pay for labor which shall be employed on such work. Any member of the Code which shall sublet any such work in violation of this Section 9 shall pay to the Treasurer as an individual and not as treasurer of the Institute, in trust, a sum equal to \$5 per ton for each ton of any product or products any such work on which shall have been so sublet by such member.

SECTION 10. None of the members of the Industry shall sublet all or any part of the work of fabricating any product or products or the making of any drawings in connection therewith or any erection work thereon to any of its employees; provided, however, that the foregoing provisions of this Section 10 shall not be deemed to prohibit any member of the Industry from paying any of its employees

per piece of work performed at a rate of pay which shall conform to the provisions of paragraph (f) of Section 5 of this Article IV.

SECTION 11. None of the members of the Industry shall reclassify its employees or their duties or occupations or employ any other subterfuge, for the purpose of defeating the purposes or provisions of the National Industrial Recovery Act or the Code.

SECTION 12. Members of the Industry shall make payment of all wages due in lawful currency or by negotiable check therefor payable on demand. Wages shall be paid at least bi-monthly and salaries shall be paid at least monthly. None of the members of the Industry nor any agent of such member shall accept any rebate from such wages directly or indirectly.

SECTION 13. In doing any incidental erection work (as the term "incidental erection work" is defined in Section 5 of Article I of the Code), members of the Industry shall comply with the maximum hours of labor and minimum rates of pay at the time in effect under the Code of Fair Competition for the Construction Industry approved by the President on January 31, 1934, in so far as they shall be applicable to such incidental erection work.⁵

ARTICLE V—THE CODE AUTHORITY

SECTION 1. The Code Authority shall consist of the following:

(a) The members of the Board of Directors of the Institute at the time in office.

(b) Two associate members to be appointed as hereinafter in Section 2 of this Article V provided.

(c) Not more than two members, as the Administrator shall determine, each of whom shall be a member of the Industry (or an executive officer of a corporation or a member of a firm which is a member of the Industry) and who may be elected by the members of the Industry which are not members of the Institute, if such members of the Industry shall so desire, in such manner as the Administrator shall approve.

(d) One or more members, not exceeding three, who shall be appointed by the Administrator. Such member or members shall serve without expense to the Industry and shall not have the right to vote.

SECTION 2. Each of the two associate members of the Code Authority provided for in paragraph (b) of Section 1 of this Article V must be a member of the Industry (or an executive officer of a corporation or a member of a firm which is a member of the industry) conducting the business of doing erection work under the Code but not conducting the business of fabricating products. In the first instance such two associate members shall be appointed by the Board of Directors of the Institute from among not less than five individuals nominated by Structural Steel and Bridge Erectors Association, all of whom shall be members of the Industry (or executive officers of corporations or members of firms which are members of the Industry) conducting the business of doing erection work under the Code but not conducting the business of fabricating products. Within 90 days after the effective date of the Code, the Code Authority shall

⁵ Section 14 added. See paragraph 2 (5) of order approving this Code.

call a meeting of all members of the Industry which shall be members of the Code or which shall have qualified to vote as provided in Section 7 of Article III of the Code and which shall be engaged in the business of doing erection work under the Code for the election of two associate members of the Code Authority to succeed the two first appointed as above provided. At such election each such member of the Industry shall be entitled to one vote for each such associate member to be elected and such associate members shall be elected by plurality vote. The associate members so elected shall serve for a term of one year or until their successors shall be elected. Thereafter two such associate members shall be elected annually in the same manner.

SECTION 3. The Code Authority may from time to time prescribe rules for the calling and conducting of meetings thereof. A majority of the members of the Code Authority at the time in office and entitled to vote shall constitute a quorum for the transaction of business at any meeting of the Code Authority, but a number of such members less than a majority thereof may adjourn any meeting from time to time until a quorum shall be present thereat.⁶

ARTICLE VI—ADMINISTRATION OF THE CODE

SECTION 1. The administration of the Code shall be under the direction of the Code Authority. To the extent permitted by the National Industrial Recovery Act, the Code Authority shall have all the powers and duties conferred upon it by the Code and generally all such other powers and duties as shall be necessary or proper to enable it fully to administer the Code and to effectuate its purpose.

SECTION 2. For the purpose of facilitating the administration of the Code, the Code Authority shall appoint two committees as follows:

(a) A Committee on Fabrication to consider, and make recommendations to the Code Authority in respect of, matters in connection with the administration of the Code which relate to the fabrication of products under the Code and to have such other powers and duties with regard to such matters as the Code Authority shall from time to time prescribe. Such Committee shall consist of seven members, including the chairman, all of whom shall be members of the Code Authority who are members of the Industry (or executive officers of corporations or members of firms which are members of the Industry) conducting the business of fabricating products under the Code.

(b) A Committee on Erection to consider, and make recommendations to the Code Authority in respect of, matters in connection with the administration of the Code which relate to erection work under the Code and to have such other powers and duties with regard to such matters as the Code Authority shall from time to time prescribe. Such Committee shall consist of seven members, including the chairman, two of them shall be the associate members of the Code Authority hereinbefore in Article V referred to and the remaining five of whom shall be members of the Code Authority who are mem-

⁶ Section 4 added. See paragraph 2 (6) of order approving this Code.

bers of the Industry (or executive officers of corporations or members of firms which are members of the Industry) conducting the business of doing erection work under the Code.

Any action taken by either of such Committees shall be reported to the Code Authority at the meeting thereof next following the taking of such action and any such action may be rescinded or modified by the Code Authority at any time.

SECTION 3. The Code Authority may from time to time appoint such other committees as it shall deem necessary or proper in order to effectuate the purpose of the Code, and it may delegate to any such committee generally or in particular instances such of the powers and duties of the Code Authority under the Code as the Code Authority shall deem necessary or proper in order to effectuate such purpose. Any member of any such committee may be a member of the Code Authority or an officer or a director of a member of the Industry or a person not having any official connection with any member of the Code or with the Institute, as the Code Authority shall deem proper.

SECTION 4. The Secretary shall act as Secretary under the Code. Under the direction of the Code Authority, he shall keep all books (except books of account) and records under the Code and, except as the Code Authority shall otherwise provide, shall collect, file and collate all statistics and other information required by the Code Authority for the proper administration of the Code.

SECTION 5. The Treasurer shall act as Treasurer under the Code and, under the direction of the Code Authority, he shall have custody of, and have charge of the disposition of, all funds collected under the Code; and he shall keep proper books of account showing the collection and disposition thereof. The Treasurer shall furnish a bond satisfactory to the Code Authority.

SECTION 6. The Code Authority shall have power from time to time (a) to appoint and remove, and to fix the compensation of, all such other officers and employees and all such accountants, attorneys and experts, as the Code Authority shall deem necessary or proper for the purpose of administering the Code and (b) to fix the compensation of the Secretary and the Treasurer for their services in acting under the Code.

SECTION 7. The expenses of administering the Codes shall be borne by the members of the Industry. The Code Authority may from time to time make such assessments on account of such expenses against the members of the Industry as it shall deem proper and such assessments shall be payable as the Code Authority shall specify. The part of such expenses which shall be assessed against each member of the Industry shall bear the same relation to the total of such expenses as the number of votes which, pursuant to the provisions of the Code, such member might cast at a meeting of the members of the Industry held at the time of any such assessment shall bear to the total number of votes that might be cast thereat by all the then members of the Industry, if all of such members were entitled to vote at such meeting.

SECTION 8. If the Administrator shall determine that any action of the Code Authority or any agency thereof is unfair or unjust or contrary to the public interest, the Administrator may require that

such action be suspended in order to afford to him an opportunity for investigation of the merits of such action and to the Code Authority or such agency an opportunity for further consideration thereof. Pending the determination on such investigation or further consideration, such action shall not become effective, unless the Administrator shall approve it or unless he shall fail to disapprove it after thirty days notice to him of intention to proceed with such action in its original or modified form.

SECTION 9. The Code Authority shall be deemed to have discharged its full duty under the Code with respect to any violation or alleged violation of the Code, when the Code Authority shall have exercised such powers as are at the time legally conferred upon it in respect thereof and, in the event of the inability of the Code Authority to obtain compliance with the provisions of the Code, shall have certified the facts available to it with respect to such violation or alleged violation to the Administrator or to such other appropriate Governmental authority as he shall designate and thereafter shall have been ready to render all proper assistance to the Administrator or to such other Governmental authority in any lawful proceeding to obtain such compliance.

ARTICLE VII—PRICES AND TERMS OF PAYMENT

SECTION 1. None of the members of the Industry shall sell or contract or offer to sell any product and/or do or contract or offer to do any erection work at a price which shall be less than the reasonable estimated cost to such member of such product and/or of such erection work, as the case may be. For the purposes of this Article VII such reasonable estimated cost shall be determined in accordance with the following provisions.⁷

(a) All estimates of cost in fabricating any product (including overhead and general and selling expenses as provided in paragraph (d) of this Section 1 shall be based on the minimum rates of pay and the minimum monthly average rates of pay at the time in effect under the Code as provided in Section 5 of Article IV and in Subdivision I of Schedule C thereof for the locality in which the plant of such member at which such product shall be fabricated is located; provided, however, that if such rates shall be less than the minimum rates of pay and the minimum monthly average rates of pay for the same classes of labor at the time in effect under the Code as provided in said Section 5 and in Subdivision I of such Schedule C for the locality in which such product is to be delivered or erected, then such estimates of cost (including overhead and general and selling expenses as provided in paragraph (d) of this Section 1 shall be based on the minimum rates of pay and the minimum monthly average rates of pay for such classes of labor at the time in effect under the Code as provided in said Section 5 and in Subdivision I of such Schedule C for such latter locality.

(b) All estimates of cost or erection work (including overhead and general and selling expenses as provided in paragraph (d) of this Section 1) shall be based on the rates of pay for labor to be employed on such work and for the purposes of any such estimate

⁷ Amended. See paragraph 2 (7) of order approving this Code.

(1) the minimum rate of pay per hour for common labor to be employed on such work shall be not less than the minimum rate of pay per hour for such labor at the time in effect under the Code as provided in Section 5 of Article IV and in Subdivision II of Schedule C thereof for the locality in which such work is to be done, or in the case of erection work referred to in Section 7 of Article IV of the Code, the rate of pay prescribed as provided in said Section 7, and (2) the minimum average rate of pay per hour for all employees (except the foremen and the resident engineer in charge of the job at the place of such work) who shall be employed on any job of erection work on which eight or more employees (including foremen) shall be employed shall be not less than 155 per cent of the minimum rate of pay per hour for common labor on such job as provided in the foregoing clause (1) of this paragraph (b). For the purposes of any such estimate the average rate of pay per hour on any such job of erection work shall be determined by dividing the total compensation which shall be paid to all employees employed on such job (except the foremen and the resident engineer in charge of the job at the place of such work) by the total number of hours which shall be worked on such job by such employees and shall in no case be less than the minimum average rate of pay per hour hereinbefore in clause (2) of this paragraph (b) specified.

(c) The estimated cost of shapes, plates and bars shall be the respective published base prices therefor at the respective basing points therefor nearest in terms of delivered prices to the place where the structure for which such shapes, plates or bars are to be used is to be erected, plus all published extras thereon and the all-rail published tariff freight charges thereon from such basing points to such place, or if such structure is to be erected at any such basing point, the published tariff switching charges (if any) which are to be added to the base prices of such shapes, plates or bars at such basing point; provided, however, that the Code Authority shall from time to time by regulations copies of which shall be filed with the Secretary and mailed to all members of the Industry modify the method of computing such estimated cost in order to conform to any changes which may be made in the methods of selling shapes, plates and bars by the producers thereof.

(d) All estimates of cost shall include such elements of cost as the Code Authority shall from time to time prescribe and the allocation of overhead and general and selling expenses in respect thereof shall be on such basis as shall from time to time be prescribed by the Code Authority.⁸

SECTION 2. Whenever any member of the Industry shall bid, or agree to a price, for the sale of any product or products and/or for any erection work in an aggregate amount of 50 tons or more, such member shall forthwith mail to the Secretary in a sealed envelope a duplicate copy of its lowest bid or of the agreement containing the agreed price therefor or, if such bid or agreed price shall not be in writing, a statement showing such bid or agreed price and all terms and conditions thereof. Such copy or statement shall also show the estimated weight of such product or products and the date of such bid or agreement. Such envelope shall bear on its face a legend

⁸ Subsection (c) added. See paragraph 2 (8) of order approving this Code.

showing the location of the structure to which such bid or price relates, the names of the owner or contractor for which the work is to be done and of the architect or engineer in charge thereof and the time at which bids for such work are to be opened, if such time shall be known to such member. The Secretary shall retain each such envelope confidential and unopened until the contract for such work shall have been awarded. Promptly after the definite award of such contract the member of the Industry to which such contract shall have been awarded shall notify the Secretary thereof and the Secretary (a) shall open and remove from each such envelope the copy or statement of a bid or agreed price for such work therein contained and shall thereafter keep such copy or statement on file in his office for a period of at least one year; and (b), if a copy or statement of more than one bid or agreed price for such work shall have been received by him, he shall promptly mail a summary thereof to each member of the Industry from which any such copy or statement shall have been received by him.

SECTION 3. If any member of the Industry shall file with the Secretary a written complaint claiming that the price at which any other member of the Industry shall have contracted or offered to sell any product and/or to do any erection work is in violation of Section 1 of this Article VII, the Code Authority may in its discretion investigate such complaint, if it shall determine that the matters complained of therein may result or may have resulted in unfair competition in the Industry and may tend or may have tended to defeat the policy of Title I of the National Industrial Recovery Act. In determining whether to investigate such complaint the Code Authority shall consider (a) whether, on the basis of the reports filed with the Secretary under the Code, the member of the Industry against which such complaint shall have been filed has, since the effective date of the Code, contracted for more than its fair share of the business of fabricating products used in, and/or doing erection work in, the United States, as compared with other members of the Industry; and (b) whether the bid or agreed price of such member in respect of which such complaint shall have been filed, as compared with the other low bids for the same work, was such as to warrant further investigation.

Before beginning any investigation, however, on such complaint the Code Authority may in its discretion require the member of the Industry filing such complaint to deposit with the Treasurer security satisfactory to the Code Authority for the payment of the costs and expenses of such investigation. For the purpose of such investigation the Code Authority shall have power to require the member of the Industry against which such complaint shall have been filed to furnish such information concerning the estimated cost to such member of such product and/or of such erection work as the Code Authority shall deem necessary or proper for such purpose. Upon such investigation the Code Authority shall give such member an opportunity to be heard and to present evidence with a view of justifying such price and the Code Authority shall also give to any other member of the Industry which shall have filed a complaint in respect of such price or which shall be interested therein an opportunity to be heard and to present evidence material to such complaint. If the

Code Authority after such investigation shall determine that such price was less than the reasonable estimated cost to the member of the Industry against which such complaint was filed of such product and/or such erection work and, therefore, that the making of such price constituted a violation of the provisions of the Code, the Code Authority shall certify the facts in respect thereof to the Administrator; and (2) if such member of the Industry shall also be a member of the Code, the Code Authority shall have power to require such member to pay to the Treasurer as an individual and not as treasurer of the Institute, in trust, as and for liquidated damages for such violation, such sum as the Code Authority shall fix, but in any case not exceeding twice the difference between such price and such reasonable estimated cost as determined by the Code Authority, together with the costs and expenses of such investigation. If after such investigation the Code Authority shall determine that such member of the Industry was not guilty of a violation of the Code, the costs and expenses of such investigation shall be paid by the member of the Industry which shall have made such complaint. The determination of the Code Authority upon such complaint shall be filed with the Secretary and he shall give written notice thereof to all members of the Industry affected thereby. Such notice having been given, such member or members shall forthwith pay to the Treasurer as an individual as aforesaid the sum or sums, if any, required to be so paid by such member or members pursuant to such determination. Subject as hereinafter in Section 6 of Article XI provided, the determination of the Code Authority upon any complaint filed under this Section 3 shall be final and conclusive upon all members of the Code.

SECTION 4. Pursuant to the provisions of Section 3 of Article VI of the Code, the Code Authority may delegate to any committee which the Code Authority may designate any or all of the powers and duties of the Code Authority under the foregoing Section 3; provided, however, that, anything in the Code to the contrary notwithstanding, if any member of the Industry which shall be aggrieved by the decision of any such committee shall, within fifteen days after such decision shall have been filed with the Secretary, file with the Secretary an appeal from such decision, the Code Authority shall, as soon as practicable after the filing of such appeal and in any case within three months thereafter, review such decision in such manner, and take such action in respect thereof, as the Code Authority shall deem proper. The determination of the Code Authority upon any such appeal shall be filed with the Secretary and he shall give prompt notice thereof to the member or members of the Industry affected thereby.

SECTION 5. The standard terms of payment shall be as set forth in Schedule E annexed hereto; provided, however, that the Code Authority shall have power from time to time to change such standard terms of payment by regulations a copy of which shall be filed with the Secretary and mailed to each member of the Industry. None of the members of the Industry shall allow more liberal terms of payment than those at the time in effect under such Schedule E or such regulations, as the case may be.

SECTION 6. For all purposes of the Code a delivery of any product made and/or any erection work done pursuant to any contract therefor shall be regarded as a sale made and/or erection work done at the time of the making of such contract. If any member of the Industry shall sell any product to any affiliated company of such member and such affiliated company shall resell such product, the resale of such product by such affiliated company and any erection work thereon which shall be done by such affiliated company shall for all purposes of the Code be deemed to be a sale of such product made, and/or erection work thereon done, by such member of the Industry and such member of the Industry shall cause such affiliated company to conform to the provisions of the Code in making such resale and/or doing such erection work to the same extent as if such affiliated company were a member of the Industry. Anything in the Code to the contrary notwithstanding, none of the provisions of the foregoing sections of this Article VII shall apply to the sale of any product by any member of the Industry to any affiliated company of such member, or to any erection work done by any member of the Industry on a structure which shall be erected for the use of an affiliated company of such member.

SECTION 7. Nothing in the Code contained shall be deemed to apply to or affect the sale of any product for direct shipment in export trade by any member of the Industry within the meaning of the term "export trade" as used in the Export Trade Act, or unless and to the extent that the Code Authority shall otherwise determine, the sale of any product by any such member for direct shipment to the Philippines or Puerto Rico or other insular possession of the United States of America, except the Territory of Hawaii, or any erection work on any such product.

SECTION 8. If and to the extent requested by the Administrator, all decisions of, approvals given by, and rules and regulations prescribed by, the Code Authority pursuant to any provision of this Article VII shall be reported to him.

SECTION 9. In subletting to any member of the Construction Industry any incidental erection work (as the term "incidental erection work" is defined in Section 5 of Article I of the Code) members of the Industry shall comply with the provisions of Schedule G of the Code.

ARTICLE VIII—UNFAIR PRACTICES

For all purposes of the Code the acts described in Schedule F annexed hereto shall constitute unfair practices. Such unfair practices and all other practices which shall be declared to be unfair practices by any amendment that shall lawfully be made to the Code and shall at the time be in effect shall be deemed to be unfair methods of competition in commerce within the meaning of the Federal Trade Commission Act as amended, and the using or employing of any of them shall be deemed to be a violation of the Code, and any member of the Industry which shall directly, or indirectly through any officer, employee, agent or representative, knowingly use or employ any of such unfair practices shall be guilty of a violation of the Code. If at any time the Code Authority shall have reason to believe that any member of the Industry is using or employing any practice or

practices which the Code Authority shall deem contrary to the policy of Title I of the National Industrial Recovery Act, whether or not any such practice is described as an unfair practice in such Schedule F, the Code Authority shall have power to investigate such practice or practices to the extent permitted by the National Industrial Recovery Act and to make such report thereon and such recommendation in respect thereof to the members of the Industry as the Code Authority shall deem necessary or proper in order to effectuate the policy of such Title I.

ARTICLE IX—REPORTS AND STATISTICS

SECTION 1. Each member of the Industry shall, on or before the eighth day of each month, file with the Secretary a report or reports, substantially in such form as shall have been approved by the Code Authority, containing the information specified in Section 1 of Schedule D annexed hereto which shall relate to the business of such member.

SECTION 2. On or before the 15th day of such month the Secretary shall cause to be mailed to each member of the Industry a report or reports containing the information specified in Section 2 of Schedule D annexed hereto. If the Administrator shall so request, a copy of each such report shall also be sent to him.

SECTION 3. Within 30 days after the effective date of the Code (or, in the case of any member of the Industry which shall become such member after the approval of the Code by the President, within 30 days after it shall have become such member), each member of the Industry shall file with the Secretary a report describing in reasonable detail the cost accounting system employed by such member. The Code Authority shall, as soon as practicable after the filing of such report with the Secretary, cause such report to be examined by an accountant or accountants designated by the Code Authority and shall recommend to the respective members of the Industry such changes in their cost accounting systems as the Code Authority shall deem necessary or advisable to effectuate the purpose of the Code. At the request of any member of the Industry the Code Authority shall furnish such member with such information and/or assistance as the Code Authority may deem necessary or proper in order to enable such member to make such report or to put into effect any recommendations of the Code Authority in respect to the cost accounting system of such member.

SECTION 4. As soon as practicable after the effective date of the Code the Code Authority shall cause to be prepared and filed with the Secretary a standard form of proposal and a standard form of contract for the use of the members of the Industry in bidding or contracting for the sale of any product and/or for any erection work. From and after the date on which such standard forms shall be approved by the Code Authority and filed with the Secretary and notice of the filing thereof shall be given to the members of the Industry, each member of the Industry shall whenever possible use such forms in bidding or contracting for the sale of any product and/or for any erection work. A copy of such standard form of proposal and a copy of such standard form of contract when prepared shall be sent to the Administrator.

SECTION 5. Any or all information furnished to the Secretary by any member of the Industry, and any or all information furnished to the Code Authority by any such member in connection with any investigation by the Code Authority under any provision of the Code, shall be subject to checking for the purpose of verification by an examination of the books and accounts and records of such member by any accountant or accountants or other person or persons designated by the Code Authority and approved by such member and shall be so checked for such purpose, if the Code Authority shall require it. The cost of each such examination shall be treated as an expense of administering the Code, or a part of the costs and expenses of such investigation, as the case may be; provided, however, that if upon such examination any such information shall be shown to have been wilfully misrepresented in any material respect, such cost shall be paid by the member of the Code which furnished such information.

SECTION 6. Within 15 days after the effective date of the Code, (or, in the case of any member of the Industry which shall become such member after the approval of the Code by the President, within 30 days after it shall have become such member), each member of the Industry shall report to the Secretary, on forms to be provided by him for the purpose, the aggregate amount in tons of the products fabricated by such member and delivered by it for use in the United States and the aggregate amount in tons of the products the erection work on which was done by such member in the United States during each of the four calendar years 1928 to 1931, inclusive. In making such report work sublet by such member shall not be reported by it but shall be reported by any member of the Industry to which such work was sublet. As soon as practicable after receiving such reports, the Secretary shall compile and mail to each member of the Industry a statement showing the respective average annual amounts in tons of the products fabricated by each member of the Industry and delivered by it for use in the United States and of the products the erection work on which was done by each member of the Industry in the United States during said four calendar years, which amounts shall reflect any adjustments made by the Code Authority pursuant to the provisions of Section 4 of Article III of the Code. A copy of such statement shall also be sent to the Administrator.

SECTION 7. The Code Authority may in its discretion dispense with the requirement of any report or reports specified in Schedule D annexed hereto, if it shall determine that such report or reports are unnecessary.

SECTION 8. Except as otherwise provided in the Code, the Secretary shall keep confidential all individual reports of members of the Industry made under Section 1 of this Article IX.

SECTION 9. In addition to the reports hereinbefore in this Article IX referred to, the Code Authority shall have power from time to time to require each member of the Industry to furnish to the Secretary for the use of the Code Authority such statistical information concerning the production, shipments, sales and unfilled orders of such member and relating to compliance by such member with the provisions of Article IV of the Code as the Administrator or the Code Authority shall deem necessary in order to effectuate the purpose of the Code and the policy of Title I of the National Indus-

trial Recovery Act. Upon request all such information shall also be made available to the Administrator. Such information shall not be published except in such form as will not disclose separately any information furnished by individual members of the Industry.

ARTICLE X—LIQUIDATED DAMAGES

SECTION 1. Any violation of any provision of the Code by any member thereof shall constitute a violation of the Code by such member.

SECTION 2. Except in cases for which liquidated damages are provided in the Code and in cases which shall give rise to actions in tort in favor of one or more members of the Code for damages suffered by it or them, the members of the Code upon the recommendation of the Code Authority shall have power from time to time, by vote of members of the Code having the right to cast at least two-thirds of the votes that might be cast at a meeting of the members of the Code, if all the members of the Code were present thereat, to establish the amount of liquidated damages payable by any member of the Code upon the commission by such member of any act constituting an unfair practice under the Code and a list of the amounts so established shall from time to time be filed with the Secretary. Upon the commission by any member of the Code of any act constituting an unfair practice under the Code and for which liquidated damages are not provided in the Code or which does not give rise to an action in tort in favor of one or more members of the Code for damages suffered by it or them, such member shall become liable to pay to the Treasurer as an individual and not as treasurer of the Institute, in trust, liquidated damages in the amount at the time so established by members of the Code for such unfair practice and specified in the list then on file with the Secretary as aforesaid.

SECTION 3. All amounts paid to or collected by the Treasurer for liquidated damages under this Article X or under any provision of Article IV or of Article VII of the Code shall be held and disposed of by him as part of the funds collected under the Code and each member of the Code not guilty of the unfair practice in respect of which any such amount shall have been paid or collected shall be credited with its pro rata share of such amount on account of any and all assessments (other than damages for violation of any provision of the Code) due or to become due from such member under the Code, or in the case of any excess, as shall be determined by the Code Authority, such pro rata share to be computed on the same basis as the last previous assessment made against such member on account of the expenses of administering the Code as hereinbefore in Section 7 of Article VI provided. All rights of any person who shall at any time be the Treasurer in respect of any amounts which shall be payable to him because of the commission by any member of the Code of any act constituting an unfair practice under the Code, whether payable under the provisions of this Article X or under any other provision of the Code, shall pass to and become vested in his successor in office upon the appointment of such successor.

SECTION 4. Each member of the Code by becoming such member agrees with every other member thereof that the Code constitutes a

valid and binding contract by and among all members of the Code and that, in addition to all penalties and liabilities imposed by statute, any violation of any provision of the Code by any member thereof shall constitute a breach of such contract and shall subject the member guilty of such violation to liability for liquidated damages pursuant to the provisions of the Code. Each member of the Code by becoming such member thereby assigns, transfers and delivers to the Treasurer as an individual and not as treasurer of the Institute, in trust, all rights and causes of action whatsoever which shall thereafter accrue to such member under the Code for such liquidated damages by reason of any violation of the Code by any other member thereof, and thereby designates and appoints the Treasurer as such individual the true and lawful attorney-in-fact of such member to demand, sue for, collect and receipt for any and all amounts which shall be owing to such member in respect of any such right or cause of action, and to compromise, settle, satisfy and discharge any such right or cause of action, all in the name of such member or in the name of the Treasurer individually, as he shall elect.

SECTION 5. Anything in the Code to the contrary notwithstanding, the Code Authority by the affirmative vote of two-thirds of the whole Code Authority may waive all or any part of any liability for liquidated damages imposed by or pursuant to any provision of the Code for any violation of any provision thereof, if in its discretion it shall decide that such violation was innocently made and/or that the collection of such damages will not to any material extent tend to effectuate the policy of Title I of the National Industrial Recovery Act.

ARTICLE XI—GENERAL PROVISIONS

SECTION 1. Any notice, demand or request required or permitted to be given to or made upon any member of the Industry shall be sufficiently given or made if mailed postage prepaid addressed to such member at the address of such member on file with the Secretary. A waiver in writing signed by any member of the Industry of any such notice, demand or request and delivered to the Secretary shall be deemed to be the equivalent of a notice, demand or request duly given or made, whether or not such waiver was signed and delivered before the time when such notice, demand or request was required or permitted to be given or made.

SECTION 2. Nothing contained in the Code shall be deemed to constitute the members of the Code partners for any purpose. None of the members of the Code shall be liable in any manner to anyone for any act of any other member of the Code or for any act of the Code Authority, the Treasurer or the Secretary, or any committee, officer or employee appointed under the Code. None of the members of the Code Authority or of any committee appointed under the Code, nor the Treasurer, nor the Secretary, nor any officer or employee appointed under the Code, shall be liable to anyone for any action or omission to act under the Code, except for his wilful misfeasance or nonfeasance. Nothing contained in the Code shall be deemed to confer upon anyone other than a member of the Code any right, claim or demand whatsoever for the enforcement of any contractual obligation under the Code against any member of the Code or against

any member of the Code Authority or of any committee appointed under the Code or against the Treasurer or the Secretary or any officer or employee appointed under the Code.

SECTION 3. As soon as members of the Industry which would, if then members of the Code, have the right to cast at least two-thirds of all the votes that might be cast at a meeting of the members of the Code, if all members of the Industry were then members of the Code and present at such meeting, shall sign and deliver to the Secretary letters substantially in the form set forth in Schedule A annexed hereto, the Board of Directors of the Institute shall submit the Code to the President pursuant to the provisions of Title I of the National Industrial Recovery Act and, upon the approval of the Code by the President pursuant to the provisions of such Title I, it shall constitute a binding contract by and among the members of the Code and the provisions thereof shall become effective and shall be the standards of fair competition for the Industry on and after the eleventh day after the day on which it shall have been so approved; subject, however, to amendment or termination as hereinafter in Article XII provided and subject also to the provisions of Section 7 of this Article XI.

SECTION 4. To the extent required or made possible by or under the provisions of Title I of the National Industrial Recovery Act the provisions of the Code (including, but without limitation or restriction or any provision of this Section 4, all of the provisions of Article IV of the Code) shall apply to and be binding upon every member of the Industry, whether or not such member shall be a member of the Code.

SECTION 5. Except to the extent that other specifications shall be prescribed by the purchaser, owner or contractor, each member of the Industry shall conform to the Code of Standard Practice and Standard Specifications of the Institute in the fabrication of any product and/or any erection work thereon by such member.

SECTION 6. Subject to the provisions of Section 8 of Article VI of the Code, the Code Authority shall have power from time to time to interpret and construe the provisions of the Code, including, but without any limitation upon the foregoing, the power to determine what are products and what operations are included in the Industry within the meaning of those terms as they are used in the Code. Anything in the Code to the contrary notwithstanding, the members of the Code may, at any meeting of such members by vote of such members having the right to cast at such meeting at least two-thirds of all the votes that might be cast at such meeting, if all the members of the Code were present thereat, rescind or modify any interpretation, construction, action, decision, rule or regulation made or taken by the Code Authority. Prompt notice of any action of the Code Authority or of the members of the Code under the provisions of this Section 6 shall be given to the Administrator. The Administrator may suspend and/or disapprove any action taken by the members of the Code under the provisions of this Section 6 in the same manner and with the same effect as is provided in Section 8 of Article VI of the Code in the case of action taken by the Code Authority.

SECTION 7. Pursuant to subsection (b) of Section 10 of the National Industrial Recovery Act, the President may from time to time

cancel or modify any order, approval, license, rule or regulation issued under Title I of said Act.

SECTION 8. The Secretary shall cause a copy of the Code as approved by the President to be mailed to each member of the Industry known to the Institute within five days after the approval of the Code by the President. Within 45 days after the effective date of the Code each member of the Code shall make application to the Code Authority for official copies of the provisions of the Code relating to hours of labor, rates of pay and other conditions of employment and, upon being furnished with such official copies, such member shall post, and thereafter maintain, such copies in conspicuous places accessible to its employees.

ARTICLE XII—AMENDMENTS—TERMINATION

SECTION 1. The Code may be amended at any time in the manner hereinafter in this Section 1 provided. Subject as provided in Section 5 of Article VII hereof, the changing of any schedule hereto or the addition hereto of any new schedule shall constitute an amendment of the Code. Amendments may be proposed by the Code Authority by vote of the majority of the members thereof at the time in office and entitled to vote or by members of the Industry having the right to cast at least 50% of all the votes that might be cast at a meeting of the members of the Industry if all such members of the Industry entitled to vote were present thereat. Each amendment so proposed shall be submitted to a meeting of the members of the Industry which shall be called for such purpose upon notice given in accordance with the provisions of Section 3 of Article III and Section 1 of Article XI of the Code. If at such meeting members of the Industry having the right to cast at least two-thirds of all the votes that might be cast at such meeting, if all members of the Industry entitled to vote were present thereat, shall vote in favor of the adoption of such amendment, such amendment shall be submitted by the Code Authority to the President for approval, if approval thereof by him shall then be required by law. Every such amendment shall take effect as a part of the Code upon the adoption thereof by the members of the Industry as above provided and the approval thereof by the President, if approval thereof by him shall be required as aforesaid, or upon the effective date specified in such amendment or in such approval, if an effective date shall be specified therein.

SECTION 2. The Code may be terminated at any time either by action of the President as hereinbefore provided or by the same vote of members of the Industry as is above provided for the amendment thereof. When so terminated all obligations and all liabilities under the Code shall cease, except those for unpaid assessments theretofore made in accordance with the provisions of the Code and those that shall have accrued under any provision of the Code prior to the termination thereof.⁹

Approved Code No. 480.
Registry No. 1135-22.

⁹ Deleted. See paragraph 2 (9) of order approving this Code.

SCHEDULE A

FORM OF LETTER OF ASSENT TO THE CODE

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To the SECRETARY OF AMERICAN INSTITUTE OF STEEL CONSTRUCTION, INC.,
200 Madison Avenue, New York, N.Y.

DEAR SIR: The undersigned, desiring to become a member of the Code of Fair Competition of the Structural Steel and Iron Fabricating Industry, a copy of which is annexed hereto marked Annex A, hereby assents to all of the provisions of said Code (hereinafter referred to as the Code), and, effective as of the date on which the Code shall have been approved by the President of the United States of America as therein provided, or as of the date on which this letter shall have been delivered, if delivery thereof shall have been made subsequent to the date on which the Code shall have been approved by said President as aforesaid, by the signing and delivery of this letter becomes a member of the Code and effective as aforesaid hereby agrees with every person, firm, association and corporation who shall then be or thereafter become a member of the Code that the Code shall constitute a valid and binding contract between the undersigned and all such other members.

Effective as aforesaid pursuant to Section 4 of Article X of said Code, the undersigned (a) hereby assigns, transfers and delivers to the Treasurer under the Code, as an individual and not as treasurer of American Institute of Steel Construction, Inc., in trust, all rights and causes of action whatsoever hereafter accruing to the undersigned under the Code for liquidated damages by reason of any violation thereof by anyone, and (b) hereby designates and appoints said Treasurer as such individual the true and lawful attorney-in-fact of the undersigned, to demand, sue for, collect and receipt for any and all amounts which shall be owing to the undersigned in respect of any such right or cause of action, and to compromise, settle, satisfy and discharge any such right or cause of action, all in the name of the undersigned or in the name of said Treasurer, as said Treasurer shall elect.

For all purposes of Section 1 of Article XI of the Code the address of the undersigned, until it shall file with the Secretary of American Institute of Steel Construction, Inc., written notice of a change of such address, shall be as set forth at the foot of this letter.

Very truly yours,

Address: _____.

SCHEDULE B

DESCRIPTION OF DISTRICTS

For the purposes of the Code the seven districts hereinafter described are established:

District No. 1 comprising the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware and Maryland and the District of Columbia, and that portion of the State of Pennsylvania east of a line drawn north and south through said State and touching the eastern boundary of the City of Altoona.

District No. 2 comprising the States of Ohio and West Virginia and the lower peninsula of the State of Michigan; that portion of the State of Pennsylvania west of a line drawn north and south through said State and touching the eastern boundary of the City of Altoona; and those portions of the States of Indiana and Kentucky east of a line drawn north and south through said States and touching the eastern boundary of the City of Indianapolis.

District No. 3 comprising the States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi and Tennessee, and that portion of the State of Louisiana east of a line drawn north and south through said State 25 miles west of the western boundary of the City of New Orleans.

District No. 4 comprising the States of Montana, North Dakota, South Dakota, Minnesota, Wisconsin, Iowa and Illinois and the upper peninsula of the State of Michigan; that portion of the State of Missouri east of a line drawn north and south through said State touching the eastern boundary of the City of Boonville; and those portions of the States of Indiana and Kentucky west of the aforesaid line drawn north and south through said States touching the eastern boundary of the City of Indianapolis.

District No. 5 comprising the States of Wyoming, Utah, Colorado, Nebraska and Kansas and that portion of the State of Missouri west of the aforesaid line drawn north and south through said State touching the eastern boundary of the City of Boonville.

District No. 6 comprising the States of Arkansas, New Mexico, Oklahoma and Texas and that portion of the State of Louisiana west of the aforesaid line drawn north and south through said State 25 miles west of the western boundary of the City of New Orleans.

District No. 7 comprising the States of Washington, Oregon, Idaho, California, Nevada, and Arizona and the Territory of Hawaii, the Territory of Alaska and the Canal Zone.

SCHEDULE C

MINIMUM RATES OF PAY

I. MINIMUM RATES OF PAY FOR COMMON LABOR IN PLANTS

The minimum rates of pay per hour hereinafter in this Subdivision I of this Schedule C specified for the cities of New York, Chicago and Pittsburgh shall apply to all plants located within a radius of 30 miles from the respective City Halls of such cities and the minimum rates of pay per hour hereinafter in this Subdivision I of this Schedule C specified for any other city shall apply to all plants located within a radius of 20 miles from the City Hall of such city.

<i>District No. 1</i>	Minimum rate of pay per hour for common labor
Locality	
New York, N.Y.-----	40¢
Buffalo, N.Y., Rochester, N.Y., Syracuse, N.Y., Albany, N.Y., Utica, N.Y., and all localities in the New England States--	38¢
All other localities in District No. 1-----	35¢
 <i>District No. 2</i>	
Pittsburgh, Pa., Youngstown, O., Cleveland, O., Akron, O., Detroit, Mich., and Wheeling, W.Va-----	40¢
Toledo, O., Canton, O., Dayton, O., Massillon, O., Flint, Mich., and Lansing, Mich.-----	37¢
All other localities in District No. 2-----	35¢
 <i>District No. 3</i>	
All localities in District No. 3-----	30¢
 <i>District No. 4</i>	
Chicago, Ill.-----	40¢
Milwaukee, Wis., Minneapolis, Minn., St. Paul, Minn., and St. Louis, Mo.-----	37¢
All other localities in District No. 4-----	35¢
 <i>District No. 5</i>	
Kansas City, Mo., and Denver, Colo.-----	37¢
All other localities in District No. 5-----	35¢
 <i>District No. 6</i>	
All localities in the State of Texas-----	30¢
All other localities in District No. 6-----	33¢
 <i>District No. 7</i>	
Seattle, Wash.-----	38¢
San Francisco, Cal.-----	37¢
Territory of Hawaii-----	30¢
All other localities in District No. 7-----	35¢

II. MINIMUM RATES OF PAY FOR COMMON LABOR IN ERECTION WORK

The minimum rates of pay per hour hereinafter in this Subdivision II of this Schedule C specified for any city shall apply to all erection work within the city limits of such city; provided, however, that the provisions of this Subdivision II shall not be construed as establishing minimum rates of pay for other than common labor.

<i>District No. 1</i>	Minimum rates of pay per hour for common labor
Locality	
New York, N.Y.-----	75¢
Newark, N.J., Jersey City, N.J., Washington, D.C., and all localities on Long Island, N.Y., (outside of the City of New York) and in Westchester County, N.Y.-----	65¢
Boston, Mass., Springfield, Mass., Worcester, Mass., Hartford, Conn., New Haven, Conn., Albany, N.Y., Buffalo, N.Y., Rochester, N.Y., Syracuse, N.Y., Utica, N.Y., Philadelphia, Pa., and Baltimore, Md.-----	55¢
All other localities in District No. 1-----	50¢
<i>District No. 2</i>	
Cleveland, O., Pittsburgh, Pa., and Wheeling, W.Va.-----	60¢
Detroit, Mich., Cincinnati, O., and Columbus, O.-----	55¢
Charleston, W.Va.-----	45¢
All localities in the State of West Virginia outside of Charles- ton and Wheeling-----	40¢
All other localities in District No. 2-----	50¢
<i>District No. 3</i>	
All localities in District No. 3-----	40¢
<i>District No. 4</i>	
Chicago, Ill., and St. Louis, Mo.-----	60¢
All localities in the States of Wisconsin and Illinois outside of Chicago, and all localities in those parts of the States of Indiana and Kentucky included in District No. 4-----	50¢
All other localities in District No. 4-----	45¢
<i>District No. 5</i>	
Kansas City, Mo., and Denver, Colo.-----	55¢
All other localities in District No. 5-----	45¢
<i>District No. 6</i>	
All localities in District No. 6-----	40¢
<i>District No. 7</i>	
Oakland, Cal., and San Francisco, Cal.-----	60¢
Seattle, Wash., Los Angeles, Cal., and Portland, Ore.-----	55¢
All other localities in District No. 7-----	45¢

¹ Subdivision I deleted and substitution inserted. See paragraph 2 (10) of order approving this Code.

SCHEDULE D

CONCERNING REPORTS AND STATISTICS

SECTION 1. The monthly reports required to be filed with the Secretary by members of the Industry shall include the following information:

(a) An Individual Contract Report showing separately each contract for the sale of any product or products and/or the erection work thereon in an amount exceeding 25 tons in the aggregate taken during the preceding calendar month, with a brief description and the location of the job, the owner's name, the architect's or engineer's name, the weight, the selling price, all itemized as per the bid, including materials and work outside the Industry, and also the specified delivery dates. The weights shall be totaled for such calendar month and to date for the current calendar year. This report shall be divided according to the districts (as described in Schedule B to the Code) in which the jobs are located, and sub-totals shall be given of the tonnage sold in each of the districts for such calendar month and to date for the current calendar year. When the weight of a job sold is uncertain an approximate weight shall be given and noted as approximate, and a supplemental report shall be filed giving the correct weight as soon as the information shall be available. Contracts for 25 tons or less shall be lumped under each of the districts as "Miscellaneous Contracts", giving the total weights only; but the Code Authority may in its discretion, require a report on any such contract detailed as above set forth.

(b) An Individual Production Report showing the tonnage fabricated for delivery into each of the districts during the preceding calendar month and to date for the current calendar year.

(c) An Individual Shipment Report showing the tonnage shipped into each of the districts during the preceding calendar month and to date for the current calendar year.

(d) An Individual Shop Schedule showing the tonnage scheduled for fabrication in each of the succeeding calendar months for delivery into each of the districts.

(e) An Individual Erection Report showing the tonnage products the erection work on which was done in each of the districts during the preceding calendar month and to date for the current calendar year.

(f) An Individual Proposal Report showing separately for each bid for the delivery of, and/or erection work on, more than 25 tons of any product or products made during the preceding calendar month, the name and location of the job, the owner's name, the architect's or engineer's name and the estimated weight of such product or products.

(g) A Labor Report in such form and containing such information in respect of number of employees, hours of labor and rates of pay as shall be required by the Code Authority to effectuate the purpose of the Code.

SECTION 2. The monthly reports to be mailed to members of the Industry by the Secretary shall include the following:

(a) A Consolidated Report showing the total tonnage sold for each of the districts during the preceding calendar month and for the current calendar year to date with totals for the United States.

(b) A Consolidated Production Report showing the total tonnage fabricated for delivery into each of the districts during the preceding calendar month and for the current calendar year to date.

(c) A Consolidated Shipment Report showing the total tonnage shipped into each of the districts during the preceding calendar month and for the current calendar year to date.

(d) A Consolidated Shop Schedule showing the total tonnage scheduled for fabrication in each of the succeeding calendar months for delivery into each of the districts.

(e) A Consolidated Erection Report showing the total tonnage of products the erection work on which shall have been done in each district during the preceding calendar month and for the current calendar year to date.

(f) A Report showing the total tonnage sold during the preceding calendar month and for the current calendar year to date by each member of the Industry and showing in such form as the Code Authority shall approve the amounts thereof sold for future delivery.

(g) Each of the reports hereinbefore in paragraphs (a) to (e) inclusive of this Section 2 provided for shall also show by current and cumulative percentages how each of the districts compares with the United States as a whole.

SCHEDULE E

STANDARD TERMS OF PAYMENT

The following shall be the standard terms of payment for products and/or erection work:

1. All payments shall be made in funds current at par in the city or town in which the member of the Industry selling the product and/or doing the erection work is located.

2. In the case of any contract for the sale of any product or products the erection work on which is to be done by the member of the Industry selling such products, the purchaser shall on the 10th day of each month pay an amount at least equal to 90% of the contract value of all products shipped, stored or ready for shipment and 90% of the contract value of the erection work performed, during the preceding calendar month, and shall pay the remainder thereof within 10 days after the completion of the work under such contract; provided, however, that the aggregate amount retained by the purchaser shall not at any time exceed twice the contract value of the product or products then remaining to be delivered and/or the erection work then remaining to be done under such contract.

3. When the erection work on any product sold is not to be done by the member of the Industry selling such product payment of the contract value of each shipment of such product shall be made on the 10th day of the month following the month in which such shipment was made.

4. Unless otherwise agreed with the purchaser, whenever any product is sold delivered to the purchaser or freight charges thereon are allowed to the purchaser thereof, such purchaser shall pay such freight charges and the member of the Industry selling such product shall accept receipted freight bills therefor as cash to be applied on any payments falling due at or after the delivery of the product or products covered by such freight bills.

5. All payments for any product or products and/or erection work shall be deemed to be due and shall be paid at the times specified in the contract therefor regardless of the time of final settlement for any other work and, in the case of any contract with a general contractor, payment for any product or products and/or for the erection work thereon shall not be delayed by such general contractor pending his receipt of payments or estimates of payments from the owner of the structure for which any such product was used or on which any such erection work was done.

6. All overdue payments shall bear interest at the maximum applicable legal rate.

7. Nothing in this Schedule E contained shall be deemed to apply to any sale or contract of sale of any product to, or to any contract for erection work with, the Government of the United States of America or the Government of any state, territory, municipality or other governmental authority in the United States in any case in which such Government shall pursuant to law impose terms of payment other than those prescribed in this Schedule E; *provided, however*, that in any such case none of the members of the Industry shall allow to any such Government terms of payment more favorable than these which shall be prescribed by such Government pursuant to law.

SCHEDULE F

LIST OF UNFAIR PRACTICES

For all purposes of the Code the following described acts shall constitute unfair practices:

A. Making or promising to any purchaser or prospective purchaser of any product or to the owner of any structure or any contractor or prospective contractor for work on such structure, or to any officer, employee, agent or representative of any such purchaser, prospective purchaser, owner, contractor or prospective contractor, any bribe, gratuity, gift or other payment or remuneration, directly or indirectly; *provided, however*, that this provision shall not be construed to prohibit the free and general distribution of articles commonly used for advertising, except in so far as such articles are actually used for commercial bribery.

B. Procuring, otherwise than with the consent of any member of the Industry, any information concerning the business of such member which is properly regarded by it as a trade secret or confidential within its organization, other than information relating to a violation of any provision of the Code.

C. Imitating or simulating any mark or brand owned or used (with the consent of the owner thereof) by any other member of the Industry without consent of such member.

D. Using or substituting any second hand material or any material inferior in quantity, quality or workmanship to that specified in the contract for the product or work for which such material is used, without the consent of the other party or parties to such contract, or using or substituting any material or any method of fabrication or erection not in accord with any applicable law, rule or regulation of any governmental authority or, except as may be otherwise required by any such law, rule or regulation, with the Standard Specifications and Code of Standard Practice of the Institute as at the time in effect.

E. Paying or allowing to any purchaser, owner or contractor in connection with the sale of any product and/or with any erection work any rebate, commission, credit, discount, adjustment or similar concession other than as shall be permitted under the Code and specified in the contract for such sale and/or erection work.

F. Disseminating, publishing or circulating any false or misleading information relative to any product or work or the price for any product or work of any member of the Industry, or the credit standing of any member thereof or the ability of any member thereof to perform any work, or to the conditions of employment among the employees of any member thereof.

G. Inducing or attempting to induce by any means any party to a contract with a member of the Industry to violate such contract.

H. Aiding or abetting any person in any unfair practice.

I. Making any sale or contract for the sale of any product or for any work under any description which does not fully describe such product or work in terms customarily used in the Industry or using or substituting any material superior in quality to that specified by the purchaser of any product for the purpose of selling such product at a price less than that at which it is customarily sold under a proper description.

J. Allowing to any purchaser of any product or to any owner or contractor to whom such product is furnished or for whom any erection work has been or is to be done any back charge or credit upon the price of such product or such erection work, except a fair and reasonable back charge or credit for an actual failure to fabricate such product and/or do such erection work in accordance with the provisions of the contract therefor, when the effect thereof is to allow to such purchaser, owner or contractor a secret rebate on the price of such product or erection work.

K. Selling any product or doing any erection work in combination with any other product or material or work, unless such other product or material or work shall be included in the aggregate price at the fair value of such other product or material or work.

L. Making to any purchaser or prospective purchaser or to any owner or contractor any promise to meet any and all bids which may thereafter be made to such purchaser or prospective purchaser, owner or contractor for any work.

M. Knowingly bidding for any work or mentioning to the purchaser, owner or contractor any price for such work after the contract for such work shall have been let to another member of the Industry.

N. Designing any structure otherwise than in accordance with the requirements of the standard specifications of the Institute at the time in effect, except in cases not covered by such specifications or in which other requirements shall be specified by the purchaser, owner or contractor for whom such structure shall be designed.

O. Reporting to any insurer under a workmen's compensation or public liability insurance contract any payroll showing other than the actual amounts paid to employees on the work covered by such insurance for the period or periods stated in such payroll for the purpose or with the effect of reducing any premium for such insurance below the premium therefor which would be payable if the correct amounts paid to such employees for such period or periods were reported to such insurer.

P. Inducing or attempting to induce any prospective purchaser to purchase any product by assisting such prospective purchaser to procure anyone to do the erection work thereon otherwise than in compliance with the provisions of the Code relating to hours of labor and rates of pay or by guaranteeing that the cost of such erection work when so done will not exceed a certain amount.

Q. Any violation of any other provision of the Code, whether or not therein expressed to be an unfair practice.¹

¹ Sections R, S, and T added. See paragraph 2 (11) of order approving this Code.

SCHEDULE G

CONCERNING COMPETITIVE BIDDING PRACTICES

The following are the provisions referred to in Section 9 of Article VII of the Code and are applicable as provided in said Section:

SECTION 1. *Competitive Bidding Defined.*—(a) The term “competitive bidding” as used herein shall mean the submission at or before a definite predetermined time of comparable proposals by two or more invited persons to an awarding authority to execute a specific program of work, furnishing a definite service or supplying a material specifically required for a particular project at a stipulated price. This does not include furnishing quotations on standard products.

(b) The term “awarding authority” as used herein shall mean any member of the industry who may upon competitive bidding award contracts.

SECTION 2. *Bid Peddling and Bid Shopping.*—(a) The practices commonly known as “bid peddling” or “bid shopping” are recognized as unfair and are prohibited. Bid peddling in effect means the offering by the bidder prior to the making of an award of a substitute bid or price lower than the one originally bid without a commensurate decrease in the requirements of the job. The correction of the abuses resulting from such practice is obtainable by regulation restricting or controlling bidders.

(b) Bid shopping in effect means the effort on the part of the awarding authority to induce a bidder prior to the making of the award to lower his original bid price without a commensurate decrease in the requirements of the job. The correction of the abuses resulting from such practice is obtainable by regulation restricting or controlling the awarding authority.

SECTION 3. *Limitation on Bids and Alternates.*—(a) Since it is recognized that the preparation of a bid is a service involving an expense to the bidder and that the inviting of an unreasonable number of bids is an economic waste, the awarding authority shall not invite an unnecessary number of bids.

(b) Only a limited number of alternate proposals shall be required in connection with any bid, and no alternate proposal of a bidder shall be considered by the awarding authority, unless the privilege of alternate proposals is extended to all bidders.

SECTION 4. *Uniformity of Information.*—The awarding authority shall make available uniformly to all bidders, plans and/or specifications or other requisite information which shall be sufficiently complete to enable each bidder to prepare a definite bid in accordance with the regulations herein provided for. He shall prescribe terms of competition which shall insure parity of standing to all bidders.

SECTION 5. *Qualification of Bidders.*—The awarding authority shall not invite bids from a bidder unless such bidder shall have demonstrated to the satisfaction of the awarding authority that he is competent technically and financially to perform the work, and the ability of a bidder to obtain a performance bond shall not be regarded as the sole test of such bidder's competency.

SECTION 6. *Award at Original Price.*—An award if made shall be made at the bidder's original bid price. It is recognized that competition based solely on price is sometimes unfair and accordingly the awarding authority may make an award to a competitive bidder other than the lowest bidder provided the award is made at such competitor's original bid price.

SECTION 7. *Receipt of Bids.*—The awarding authority shall designate a specific hour and place for receiving competitive bids. All bids to be submitted by subcontractors shall be delivered to the Contractor at least 24 hours prior to the time set for the receipt of the bid of said contractor by the awarding authority. Bids received after such time or from uninvited bidders shall be returned unopened. All bids shall be required to be signed by a duly

authorized representative of the bidder and enclosed in a sealed envelope on the outside of which shall appear its identification as a bid for the particular job.

SECTION 8. *No Influencing of Bidders.*—The awarding authority shall not at any time prior to the specified time for the receipt of bids convey to any bidder information relating to the price or terms of any other bids in order to influence the price or terms of such bidder.

SECTION 9. *Collusion Prohibited.*—There shall be no collusion between the awarding authority and any bidder, nor between the different bidders in the preparation of any bid. The awarding authority shall not use any bid which is so unduly low as to indicate an error or mistake in estimating without first giving the bidder the opportunity of demonstrating by cost sheets or other methods the correctness of the bid that he has submitted.

SECTION 10. *Time Limit on Awards.*—The awarding authority shall make an award or reject all bids for the principal contract with the owner within twenty (20) days after the stipulated time for the receiving of bids except where an extension of time has been requested from the bidders and has been consented to by two or more bidders. In the case of bids conditioned upon the award of a previous contract, each succeeding awarding authority shall make an award or reject all bids within thirty (30) days after the award of such previous contract except as to such bidders as shall agree to an extension of time. The right to reject any or all bids may be reserved by the awarding authority, and such rejection shall be made in writing. Where all bids are rejected, bids shall not be again invited or submitted for the mere purpose of obtaining a lower or revised price or prices for substantially the same work previous to the elapse of ninety (90) days from the date of such rejection, except there be a substantial change in the plans and/or specifications, or except there be evidence of collusion, or except there be such a marked difference between the bids submitted and the awarding authority's estimate as to the valuation of the work as would indicate to the awarding authority and his Code Authority the necessity of new bids in order to secure fair competition.

SECTION 11. *Naming of Subcontractors.*—Before making an award the awarding authority may require any bidder to name the subcontractors whom such bidder intends to employ for the various divisions of the work bid upon.

SECTION 12. *Rebates, Refunds and Discounts.*—The awarding authority shall not accept rebates, refunds, discounts, or other special allowances or services from a bidder unless included by the bidder in his original bid.



Approved Code No. 481

CODE OF FAIR COMPETITION
FOR THE
WOOD PRESERVING INDUSTRY

As Approved on July 13, 1934

ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE WOOD PRESERVING
INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Wood Preserving Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 13, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Wood Preserving Industry, as revised after a public hearing conducted in Washington, D.C., on April 6, 1934, in accordance with the provisions of Title I of the National Industrial Recovery Act.

PROVISIONS AS TO HOURS AND WAGES

Employees are not permitted normally to work in excess of eight hours per day or forty hours per week. When peaks of production or climatic conditions make necessary longer working periods, forty-eight hours per week is permitted for not to exceed twelve weeks of the year. Employees are not permitted to work more than six days out of any seven.

Hourly limitations do not apply to executives, supervisors, chemists or technical engineers who regularly receive thirty-five dollars or more per week, nor to outside buyers and outside salesmen; nor to employees engaged in emergency work involving breakdowns or the protection of life or property, provided one and one-half times the normal rate is paid for hours worked in excess of forty-four per week or ten per day. Employers shall not permit accounting, clerical or office employees to work in excess of forty hours per week. Watchmen are not permitted to work in excess of fifty-six hours per week.

Minimum hourly rates of pay are established in four regional divisions: (a) forty cents on the Pacific coast, (b) twenty-eight cents in an intermediate zone between northern and southern regions, (c) twenty-five cents in the southern region and (d) thirty-five cents in the balance and geographically larger part of the country. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

Accounting, clerical, office, service, delivery and sales employees, outside buyers and watchmen shall receive a minimum of either fifteen, fourteen and one-half or fourteen dollars a week depending upon the population of the place of their employment but in no event less than twelve dollars a week. Junior office employees are limited to five percent of the number of office employees, and shall receive not less than the minimum of twelve dollars a week.

A minimum rate of pay is established, regardless of whether an employee is compensated on a time rate, piece work or other basis. Compensation of employees receiving more than the minimum shall be equitably adjusted and reported to the Code Authority but in no event shall rates of pay be reduced. No person under sixteen years of age shall be employed in the Industry nor any person under eighteen years of age in hazardous operations.

ECONOMIC EFFECTS OF THE CODE

This Industry is of considerable significance in the conservation of our forest resources. Through its operations, woods of short natural life are so treated as to have comparable value in various construction uses, with wood of greater value and even with reinforced concrete.

Prior to the National Industrial Recovery Act, the standard work-week in the Industry was sixty hours. The actual average of hours worked per week was fifty hours, resulting from various causes. Under the Code this has been reduced to a standard of forty hours, with flexibility obtained by permitting a maximum of forty-eight hours when peaks of demand, weather or other conditions peculiar to the Industry, require these hours.

Employment in 1929 totaled 10,000 workers. This declined in June, 1933, to about 5,500. Under the President's Reemployment Agreement somewhat over 1,000 have been reemployed.

The Code wage rates represent wage increases in the three sections of the country, of from four to sixty-eight percent over unskilled labor rates prevailing in June, 1933. It is estimated that over thirty-five percent of the plant employees will benefit.

As a result of setting up a borderline territory between the distinctly northern and southern sections of the country, some improvement in the competitive situation may be expected, in addition to benefits to labor in this section.

FINDINGS

The Assistant Deputy Administrator in his final report to me on said Code, having found as herein set forth and on the basis of all the proceedings in this matter;

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provision of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant group is truly representative of the aforesaid Industry.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Code.

For these reasons, therefore, the Code has been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 13, 1934.

CODE OF FAIR COMPETITION FOR THE WOOD PRESERVING INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Wood Preserving Industry, and shall be the standard of fair competition for this Industry, and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

SECTION 1. The term "Wood Preserving Industry" or "industry" as used herein is defined to mean the business of preservatively treating wood by pressure processes on a commercial basis, involving sale of services and/or materials whether as a final process or as a part of a larger or further process.

SECTION 2. The term "pressure processes" as used herein is defined to mean those processes in which pressure is employed to force preservative into wood enclosed in a sealed vessel.

SECTION 3. The term "member of the Industry" as used herein includes any individual, partnership, association, corporation or other entity engaged in the Industry as above defined, either as an employer or on his or its own behalf.

SECTION 4. The term "employee" as used herein includes any and all persons engaged in the Industry in any capacity, receiving compensation for his services, irrespective of the nature or method of payment of such compensation, except a member of the Industry.

SECTION 5. The term "employer" as used herein includes anyone in the Industry by whom any such employee is compensated or employed.

SECTION 6. The terms "President", "Act", and "Administrator" as used herein, mean respectively, the President of the United States, Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

SECTION 7. The terms "population" and "trade areas" as used herein shall be determined by reference to the latest Federal Census.

ARTICLE III—HOURS

SECTION 1. No employee shall be permitted to work in excess of eight (8) hours per day and/or forty (40) hours per week, except as provided in later sections of this article, or as climatic conditions or peaks of production make necessary longer working periods, when additional hours may be worked in any week but not to exceed a total of ninety-six (96) additional hours in any calendar year and

not to exceed forty-eight (48) hours in any week. If, in such periods, any employee works in excess of forty-four (44) hours per week and/or ten (10) hours per day, he shall be compensated for such excess hours at one and one-half times his normal hourly rate.

SECTION 2. The limitations on hours of work contained herein shall not apply to executives, supervisors, chemists, technical engineers regularly receiving thirty-five (35) dollars or more per week nor to outside salesmen and outside buyers; provided, however, that supervisors engaged in manual labor or mechanical operations are not included in this exception.

SECTION 3. Employees engaged in emergency work involving breakdowns or the protection of life or property may be permitted to work in excess of the maximum hours, provided that all hours worked in excess of forty-four (44) in any week and/or ten (10) in any day are paid for by overtime of at least one and one half times the normal hourly rate.

SECTION 4. Watchmen shall not be permitted to work in excess of fifty-six (56) hours in any week, no overtime being required.

SECTION 5. Accounting, clerical and office employees shall not be permitted to work in excess of forty (40) hours in any week, or nine (9) hours in any day. A normal day shall not exceed eight (8) hours.

SECTION 6. No employee shall be permitted to work more than six (6) days in any seven (7) day period.

SECTION 7. No employer shall knowingly permit any employee to work for any time which, when added to the time spent at work for another employer or employers, exceeds the maximum permitted herein.

SECTION 8. Employers shall so administer work in their charge as to provide a maximum practicable continuity of employment for their employees.

ARTICLE IV—WAGES

SECTION 1. No employee, except as herein provided, shall be paid less than:

(a) Forty (40) cents per hour in the Pacific Coast Region, which shall consist of the States of California, Oregon, except Wasco County, and Washington, except Spokane County.

(b) Twenty-eight (28) cents per hour in that part of West Virginia south and west of the Kanawha and New Rivers; the State of Kentucky; the southern tier of Indiana Counties which border the Ohio River; the Illinois Counties of White, Hamilton, Jefferson, Washington, Randolph and the other counties south of the above mentioned, in the State of Illinois, and in the State of Virginia, except Nansemond and Norfolk Counties.

(c) Twenty-five (25) cents per hour in the States of Texas, Oklahoma, Arkansas, Louisiana, Mississippi, Tennessee, Florida, Alabama, Georgia, South Carolina, North Carolina and in the Virginia Counties of Nansemond and Norfolk.

(d) Thirty-five (35) cents per hour in all other states and parts thereof.

SECTION 2. Minimum rates of pay established shall apply irrespective of whether an employee is compensated on a time rate, piece work, or other basis.

SECTION 3. Equitable adjustment of compensation of employees receiving more than the minimum rates of pay herein prescribed shall be made by all employers who have not heretofore made such adjustments under the National Industrial Recovery Act, and all employers shall within sixty (60) days after approval of this Code, report in full to the Code Authority and the Administrator for approval concerning such adjustments provided, however, that in no event shall present rates of pay be reduced. Such report shall indicate wages before and after adjustment and the dates of adjustment.

SECTION 4. Accounting, clerical, office, service, delivery and sales employees, outside buyers, and watchmen, except office boys and girls, shall be paid not less than fifteen (15) dollars per week in any city of over 500,000 population, or in the immediate trade area of such city; nor less than fourteen and one-half (14½) dollars per week in any city between 250,000 and 500,000 population, or in the immediate trade area of such city; nor less than fourteen (14) dollars per week in any city or place of between 2,500 and 250,000 population, or in the immediate trade area thereof; nor less than twelve (12) dollars in places of less than 2,500 population.

Office boys and girls shall be paid at least eighty (80) per cent of the above minimum weekly rates but in no event less than twelve (12) dollars per week; provided that the number of such employees does not exceed five (5) per cent of the total employees in any one office. Each office may have at least one such employee.

SECTION 5. A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage below the minimum established by this Code, if the employer obtains from the state authority designated by the United States Department of Labor, a certificate authorizing his employment at such wage as shall be stated in the certificate, but such employees shall not exceed five per cent of any employer's total number of employees. Each employer shall file with the Code Authority a list of all such persons employed by him.

SECTION 6. Employers shall make payment of all wages due in lawful currency or by negotiable check at regular pay periods, which shall occur at least twice each month. These payments shall be exempt from any deductions for pensions, insurance or sick benefits other than those voluntarily made by employees or required by law. The employer or his agent shall accept no rebates directly or indirectly on any wages.

SECTION 7. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. No person under sixteen (16) years of age shall be employed in the Industry, nor anyone under eighteen (18) years of age at occupations hazardous in nature or detrimental to health. The Code Authority shall submit to the Administrator for approval within three (3) months after the effective date of this Code a list of all such occupations. In any State, an employer shall be deemed to have complied with this provision if he shall have on file a certificate or permit duly issued by the authority in such State empow-

ered to issue employment or age certificates or permits, showing that the employee is of the required age.

SECTION 2. It is hereby provided that:

(a) Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection:

(b) No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing; and

(c) Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

SECTION 3. No provision in this Code shall supersede any State or Federal law which imposes on employers more stringent requirements as to the age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions, or insurance, or fire protection, than are imposed by this Code.

SECTION 4. All employers shall post and keep posted official copies of the labor provisions of this Code in conspicuous places accessible to all employees. Every member of the Industry shall comply with all rules and regulations relative to the posting of provisions of Codes of Fair Competition which may from time to time be prescribed by the Administrator.

SECTION 5. No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge so as to defeat the purposes or provisions of the Act or of this Code.

SECTION 6. Every employer shall provide for the safety and health of employees during the hours and at the places of their employment. Standards for safety and health shall be submitted by the Code Authority to the Administrator for approval within three (3) months after the effective date of the Code.

SECTION 7. No employee shall be discharged by reason of making a complaint or giving evidence with respect to an alleged violation of this Code.

SECTION 8. No employee now employed at a rate above the minimum shall be discharged and reemployed or replaced at a lower rate for the purpose of evading the provisions of this Code.

SECTION 9. The Code Authority shall make a study of the effects upon the Industry and upon the employees engaged therein, of the wage and hour provisions of the Code, having in view the practicability of (1) reducing the maximum hours permitted, (2) increasing the hourly wage rates, (3) whether Nansemond and Norfolk Counties, Virginia, shall be included in Paragraph (b) of Section 1, Article IV, and (4) whether Spokane County, Washington, and Wasco County, Oregon, shall be excepted from Paragraph (a), Section 1, Article IV. A report on this study together with conclusions and recommendations of the Code Authority shall be submitted to the Administrator for consideration within three (3) months after the effective date of the Code.

ARTICLE VI—ADMINISTRATION

SECTION 1. To further effectuate the policies of the Act, a Code Authority is hereby constituted to cooperate with the Administrator in the administration of this Code. This Code Authority shall consist of members who shall be elected in the following manner and hold office for one year:

(a) One (1) member to be elected by each company of the Industry having 150,000 cubic feet of treating cylinder capacity or more.

(b) Four (4) members to be elected by the remaining companies of the Industry on a cubic capacity basis,—one (1) vote for each cubic foot of treating cylinder capacity.

(c) Two (2) members to be elected by all of the companies of the Industry on the basis of one (1) vote for each company of the Industry.

SECTION 2. With respect to election and representation on the Code Authority each company, together with its owned and/or controlled subsidiaries or affiliates, shall be treated as one entity. Only one representative of such company or entity shall be eligible to membership on the Code Authority at one time. Each such company or entity shall have only one (1) vote when voting as a company as provided in Section 1 of this Article. Companies or entities as used herein are to be considered in relation to the definition of and be synonymous with the term "member of the Industry" in Article II of this Code.

SECTION 3. Treating cylinder capacity for each company or entity as defined in the preceding Section 2 shall be figured within the thirty (30) days immediately preceding an election. This capacity shall be calculated by the following mathematical formula: 3.1416 times inside radius squared times inside length of cylinder.

SECTION 4. A quorum of the Code Authority shall consist of six (6) of the eight (8) members thereof, which latter number of members represents the Industry as it is now constituted.

SECTION 5. At any meeting of the Code Authority if a quorum of six (6) is present, they may act and vote on any matter properly before them, provided the vote is unanimous.

SECTION 6. If objection to any matter or action is raised by a member of the Code Authority, then the entire Code Authority must be polled and the affirmative vote of seven (7) out of the total membership of eight (8) will be necessary to pass any motion.

SECTION 7. In the event of a vacancy in the Code Authority, the remaining members, subject to Sections 5 and 6 on voting, shall fill such vacancy from the group in which the vacancy occurs before any further business is transacted.

SECTION 8. A temporary Code Authority is hereby set up and shall consist of the individuals who were named in a resolution at a meeting in Chicago on August 21, 1933, to represent the Industry in the negotiations with the National Recovery Administration and to negotiate for the Industry this Code; said resolution was amended by a unanimous vote in a resolution adopted at Washington, D.C., by the Committee acting for the Industry on April 23, 1934. This temporary Code Authority shall serve for a period of ninety (90)

days after the effective date of this Code, and until its successors are elected in the manner above provided.

SECTION 9. In addition to membership on both the temporary and permanent Code Authorities as herein provided, there may be three (3) members, without vote and without cost to the Industry, to be known as Administration members, to be appointed by the Administrator to serve for such terms as he may specify.

SECTION 10. The temporary Code Authority shall act as an agency for holding the election of the permanent Code Authority. It shall cause notice to be sent to all members of the Industry who are registered with it or whose names and addresses can be ascertained by reasonable inquiry, by registered mail ten (10) days preceding the date of the election. Votes shall be cast in the manner above prescribed and votes may be cast either in person, by proxy, or by letter ballot.

SECTION 11. Nominations may be made through a nominating committee appointed by the Code Authority, but members of the Industry shall have the right to make nominations from the floor, or vote for any individuals of their choice, by specifying their names in the written proxies or in the letter ballots. Nominations when made shall be made in accord with Section 1, paragraphs (a), (b) and (c) of this Article.

SECTION 12. Any industrial association or group directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of association, bylaws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

SECTION 13. In order that the Code Authority shall at all times be truly representative of the Industry and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter, if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the act, may require an appropriate modification in the method of selection of the Code Authority.

SECTION 14. Nothing in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member of the Code Authority. Nor shall any member of the Code Authority exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any act or omission to act under this Code, except for his own wilful misfeasance or nonfeasance.

SECTION 15. Any interested party shall have the right of complaint to the Code Authority or proper agency and a prompt hearing and decision thereon. Any interested party shall have the right to appeal to the Administrator, under such rules and regulations as the Administrator shall prescribe, with respect to any decision, rule, regulation, order, or finding made by the Code Authority.

SECTION 16. If the Administrator shall determine that any action of the Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action, which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty (30) days' notice to him of intention to proceed with such action in its original or modified form.

SECTION 17. Subject to such rules and regulations as may be issued by the Administrator, the Code Authority shall have the following powers and duties, in addition to those authorized by other provisions of this Code:

(a) To insure the execution of the provisions of this Code and to provide for the compliance of the Industry with the provisions of the Act.

(b) To adopt bylaws and rules and regulations for its procedure.

(c) To obtain from members of the Industry such information and reports as are required for the administration of the Code. In addition to information to be submitted to the Code Authority, all or any of the persons subject to this Code, shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of said Act to such Government agencies as the Administrator may designate; nor shall anything in this Code relieve any person of any existing obligation to furnish reports to Government agencies.

(d) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(e) To make recommendations to the Administrator for the co-ordination of the administration of this Code with such other Codes, if any, as may be related to or affect members of the Industry.

SECTION 18. It being found necessary to support the administration of this Code, and to maintain the standards of fair competition established by this Code and to effectuate the policy of the Act, the Code Authority is authorized, subject to the approval of the Administrator, to incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code; and to submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary, (1) an itemized budget of its estimated expenses for the foregoing purposes, and, (2) an equitable basis on which the funds necessary to support such budget shall be contributed by members of the Industry. After such budget and basis of contribution have been approved by the Administrator, the Code Authority shall determine the amount of such contributions and secure the same as above set forth, and to that end, if necessary, may institute legal proceedings therefor in its own name. The Code Authority shall neither incur nor pay any

obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

SECTION 19. Only members of the Industry complying with the Code and contributing to the expenses of its administration, as provided in Section 18 hereof, shall be entitled to participate in the selection of the members of the Code Authority or to receive the benefit of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

SECTION 20. Each member of the Industry shall pay his or its equitable contribution to the expenses of maintaining the Code Authority pro rated according to treating cylinder capacity.

SECTION 21. The Code Authority is authorized to recommend to the Administrator any action or measures deemed advisable, including further fair trade practice provisions to govern members of the Industry in their relations with each other or with other trades or industries; measures for industrial planning, and stabilization of employment; and including modifications of this Code which shall become effective as part hereof upon approval by the Administrator after such notice and hearing as he may specify.

SECTION 22. The Code Authority is authorized to appoint a Trade Practice Committee which shall meet with the Trade Practice Committees appointed under such other codes as may be related to the Industry for the purpose of formulating fair trade practices to govern the relationships between production and distribution employers under this Code and under such other Codes to the end that such fair trade practices may be proposed to the Administrator as amendments to this Code and such other Codes.

ARTICLE VII—COSTS AND PRICES

SECTION 1. The Code Authority shall cause to be formulated methods of cost finding and accounting capable of use by all members of the Industry, and shall submit such methods to the Administrator for review. If approved by the Administrator, full information concerning such methods shall be made available to all members of the Industry. Thereafter, each member of the Industry shall utilize such methods to the extent found practicable. Nothing herein contained shall be construed to permit the Code Authority, any agent thereof, or any member of the Industry to suggest uniform additions, percentages or differentials or other uniform items of costs which are designed to bring about arbitrary uniformity of costs or prices.

ARTICLE VIII—TRADE PRACTICE RULES

It shall constitute an act of unfair competition for a member of the Industry to:

(a) Secretly offer or make any payment or allowance of a rebate, refund, commission, credit, unearned discount or excess allowance, whether in the form of money or otherwise, nor shall a member of the Industry secretly offer or extend to any customer any special

service or privilege not extended to all customers of the same class, for the purpose of influencing a sale.

(b) Disseminate any false or misleading information relative to any product or price for any product, within the Industry, of any member of the Industry, or the credit standing or ability of any member thereof to perform any work or manufacture or produce any such product, or to the conditions of employment among the employees of any member thereof.

(c) Give, permit to be given, or offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal or party. This provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

ARTICLE IX—MONOPOLIES

SECTION 1. No provision of this Code shall be interpreted or applied in such manner as to promote or permit monopolies or monopolistic practices; permit or encourage unfair competition; eliminate or oppress small enterprises or discriminate against them.

ARTICLE X—MODIFICATION

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of subsection (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under Title I of said Act and specifically, but without limitation, to the right of the President to cancel or modify his approval of this Code or any conditions imposed by him upon his approval thereof.

SECTION 2. This Code, except as to provisions required by the Act, may be modified on the basis of experience or changes in circumstances, such modification to be based upon application to the Administrator and such notice and hearing as he shall specify, and to become effective on approval of the President.

ARTICLE XI—GENERAL

SECTION 1. Violation by any member of this Industry of any of the provisions of this Code or any approved amendment hereof is an unfair method of competition.

ARTICLE XII—EFFECTIVE DATE

SECTION 1. This Code shall become effective on the third Monday after its approval by the President.

Approved Code No. 481.
Registry 326-02.

Approved Code No. 482

CODE OF FAIR COMPETITION

FOR THE

**DENTAL GOODS AND EQUIPMENT INDUSTRY
AND TRADE**

As Approved on July 13, 1934

ORDER

**APPROVING CODE OF FAIR COMPETITION FOR THE DENTAL GOODS AND
EQUIPMENT INDUSTRY AND TRADE**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Dental Goods and Equipment Industry and Trade, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President;

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved; provided, however, that within ninety days I may direct that there be a further hearing on such of the provisions of said Code as I may designate, and that any order which I may make after such hearing shall have the effect of a condition on the approval of said Code; provided, further, that the following changes be, and the same hereby are, made:

(1) That Section 1 of Article III be, and the same hereby is amended, to read as follows:

“No employee, except as herein otherwise provided, in any store, office, department, establishment, or any automotive or horsedrawn passenger, delivery, or freight service, or in any other place or manner shall be permitted to work for more than forty (40) hours in any one week, except that for six (6) weeks in any calendar year, any such employee may be permitted to work not more than forty-eight (48) hours per week. No mechanical worker or artisan shall

be permitted to work in excess of an average of forty (40) hours per week averaged over any three (3) months period, nor more than eight (8) hours in any twenty-four (24) hour period, nor more than forty-eight (48) hours in any one (1) week, except, however, that all such mechanical workers or artisans shall be paid not less than time and one-third for all hours worked in excess of forty (40) hours in any one (1) week or eight (8) hours in any one day."

(2) That Section 3 of Article IV be, and the same hereby is amended, to read as follows:

"No messenger shall be paid at a rate less than ten dollars (\$10.00) per week and no employer shall at any one time have more than seven (7) such employees in number or five per cent (5%) of the total number of his employees, whichever is the higher, provided that no employee not working exclusively as a messenger shall be classified as such."

(3) That Section 9 (d) of Article VI be, and the same hereby is amended, to read as follows:

"It shall create as an independent agency of the Code Authority a Joint Industrial Relations Board consisting of an equal number of representatives of employers and employees, and an impartial chairman elected by the Members of the Board, to deal with all matters in the Code relating to hours, wages, and general labor provisions. The designated employees' representatives shall be truly representative of the employees of the trade and chosen by such employees. The membership of this Board shall be approved by the Administrator."

(4) That Section 10 (c) of Article VI be, and the same hereby is amended, to read as follows:

"After such budget and basis of contribution have been approved by the Administrator, to determine and secure equitable contribution as above set forth by all such members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name. Non-payment of such equitable contributions shall be in violation of this Code."

(5) That Section 11 of Article VI be, and the same hereby is amended, to read as follows:

"Only members of the Industry complying with the Code and contributing to the expenses of its administration as provided in Section 10 hereof shall be entitled to participate in the selection of the members of the Code Authority or to receive the benefit of its voluntary activities or, unless duly exempted from making such contribution, to make use of any emblem or insignia of the National Recovery Administration."

(6) That Section 7 (a) of Article VII be, and the same hereby is amended, to read as follows:

"No member of the Industry or Trade shall consign equipment except that upon bona fide order or contract approved by the Code Authority equipment may be consigned to dental colleges for demonstration purposes."

(7) That Section 13 of Article VII be, and the same hereby is amended, to read as follows:

"Rebates. No member of the Industry or Trade shall pay or allow rebates, refunds, commissions, credits or unearned discounts

other than of a legitimate nature as given in published price lists and/or discount sheets, whether in the form of money or otherwise, or extend to certain purchasers any special services or privileges not extended to all purchasers on like terms and conditions. Provided, that nothing contained herein shall be construed to alter in any way the provisions of Section 11 of this Article."

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

GEO. L. BERRY,
Division Administrator.
WASHINGTON, D.C.,
July 13, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Dental Goods and Equipment Industry and Trade, the hearing having been conducted in Washington on October 30, 1933, in accordance with the provisions of Title I of the National Industrial Recovery Act.

INDUSTRY BACKGROUND

The Dental Goods and Equipment Industry and Trade is organized into three associations, all of which were the sponsoring and assenting groups. The majority of the Industry and Trade is well organized into an association which has been in existence for 54 years. This organization, the American Dental Trade Association, has always upheld fair practices and adopted policies, some of which are being made the law by this Code.

HOURS AND WAGES

The Code provides a standard work week of 40 hours averaged over any three months period but prohibits working more than 48 hours in any one week. Exception is made for the mechanical workers or artisans who are to be paid not less than time and one-third for all hours worked in excess of 40 hours per week or 8 hours per day. Exceptions to the standard 40 hour week are made where a restriction of hours of highly skilled workers on continuous processes would unavoidably reduce production, and on factory emergency, maintenance, installation and repair work, provided all hours worked in excess of the standard week or standard day be paid for at the rate of time and one-third. The minimum wage rate for other than factory employees shall not be less than fifteen dollars (\$15.00) per week in any city over 500,000 population or less than fourteen dollars and fifty cents (\$14.50) per week in any city whose population is between 250,000 and 500,000 or less than twelve dollars (\$12.00) per week in any city of less than 250,000 population.

ECONOMIC EFFECT OF THE CODE

The Dental Equipment Industry and Trade employed, in 1929, approximately 9,470 persons including office employees. Approximately 8,474 were wage-earners. The decline in wage-earner employment in the Dental Trade was not as severe as in the Dental Equipment Industry from 1929 to 1931. The former was only 3.5 percent and the latter 15 percent. It is quite probable that a 40 hour week, as established by this code, will increase employment about 855 wage-earners

in the Industry and Trade. The minimum wage rate of 35 cents per hour will result in a slight increase of the average weekly wage. The business volume of the Dental Equipment Industry combined with that of the Dental Trade was about \$83,950,000 for 1929.

FINDINGS

The Deputy Administrator in his final report to me on said Code having found as herein set forth and on the basis of all the proceedings in this matter;

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry and Trade normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (c) of Section 10 thereof; and that the applicant associations are industrial and trade associations truly representative of the aforesaid Industry and Trade; and that said associations impose no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Code.

From evidence adduced during this hearing and from recommendations and reports of the various Advisory Boards it is believed that this Code as now proposed and revised represents an effective, practical, equitable solution for this Industry and Trade and for these reasons this Code has been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 13, 1934.

CODE OF FAIR COMPETITION FOR THE DENTAL GOODS AND EQUIPMENT INDUSTRY AND TRADE

ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, this Code is established as a Code of Fair Competition for the Dental Goods and Equipment Industry and Trade, and its provisions shall be the standards of fair competition for such industry and trade and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

1. The term "Dental Goods and Equipment Industry and Trade", as used herein shall be deemed to include all manufacturers and dealers making and/or selling dental equipment, materials or supplies, at wholesale, except such articles governed by another approved code or codes.

2. The term "Industry", as used herein, shall be deemed to mean the manufacture of dental equipment, materials or supplies. The term "Trade", as used herein, shall be deemed to mean the selling and/or distribution of dental equipment, material or supplies, at wholesale.

3. The term "member of the industry/trade," as used herein, includes, but without limitation, any individual partnership, association, corporation or other form of enterprise engaged in the industry/trade, either as an employer or on his or its own behalf.

4. The term "employee", as used herein, includes any and all persons engaged in the industry or trade however compensated, except a member of the industry.

5. The term "employer", as used herein, includes anyone by whom any one such employee is compensated or employed.

6. The terms "Act" and "Administrator", as used herein, shall mean respectively Title I of the National Industrial Recovery Act and the Administrator for Industrial Recovery.

7. Population for purposes of this code shall be determined by reference to the latest federal Census.

ARTICLE III—HOURS

1. No employee, except as herein otherwise provided, in any store, office, department, establishment, or any automotive or horsedrawn passenger, delivery, or freight service, or in any other place or manner shall be permitted to work for more than forty (40) hours per week, averaged over any three (3) months period, nor more than forty-eight (48) hours in any one week. No mechanical worker or artisan shall be permitted to work in excess of an average of forty

(40) hours per week averaged over any three (3) months period, nor more than eight (8) hours in any twenty-four (24) hour period, nor more than forty-eight (48) hours in any one (1) week, except, however, that all such workers or artisans shall be paid not less than time and one-third for all hours worked in excess of forty (40) hours in any one (1) week or eight (8) hours in any one day.¹

2. The maximum hours fixed in the foregoing Section 1 shall not apply: (a) To employees in a managerial or executive capacity who receive more than thirty-five dollars (\$35) per week, nor to commercial travelling salesmen, nor to employees engaged principally as outside representatives on maintenance, installation, or repair work. (b) In very special cases where restriction of hours of highly skilled workers on continuous processes would unavoidably reduce production, and on factory emergency, maintenance, installation and repair work, provided, however, that at least time and one-third shall be paid such employees for hours worked in excess of forty (40) hours per week or in excess of eight (8) hours per day.

3. No watchman shall be permitted to work in excess of fifty-six (56) hours in any one week, nor more than six (6) days in any one week.

4. No employee shall be permitted to work for a total number of hours in excess of the number of hours herein prescribed whether he be employed by one or more employers.

ARTICLE IV—WAGES

1. No employee, except as herein otherwise provided, shall be paid less than at the rate of fifteen dollars (\$15.00) per week in any city over 500,000 population or in the immediate trade area of such city, or at the rate of fourteen dollars and fifty cents (\$14.50) per week in any city whose population is between 250,000 and 500,000 or in the immediate trade area of such city, or at the rate of twelve dollars (\$12.00) per week in any city of less than 250,000 population.

2. No factory worker or artisan, except those under eighteen (18) years of age or with less than six (6) months experience or employment in this Industry or Trade, shall be paid less than thirty-five cents (35¢) per hour. No factory worker or artisan under eighteen (18) years of age or with less than six (6) months experience or employment in this Industry or Trade, shall be paid less than eighty per cent (80%) of the minimum established herein, and no employer shall at any time engage more such persons receiving less than the minimum wage established herein than one (1) in number or five per cent (5%) of the total number of his employees, whichever is the higher.

3. No messenger shall be paid at a rate less than ten dollars (\$10.00) per week and no employer shall at any one time have more than seven (7) such employees in number or five per cent (5%) of the total number of his employees, whichever is the higher.²

4. This Article establishes a minimum rate of pay which shall apply irrespective of whether an employee is actually compensated on a time rate, piece work performance or other basis.

¹ Amended. See paragraph 2 (1) of order approving this Code.

² Amended. See paragraph 2 (2) of order approving this Code.

5. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

6. It is the policy of members of this Industry and Trade to refrain from reducing the compensation for employment which compensation was, prior to June 16, 1933, in excess of the minimum wage herein set forth, notwithstanding that the hours of work in such employment may be reduced; and unless since such date such adjustments have been made all members of this Industry and Trade shall endeavor to increase the pay of all employees in excess of the minimum wage as herein set forth by an equitable adjustment of all pay schedules.

ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under sixteen (16) years of age shall be employed in the Industry and Trade, nor anyone under eighteen (18) years of age at operations or occupations hazardous in nature or detrimental to health. The Code Authority shall submit to the Administrator within thirty (30) days after approval of this Code, a list of such operations or occupations. In any state an employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly signed by the authority in such state empowered to issue employment or age certificates or permits showing that the employee is of the required age.

2. In compliance with Section 7 (a) of the Act it is provided:

(a) That employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

(b) That no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing, and

(c) That employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

3. No employer shall reclassify employees or duties of occupations performed or engage in any subterfuge for the purpose of defeating the purposes or provisions of the Act or of this Code.

4. No provision of this Code shall supersede any state or federal law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions, than are imposed by this Code.

5. No homework shall be allowed and no work shall be done or permitted in tenements, private houses, or in any unsanitary buildings, unsafe on account of fire risks.

6. All employers shall post and keep posted complete copies of the wage and hour and general labor provisions of this Code in conspicuous places accessible to employees.

7. Each employer shall provide for the safety and health of employees during the hours and at the places of their employment.

Standards for safety and health shall be submitted by the Code Authority to the Administrator within six (6) months after the effective date of the code.

ARTICLE VI—ORGANIZATION, POWERS AND DUTIES OF THE CODE AUTHORITY

1. A Code Authority is hereby established to cooperate with the Administrator in the administration of this Code and shall consist of eight (8) members, or such other number as may be approved from time to time by the Administrator, to be chosen by the following trade groups through a fair method of selection approved by the Administrator:

Four members by the American Dental Trade Association

Two members by the Dental Manufacturers of America

One member by the Dental Dealers of America

One member by those members of the Industry or Trade who are not members of any of the above associations

The Administrator in his discretion may appoint not more than three additional members without vote and without compensation from the industry, to serve for such period of time and to represent the Administrator or such group or groups as he may designate.

2. *Sub-Code Authorities.*—Groups of members of the Industry or Trade manufacturing and/or selling a particular product or products having common interests and problems, may be grouped into product or trade subdivisions by the Code Authority for administrative purposes. For each such product subdivision there may be a Sub-Code Authority approved or appointed by the Code Authority to cooperate with the Code Authority in the administration and enforcement of the Code and/or to cooperate in the administration and enforcement of a supplementary Code or Codes applying to such product subdivision or part thereof.

3. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall impose no inequitable restrictions on membership, and shall submit to the Administrator true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

4. In order that the Code Authority shall at all times be truly representative of the Industry and Trade and in all other respects comply with the provision of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, he may take such action as he may deem necessary under the circumstances.

5. Any member of the Industry or Trade shall be eligible for membership in any trade association or organized group participating in the activities of the Code Authority upon compliance with the provisions of the by-laws relating to membership, provided that any person applying for such membership shall, in addition to the payment of such dues as are imposed upon and paid by all other

members, accept a reasonable and equitable share of the cost of Code administration.

6. Each member of the Industry and Trade shall, within fifteen (15) days after the approval of the Code Authority, file with the Code Authority a complete list of all products offered for sale, together with his prices, discounts and terms to all classes of customers. Modifications or amendments in such price lists and/or discounts may be filed by any such member at any time to become effective immediately upon filing with the Code Authority. The Code Authority shall make such information available to all members of the Industry and trade or to any other interested party.

7. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent or employee of the Code Authority. Nor shall any member of the Code Authority exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own willful mis-feasance or non-feasance.

8. If the Administrator shall determine that any action of a Code Authority or any agency thereof may be unfair or unjust or contrary to public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action, which shall not be effective unless the Administrator approves, or unless he shall fail to disapprove after thirty (30) days' notice to him of intention to proceed with such action in its original or modified form.

9. The Code Authority shall have the following duties and powers:

(a) To administer the provisions of this Code, provide for the compliance of the Industry and Trade with the provisions of the Act, and to propose and submit to the Administrator its recommendations, amendments and/or modifications of this Code, which shall become effective as a part thereof upon approval by the Administrator after such notice and hearing as he may specify.

(b) To adopt by-laws and rules and regulations for its procedure and for the administration and enforcement of the Code.

(c) To review all questions or disputes arising under this Code; receive complaints of violations of this Code, make investigation thereof, provide hearings thereon, adjust such complaints, and refer unadjusted violations to the Administrator with a report and recommendations for appropriate action.

(d) It shall create as an agency of the Code Authority a Joint Industrial Relations Board consisting of an equal number of representatives of employers and employees, and an impartial chairman elected by the Members of the Board, to deal with all matters in the Code relating to Hours, Wages, and general labor provisions. The designated employees representatives shall be truly representative of the employees of the trade and chosen by such employees.³

(e) To obtain from members of the Industry and Trade such information and reports as are required for the administration of the

³ Amended. See paragraph 2 (3) of order approving this Code.

Code and to provide for submission by members of such information and reports as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act, which information and reports shall be submitted by members to such administrative and/or government agencies as the Administrator may designate; provided that nothing in this Code shall relieve any member of the Industry or Trade of any existing obligations to furnish reports to any government agency. No individual reports shall be disclosed to any member of this Industry or Trade or any other party except to such governmental agencies as may be directed by the Administrator.

(f) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(g) To make recommendations to the Administrator for the coordination of the administration of this Code with such other codes, if any, as may be related to the Industry and Trade.

(h) To recommend to the Administrator further fair trade practice provisions to govern members of the Industry and Trade in their relations with each other or with other industries and trades and to recommend to the Administrator measures for industrial planning, including stabilization of employment.

10. It being found necessary, in order to support the administration of this Code and to maintain the standards of fair competition established by this Code and to effectuate the policy of the Act, the Code Authority is authorized, subject to the approval of the Administrator:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary, (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry;

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and secure equitable contribution as above set forth by all such members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.⁴

11. Only members of the Industry complying with the Code and contributing to the expenses of its administration as provided in Section 10 hereof shall be entitled to participate in the selection of the members of the Code Authority or to receive the benefit of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.⁵

⁴Amended. See paragraph 2 (4) of order approving this Code.

⁵Amended. See paragraph 2 (5) of order approving this Code.

ARTICLE VII—UNFAIR COMPETITION

The following practices constitute unfair methods of competition for the Industry and Trade and are prohibited:

SECTION 1. *Cost*.—No member of this Industry or Trade shall sell any products of the Industry or Trade below his individual cost as determined by an adequate method of cost finding containing the principal elements of cost and capable of uniform application within the Industry and Trade, when such method shall be formulated by the Code Authority and approved by the Administrator; provided, however, that any member of the Industry or Trade may sell below his individual cost to meet bona fide competition in any specific instance if he first notifies the Code Authority of his intention to sell below his cost, and states the name and address of the competitor; and provided further that equipment which has been on display for six (6) months or longer and is in such condition that it cannot be sold as new equipment, may be sold at a discount not greater than ten per cent (10%) of the current list price, f.o.b. location, and in such cases a description and the serial numbers of such equipment shall be filed with the Code Authority. All stocks of discontinued models of dental equipment shall be excepted from the application of the cost provision of this section if there shall be filed with the Code Authority a list of such equipment stating the quantity, original list price, serial numbers and the list price at which such equipment will be offered for sale. Reports shall thereafter be filed with the Code Authority every ninety (90) days showing the sales, if any, of such equipment during the preceding ninety (90) day period.

SECTION 2. *Discounts*.—No member of the Trade shall give any discounts for cash on sales of less than one hundred dollars (\$100.00), nor in excess of two per cent (2%) for cash on sales of one hundred dollars (\$100.00) or more, where delivery is made at one time or on deposit accounts of one hundred dollars (\$100.00) or more.

SECTION 3. *Dating*.—(a) No member of the Industry or Trade shall date more than five (5) days beyond or before date of delivery any invoice in connection with the sale of any equipment, materials or supplies.

(b) In order to prevent direct or indirect evasion of subsection (a) of this Section 3, no member of the Industry or Trade shall ship equipment which has been sold on conditional sales contract until the full initial payment has been made.

SECTION 4. *Returned Goods*.—No member of the Industry or Trade shall accept goods returned for credit except in accordance with the established rules of the manufacturer shown in his price list on file with the Code Authority, provided, however, that nothing contained in this section shall be construed to deprive any buyer of any right which may exist by law to return merchandise which is defective or which in some other respect fails to conform to the agreement of sale.

SECTION 5. *Special Allowances*.—No member of the Industry or Trade shall give special allowances or special discounts as between purchasers to induce any purchaser to give preference to a given seller, or products, or by purchase or substitution of stock for that

of a competitor; or allow above scrap market prices for precious metals, or give special allowances on merchandise sold or supplied in exchange therefor.

SECTION 6. *Equipment Allowance*.—No member of the Industry or Trade shall give larger allowances on used equipment in connection with the sale of new equipment than the reasonable market value of such used equipment. The Code Authority with the approval of the Administrator shall from time to time adopt uniform appraisal schedules for used equipment based upon the reasonable market value of such used equipment and such schedules when so approved shall constitute prima facie evidence of reasonable market value. In any case where allowances are made in excess of such appraisal schedules the member allowing same shall immediately furnish the Code Authority with full and complete details regarding such allowance and give reasons therefor, and if the Code Authority shall find that any such allowance is in excess of the reasonable market value, it may refer the same to the Administrator for appropriate action.

SECTION 7. *Consignment or Trial*.—

(a) No member of the Industry or Trade shall consign equipment except that upon bona fide order or contract approved by the Code Authority or the Administrator, equipment may be consigned to dental colleges for demonstration purposes.⁶

(b) No member of the Industry or Trade shall place equipment on trial.

(c) No member of the Industry or Trade shall consign stocks of precious metals for use in dentistry.

(d) No member of the Industry or Trade shall consign any dental materials or supplies to any dentist, laboratory or college.

SECTION 8. *Guarantees*.—No member of the Industry or Trade shall guarantee any product against inherent defects in workmanship or materials for any period longer than one year.

SECTION 9. *False Marking and Branding*.—No member of the Industry or Trade shall falsely mark or brand any product of the Industry in a manner which is intended to or does have the tendency to mislead or deceive customers or prospective customers whether as to grade, quality, quantity, substance, character, nature, origin, size, finish or preparation of any products of the Industry.

SECTION 10. *Misrepresentation or False or Misleading Advertising*.—No member of the Industry or Trade shall make or cause or knowingly permit to be made or published any false, materially inaccurate, or deceptive statement by way of advertisement or otherwise, whether concerning the grade, quality, quantity, substance, character, nature, origin, size, finish or preparation of any products of the Industry or the credit terms, values, policies or services of any member of the Industry or Trade or otherwise having the tendency or capacity to mislead or deceive customers or prospective customers.

SECTION 11. *Commercial Bribery*.—No member of the Industry or Trade shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent or representative of another in relation to the

⁶ Amended. See paragraph 2 (6) of order approving this Code.

business of the employer of such employee, the principal of such agent, or the represented party, without the knowledge of such employer, principal or party. Commercial bribery provisions shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

SECTION 12. *Interference with Contractual Relations.*—No member of the Industry or Trade shall maliciously induce or attempt to induce the breach of an existing oral or written contract between a competitor and his customer or source of supply or interfere with or obstruct the performance of any such contractual duties or services.

SECTION 13. *Rebates.*—No member of the Industry or Trade shall pay or allow rebates, refunds, commissions, credits or unearned discounts, whether in the form of money or otherwise, or extend to certain purchasers any special services or privileges not extended to all purchasers on like terms and conditions. Provided, that nothing contained herein shall be construed to alter in any way the provisions of Section 11 of this Article.⁷

SECTION 14. *Giving of Prizes, Premiums or Gifts.*—No member of the Industry or Trade shall give or offer to give any prizes, premiums or gifts in connection with the sale of products of this Industry or as an inducement thereto, or by any scheme which involves lottery, misrepresentation or fraud; provided, however, that nothing contained herein shall be construed to alter in any way the provisions of Section 11 of this Article.

SECTION 15. *Definition.*—No member of the Industry or Trade shall cause the defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing or by other false representations or false disparagement of the grade or quality of their goods.

SECTION 16. *Threats of Litigation.*—No member of the Industry or Trade shall publish or circulate unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harassing competitors or intimidating their customers. Failure to prosecute in due course shall be evidence that any such threat is unwarranted or unjustified.

SECTION 17. *Espionage of Competitors.*—No member of the Industry or Trade shall secure confidential information concerning the business of competitors by a false or misleading statement or representation or by false impersonation of one in authority or by bribery or by any other unfair method.

SECTION 18. *Advertising.*—No member of the Industry or Trade shall use or attempt to use coercion or undue influence to prevent any publisher of dental periodicals from accepting advertisements from any other member of the Industry or Trade.

SECTION 19. *Equipment Sales Contracts.*—(a) No member of the Industry or Trade shall sell any equipment of the industry without requiring to be paid in advance an initial cash payment of not less than twenty-five per cent (25%) of the amount of the contract price or in the case of the sale of new X-ray machines and tubes, an initial cash payment of not less than one hun-

⁷ Amended. See paragraph 2 (7) of order approving this Code.

dred dollars (\$100.00); provided that if second hand equipment is accepted as part of the initial payment, a cash payment of not less than fifteen per cent (15%) of the contract price must also be obtained so that together with the allowance made on the second hand equipment, such total shall equal or exceed twenty-five per cent (25%) of the contract price. The minimum cash payment on new X-ray machines shall be one Hundred dollars (\$100.00) regardless of whether or not second hand equipment is accepted. The minimum cash payment on used X-ray machines with used X-ray tubes shall be not less than ten per cent (10%) of the cost thereof.

(b) No member of the Industry or Trade shall sell any equipment of the Industry as set forth in Subsection (a) of this Section on a deferred payment contract without adding to such contract a charge at the rate of six per cent (6%) per year on the full amount of the unpaid balance to cover interest, insurance, and financing charges and to be added to the contract and distributed equally over the deferred payments for the period of the contract, provided, however, that nothing contained herein shall be so applied as to violate any applicable state or federal law relating to proper interest or other legal charges for such contract.

(c) No member of the Industry or Trade shall sell any equipment of the Industry on an installment contract basis to run for a period longer than thirty-six (36) months, nor shall any member accept monthly payments under such contracts with any one buyer of less than ten dollars (\$10.00), except with the approval of the Code Authority.

(d) No member of the Industry or Trade shall include in equipment contracts any sundry merchandise having a sale price of more than ten per cent (10%) of the amount of such equipment contract, nor in any event more than one hundred seventy-five dollars (\$175.00).

(e) No member of the Industry or Trade shall enter into any supplemental installment contracts with a customer who is already under contract with the same member unless such supplemental contract shall provide for an initial cash payment of not less than twenty-five per cent (25%) of the amount of the contract price and for a charge at the rate of six per cent (6%) per year on the full amount of the unpaid balance to cover interest, insurance and financing charges, and to be added to the contract and distributed equally over the deferred payments for the period of the contract, provided, however, that nothing contained herein shall be so applied as to violate any applicable state or federal law relating to proper interest or other legal charges for such contracts. The minimum monthly payment on any such supplemental contract shall be five dollars (\$5.00).

(f) All members of the Industry and Trade shall make an interest charge of at least six per cent (6%) on deferred payments if not paid at maturity, provided, however, that nothing contained herein shall be so applied as to violate any applicable state or federal law relating to proper interest or other legal charges for such contracts.

SECTION 20. No member of the Industry or Trade shall sell any product of the Industry at prices less or discounts greater or on terms more favorable than those currently filed by such member with the Code Authority.

SECTION 21. No member of the Trade selling a volume of products of the Industry on a deferred payment basis, shall extend terms longer than ten (10) months nor in any case accept monthly payments of less than ten dollars (\$10.00) except with the approval of the Code Authority.

SECTION 22. Nothing in this Code shall limit the effect of any adjudication by the courts or holding by the Federal Trade Commission on complaint, finding and order that any practice or method is unfair, provided that such adjudication or holding is not inconsistent with any provision of the Act or of this Code.

ARTICLE VIII—MODIFICATION

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of subsection (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under said Act.

SECTION 2. This Code, except as to provisions required by the Act, may be modified or amended on the basis of experience or changes in circumstances, such modifications or amendments to be based upon application to the Administrator and such notice and hearing as he shall specify, and to become affective on approval of the President, unless otherwise provided.

ARTICLE IX—MONOPOLIES, ETC.

No provision of this Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

ARTICLE X—EFFECTIVE DATE

This Code shall become effective on the first Monday after its approval by the President.

Approved Code No. 482.
Registry No. 1617-11.



Approved Code No. 483

CODE OF FAIR COMPETITION

FOR THE

ELECTRIC HOIST AND MONORAIL MANUFACTURING INDUSTRY

As Approved on July 13, 1934

ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE ELECTRIC HOIST AND MONORAIL MANUFACTURING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Electric Hoist and Monorail Manufacturing Industry and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved; provided, however, that the continued participation of the Monorail Manufacturers Association in the Code Authority after thirty (30) days from the effective date of this Code shall be contingent upon its amending its Constitution and By-Laws to the satisfaction of the Administrator.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 13, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Electric Hoist and Monorail Manufacturing Industry. Public Hearing having been conducted thereon in Washington, D.C., April 2, 1934, in accordance with the provisions of Title I of the National Industrial Recovery Act.

GENERAL STATEMENT

The Electric Hoist and Monorail Manufacturing Industry is a capital goods industry engaged in the manufacture for sale of electric hoists designed for use in connection with any service built into double rail trolleys, and appurtenances thereof; the manufacture for sale of industrial overhead materials handling equipment with the exception of such equipment designed for use in the agricultural and dairy industries and excepting "flat rail track" of the type used chiefly in the meat packing industry. Materials handling equipment in the industry consists of overhead monorail track with its accompanying switches, carriers, transfer bridges, cranes and other accessories necessary for a complete installation; and/or parts thereof.

ECONOMIC EFFECT

This Industry suffered noticeably from the Depression.

Employment in 1929 was 988 persons which number showed a loss of 62.1 per cent by June, 1933. Office employment showed a decline of 57 per cent in the same period. Estimated factory payrolls decreased from \$1,056,000 in 1929 to \$270,000 in 1933, or a decline of 76.7 per cent.

Capital investment amounted to \$4,208,000 in 1929 and \$2,962,000 in 1933, a decrease of 30 per cent.

Value of production (based on sales) was \$6,351,000 in 1929 and in 1933 it was estimated at \$1,006,000, a decline of 84.2 per cent. The dollar value of production is approximately equal for the Electric Hoist and Monorail Divisions of this Industry.

A comparison of representative payroll weeks in June, 1929 and June, 1933 showed a decline in 1933 in total man hours for factory workers of 81.8 per cent; average hours per man per week were 50.6 in June, 1929, and 29.7 hours in June, 1933, a decrease of 41.3 per cent. The average rate per hour for factory workers was 63 cents in June, 1929 and 54.5 cents in June 1933, a decrease of 13.5 per cent; average weekly earnings declined from \$31.89 in June, 1929 to \$16.20 in June, 1933, or 49.6 per cent.

The President's Reemployment Agreement effected increases in employment and payrolls. It is concluded that the maximum hours

provision will not increase employment and that the minimum rates proposed will not effect any increase in factory payrolls.

FINDINGS

The Assistant Deputy Administrator in his final report to me on said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employes not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof; and that the applicant Associations are industrial associations representative of the aforesaid Industry; and that said Associations impose no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Code.

For these reasons, therefore, I have approved this Code.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 13, 1934.

CODE OF FAIR COMPETITION FOR THE ELECTRIC HOIST AND MONORAIL MANUFACTURING INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policy of Title I of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Electric Hoist and Monorail Manufacturing Industry, and shall be the standards of fair competition for this Industry, and shall be binding upon each member thereof.

ARTICLE II—DEFINITIONS

The term "Electric Hoist and Monorail Manufacturing Industry" or "the Industry" as used herein, is defined to mean the manufacture and sale of Electric Hoists with plain, geared or motor driven trolleys; lug or hook suspension Electric Hoists; Cage Controlled Monorail Electric Hoists, and Electric Hoist units for any service, such as built into double rail trolleys, and/or appurtenances thereof, provided the same unit is used as with single I-beam or other monorail trolleys; and the manufacture and sale of overhead materials handling equipment as used in industry, with the exception of the Agricultural and Dairy Industries, and with the further exception of that type of overhead track commonly known as "flat-rail track", and mainly used in the meat packing industry. Materials handling equipment in the Industry consists of overhead Monorail Track with its accompanying switches, carriers, transfer bridges, cranes and other accessories necessary for the complete installation of an overhead materials handling system; and/or parts specially designed therefor. The term shall also mean such related branches or subdivisions as may, from time to time, be included under the provisions of this code.

"Person" means a natural person, a partnership, a corporation, an association, a trust, a trustee, a trustee in bankruptcy and/or a receiver, or other form of enterprise.

"Member of the Industry" as used herein includes, but without limitation, any individual, partnership, association, corporation or other form of enterprise engaged in the Industry, either as an employer or on his or its own behalf.

"Employer" means any person actively engaged in the Industry either on his own behalf or as an employer of labor.

"Employee" means any person engaged in the Industry, however compensated, except an employer.

"Apprentice" means an employee without previous experience under any employer who is regularly engaged in learning a trade under a course of training designed to advance him systematically in the various operations of such trade to become a competently skilled mechanic.

“The Act” means Title I of the National Industrial Recovery Act.

“The President” means the President of the United States.

“Publish” means to make available to all interested parties.

“Administrator” means the Administrator for Industrial Recovery.

“Applicant” is Electric Hoist Manufacturers Association and Monorail Manufacturers Association.

ARTICLE III—HOURS

SECTION 1. *Maximum Hours.*—No employee shall be permitted to work in excess of forty (40) hours in any one week or eight (8) hours in any twenty-four (24) hour period or six (6) days in any seven (7) day period, except as otherwise expressly provided in this Article III.

SECTION 2. *Exceptions as to Hours.*—(a) The provisions of this Article III shall not apply to executives, those employed in a supervisory or administrative capacity or their immediate assistants, and salaried technical men and field service engineers, being paid at the rate of Thirty-Five Dollars (\$35.00) or more per week, and traveling salesmen.

(b) *Watchmen.*—Watchmen shall be permitted to work not in excess of fifty-six (56) hours in any one week.

(c) *Power Plant Engineers and Firemen.*—Power plant engineers and firemen shall be permitted to work not in excess of forty-five (45) hours or six (6) days in any seven (7) day period.

SECTION 3. *Overtime Provisions.*—(a) *Emergency Overtime.*—The maximum hours fixed in Section 1 hereof shall not apply to any employee on emergency maintenance or emergency repair work involving break-downs or protection of life or property, or to any specially skilled employee in emergencies occasioned by the necessity for the services of such employee which cannot be cared for by the employment of additional men. When specially skilled employees are employed overtime as permitted in this article, the employer shall file with the Code Authority a statement of the number of hours of overtime worked and a statement of the facts which will substantiate the lack of other skilled employees capable of performing this particular type of work. In any such case at least one and one-half times the regular rate shall be paid to employees for time worked in excess of the maximum provided in Section 1 hereof.

(b) *Ordinary Overtime.*—The maximum hours fixed in Section 1 hereof shall not apply for six (6) weeks in any twenty-six (26) weeks' period, during which overtime shall not exceed eight (8) hours in any one week. In any such case at least one and one-half (1½) times the regular rate shall be paid to each employee for time worked in excess of eight (8) hours in any twenty-four (24) hour period or in excess of forty (40) hours in any seven (7) day period.

(c) *Sunday and Legal Holiday Work.*—At least one and one-half (1½) times the regular rate shall be paid for all work performed on Sundays or legal holidays, except by watchmen, power plant engineers, and firemen.

(d) *Reporting Overtime.*—All overtime allowances shall be reported to the Code Authority and made available to the Administrator in such detail as may be required.

SECTION 4. *Employment by Several Employers.*—No employer shall knowingly permit any employee to work for any time which, when totaled with that already performed for another employer or employers, exceeds the maximum permitted herein.

ARTICLE IV—WAGES

SECTION 1. (a) Except as hereinafter provided, no employee engaged in plant operations shall be paid in any pay period less than at the following hourly rates, viz:

Where employed in cities of more than 50,000 population and immediate vicinity, forty cents (40¢) per hour.

Where employed in cities of more than 10,000 but not more than 50,000 population and immediate vicinity, which cities are not in the immediate vicinity of a city of more than 50,000 population, thirty-eight cents (38¢) per hour.

Where employed in cities of 10,000 population or less and immediate vicinity, which cities are not in the immediate vicinity of a city of more than 10,000 population, thirty-six cents (36¢) per hour.

Population figures shall be taken as reported by the Government census of 1930.

(b) Female employees engaged at any plant in substantially the same work as male employees at such plant shall receive the same rate of pay as such male employees, and where they displace such male employees they shall receive the same rate of pay as the male employees they replace.

SECTION 2. (a) The minimum wage that shall be paid in any pay period by any employer to any employee other than those engaged in plant operations and traveling salesmen shall be not less than at the rate of \$15.00 per week, except as herein provided.

(b) Office boys and girls may be paid not less than at the rate of eighty (80) per cent of such minimum wage, but the total number of such office boys and girls employed by any one employer at such reduced rate shall not exceed five (5) per cent of the total number of office employees of such employer covered by the provisions of this Section 2, provided, however, that each employer may have at least one such office boy or girl.

SECTION 3. Apprentices shall be paid a starting rate of not less than thirty (30) per cent of the rate paid to a competently skilled mechanic in the trade in which the apprentice is being trained and prevailing in the shop where the apprentice is employed; provided, however, that the starting rate paid to any apprentice shall not be less than twenty-four cents (24¢) per hour.

Wages paid to apprentices shall be advanced at intervals in measured amounts so that the rate for the last period of apprenticeship shall not be less than eighty (80) per cent of the rate paid to a competently skilled mechanic in the particular trade in the shop where the apprentice is employed.

At no time shall a new apprentice be admitted to apprenticeship by any employer when such action will bring the total number of

such apprentices so employed to a ratio of more than one apprentice to five competently skilled mechanics employed by such employer in the particular trade in question.

All apprentice indentures or written contracts shall be filed with the Code Authority and shall be made available to the Administrator.

SECTION 4. This Article IV establishes minimum rates of pay which are applicable regardless of whether an employee is compensated on a time rate, piece work, or other basis.

SECTION 5. A person whose earning capacity is limited because of age, physical or mental handicap, or other infirmity, may be employed on light work at a wage below the minimum established by a Code, if the employer obtains from the state authority, designated by the United States Department of Labor, a certificate authorizing such person's employment at such wages and for such hours as shall be stated in the certificate. Each employer shall file monthly with the Code Authority a list of all such persons employed by him, showing the wages paid to, and the maximum hours of work for such employees.

SECTION 6. With a view that there shall be equitable adjustment of rates above the minimum, not later than thirty (30) days after the effective date, each employer in the Industry shall report to the Administrator through the Code Authority, the action taken by such employer since June 16, 1933, in adjusting the wage rates of all hourly employees covered by Section 1 and of the employees covered by Section 2 hereof receiving more than the minimum rate as therein provided but less than at the rate of Thirty-five (\$35.00) Dollars per week.

In no event shall hourly rates of pay be reduced, irrespective of whether compensation is actually paid on an hourly, weekly or other basis, nor shall any wages be at less than the minimum rates herein provided.

ARTICLE V—GENERAL LABOR PROVISIONS

(a) Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection; 2, no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing; 3, employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

(b) No person under sixteen (16) years of age shall be employed in the Industry. No person under eighteen (18) years of age shall be employed at other than office work. In any State any employer shall be deemed to have complied with the provision as to age if he shall have on file a certificate or permit, duly signed by the Authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

(c) No provision in this Code shall supersede any State or Federal law which imposes more stringent requirements on employers as to age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions, or insurance, or fire protection than are imposed by this code.

(d) All employers shall post and keep posted copies of this Code in conspicuous places accessible to all employees. Every member of the Industry shall comply with all rules and regulations relative to the posting of provisions of Codes of Fair Competition which may from time to time be prescribed by the Administrator.

(e) No employer shall reclassify employees or duties of employees, or engage in any other subterfuge for the purpose of defeating the purposes or provisions of the Act or of this Code.

(f) 1. Every employer shall provide for the safety and health of employees during the hours and at the places of their employment.

2. Standards for safety and health shall be submitted by the Code Authority to the Administrator within six months after the effective date of the Code.

(g) No employee shall be dismissed by reason of making a complaint or giving evidence with respect to a violation of this Code.

ARTICLE VI—ADMINISTRATION ¹

SECTION 1. A Code Authority is hereby constituted to administer and supervise and to facilitate compliance with this Code.

(a) During the period not to exceed sixty days following the effective date of this code, the Code Committee of the Electric Hoist Manufacturers Association and the Monorail Manufacturers Association shall constitute a temporary Code Authority consisting of six members, and one to three additional members, without vote, to be appointed by the Administrator, if he should so desire. Such temporary Code Authority shall, within sixty days of the effective date, set up a permanent Code Authority to succeed such temporary Code Authority in effectuating the policies of the Act and to cooperate with the Administrator in the administration of the Code.

The permanent Code Authority shall consist of six members of the Industry (three of whom shall be principally engaged in the manufacture of Electric Hoists, and three of whom shall be principally engaged in the manufacture of Monorail Equipment) to be elected as follows:

The Code Authority shall be elected at a meeting of employers called by Electric Hoist Manufacturers Association and the Monorail Manufacturers Association any time within sixty days after the approval of this Code. Notice of such meeting shall be sent by telegraph and/or registered mail to all ascertainable employers in the Industry and it shall specifically state that voting at the meeting may be in person, by letter ballot, or by proxy, and each employer shall be entitled to one vote. To permit representation of employers who are not members of the Electric Hoist Manufacturers or Monorail Manufacturers Associations, one individual member of the Code Authority shall be elected in any fair manner, with the approval of

¹ See paragraph 2 of order approving this Code.

the Administrator, by the members of the Industry, if any, who are not members of either of these Associations.

SECTION 2. In addition to membership as above provided, there may be from one to three members, without vote, to be known as administration members, to be appointed by the Administrator to serve for such terms as he may specify.

SECTION 3. Each trade or industrial association directly or indirectly participating in the selection of activities of the Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

SECTION 4. In order that the Code Authority shall at all times be truly representative of the Industry and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification of the Code Authority.

SECTION 5. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent or employee of the Code Authority. Nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own wilful malfeasance or non-feasance.

SECTION 6. If the Administrator shall at any time determine that any action of a Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action, which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty (30) days' notice to him of intention to proceed with such action in its original or modified form.

SECTION 7. *Powers and Duties.*—Subject to such rules and regulations as may be issued by the Administrator, the Code Authority shall have the following powers and duties, in addition to those authorized by other provisions of this Code.

(a) To insure the execution of the provisions of this Code and to provide for the compliance of the Industry with the provisions of the Act.

(b) To adopt by-laws and rules and regulations for its procedure.

(c) To obtain from members of the Industry such information and reports as are required for the administration of the Code. In addition to information required to be submitted to the Code Authority, members of the Industry subject to this Code shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as he may designate; provided that

nothing in this Code shall relieve any member of the Industry of any existing obligations to furnish reports to any Government agency. No individual report shall be disclosed to any other member of the Industry or any other party except to such other Governmental agencies as may be directed by the Administrator.

(d) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(e) To make recommendations to the Administrator for the coordination of the administration of this Code with such other codes, if any, as may be related to or affect members of the Industry.

(f) 1. It being found necessary in order to support the administration of this code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry;

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the industry, and to that end, if necessary, to institute legal proceedings there for in its own name.

2. Each member of the industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the industry complying with the code and contributing to the expenses of its administration as hereinabove provided, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

3. The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

(g) To recommend to the Administrator any action or measures deemed advisable, including further fair trade practice provisions to govern members of the Industry in their relations with each other or with other industries; measures for industrial planning, and sta-

bilization of employment; and including modifications of this Code which shall become effective as part hereof upon approval by the Administrator after such notice and hearing as he may specify.

(h) To appoint a Trade Practice Committee which shall meet with the Trade Practice Committees appointed under such other codes as may be related to the Industry for the purpose of formulating fair trade practices to govern the relationships between employers under this Code and under such other codes to the end that such fair trade practices may be proposed to the Administrator as amendments to this code and such other codes.

(i) To appoint a committee to formulate a procedure for handling problems which may arise between employers and employees, which shall be submitted to the Administrator.

SECTION 8. If formal complaint is made to Code Authority that provisions of this Code have been violated by any employer, Code Authority may cause such investigation or audit to be made by an impartial agent or agency agreed upon by the Code Authority and the member of the industry in question or, failing such agreement, by the Administrator, to the extent permitted by the Act, as may be deemed necessary. No detailed information so obtained, shall be disclosed to any employer.

ARTICLE VII—COST FINDING AND ACCOUNTING

The Code Authority shall cause to be formulated methods of cost finding and accounting capable of use by all members of the industry, and shall submit such methods to the Administrator for review. If approved by the Administrator, full information concerning such methods shall be made available to all members of the industry. Thereafter, each member of the industry shall utilize such methods to the extent found practicable. Nothing herein contained shall be construed to permit the Code Authority, any agent thereof, or any member of the industry to suggest uniform additions, percentages or differentials or other uniform items of cost which are designed to bring about arbitrary uniformity of costs or prices.

ARTICLE VIII—COSTS AND PRICE CUTTING

SECTION 1. The standards of fair competition for the industry with reference to pricing practices are declared to be as follows:

(a) Wilfully destructive price cutting is an unfair method of competition and is forbidden. Any member of the industry or of any other industry or the customers of either may at any time complain to the Code Authority that any filed price constitutes unfair competition as destructive price cutting, imperiling enterprises or tending toward monopoly or the impairment of code wages and working conditions. The Code Authority shall within five days afford an opportunity to the member filing the price to answer such complaint and shall within fourteen days make a ruling or adjustment thereon. If such ruling is not concurred in by either party to the complaint, all papers shall be referred to the Research and Planning Division of the National Recovery Administration which shall render a report and recommendation thereon to the Administrator.

(b) When no declared emergency exists as to any given product there is to be no fixed minimum basis for prices. It is intended that sound cost estimating methods should be used and that consideration should be given to costs in the determination of pricing policies.

(c) When an emergency exists as to any given product, sale below the stated minimum price of such product, in violation of Section 2 hereof, is forbidden.

SECTION 2. *Emergency Provisions.*—(a) If the Administrator, after investigation shall at any time find both (1) that an emergency has arisen within the Industry adversely affecting enterprises or wages or labor conditions, or tending toward monopoly or other acute conditions which tend to defeat the purposes of the Act; and (2) that the determination of the stated minimum price for a specified product within the industry for a limited period is necessary to mitigate the conditions constituting such emergency and to effectuate the purposes of the Act, the Code Authority may cause an impartial agency to investigate costs and to recommend to the Administrator a determination of the stated minimum price of the product affected by the emergency and thereupon the Administrator may proceed to determine such stated minimum price.

(b) When the Administrator shall have determined such stated minimum price for a specified product for a stated period, which price shall be reasonably calculated to mitigate the conditions of such emergency and to effectuate the purposes of the National Industrial Recovery Act, he shall publish such price. Thereafter, during such stated period, no member of the Industry shall sell such specified products at a net realized price below said stated minimum price and any such sale shall be deemed destructive price cutting. From time to time, the Code Authority may recommend review or reconsideration or the Administrator may cause any determinations hereunder to be reviewed or reconsidered and appropriate action taken.

ARTICLE IX—OPEN PRICE

The following provisions apply only to Manufacturers of Electric Hoists:

SECTION 1. Each member of the Industry shall file with a confidential and disinterested agent of the Code Authority or, if none, then with such an agent designated by the Administrator, identified lists of all of his prices, discounts, rebates, allowances, and all other terms or conditions of sale, hereinafter in this article referred to as "price terms", which lists shall completely and accurately conform to and represent the individual pricing practices of said member. Such lists shall contain the price terms for all such standard products of the industry as are sold or offered for sale by said member and for such non-standard products of said member as shall be designated by the Code Authority. Said price terms shall in the first instance be filed within twenty (20) days after the date of approval of this provision. Price terms and revised price terms shall become effective immediately upon receipt thereof by said agent. Immediately upon receipt thereof, said agent shall by telegraph or other equally prompt means notify said member of the time of such receipt. Such lists and revisions, together with the

effective time thereof, shall upon receipt be immediately and simultaneously distributed to all members of the industry and to all of their customers who have applied therefor and have offered to defray the cost actually incurred by the Code Authority in the preparation and distribution thereof and be available for inspection by any of their customers at the office of such agent. Said lists or revisions or any part thereof shall not be made available to any person until released to all members of the Industry and their customers, as aforesaid; provided, that prices filed in the first instance shall not be released until the expiration of the aforesaid twenty (20) day period after the approval of this code. The Code Authority shall maintain a permanent file of all price terms filed as herein provided, and shall not destroy any part of such records except upon written consent of the Administrator. Upon request the Code Authority shall furnish to the Administrator or any duly designated agent of the Administrator copies of any such lists or revisions of price terms.

SECTION 2. When any member of the Industry has filed any revision, such member shall not file a higher price within forty-eight (48) hours.

SECTION 3. No member of the Industry shall sell or offer to sell any products of the industry, for which price terms have been filed pursuant to the provisions of this article, except in accordance with such price terms.

SECTION 4. No member of the Industry shall enter into any agreement, understanding, combination or conspiracy to fix or maintain price terms, nor cause or attempt to cause any member of the industry to change his price terms by the use of intimidation, coercion, or any other influence inconsistent with the maintenance of the free and open market which it is the purpose of this Article to create.

ARTICLE X—UNFAIR TRADE PRACTICES

Each of the following acts and practices is deemed to be inimical to the best interests of the Industry and of the public, and each is, therefore, declared to be and to constitute an unfair method of competition:

SECTION (A). No member of the Industry shall secretly offer or make any payment or allowance of a rebate, refund, commission credit, unearned discount or excess allowance, whether in the form of money or otherwise, nor shall a member of the Industry secretly offer or extend to any customer any special service or privilege not extended to all customers of the same class, for the purpose of influencing a sale.

SECTION (B). No member of the Industry shall give, permit to be given, or offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal or party. This provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

SECTION (C). No member of the Industry shall brand or mark or pack any goods in any manner which is intended to or does deceive or mislead purchasers with respect to the brand, grade, quality, quantity, origin, size, substance, character, nature, finish, material content or preparation of such goods.

SECTION (D). No member of the Industry shall publish or circulate unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harassing competitors or intimidating their customers.

SECTION (E). No member of the Industry shall wilfully induce or attempt to induce the breach of existing contracts between competitors and their customers by any false or deceptive means, or interfere with or obstruct the performance of any such contractual duties or services by any such means, with the purpose and effect of hampering, injuring or embarrassing competitors in their business.

SECTION (F). No member of the Industry shall defame a competitor by falsely imputing to him dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representation, or by falsely disparaging the grade or quality of his goods.

SECTION (G). No employer shall accept trade-ins of used equipment, material, property or supplies, to apply on the purchase of new equipment.

SECTION (H). No employer shall sell products of the Industry by a contract calling for extended terms of payment not covered by the employers' filed price lists, unless the contract calls for interest at the rate of six (6%) per cent per annum to begin thirty (30) days after shipment, unless a lower rate is specified by the state law governing the contract.

SECTION (I). *The following trade practice applies solely to manufacturers of monorail equipment:*

No employer shall submit a proposal including erection which does not include a quotation covering a bill of materials on equipment, and a separate quotation covering erection and any superstructure, if same is to be furnished. In quoting on erection and superstructure, prime consideration shall be given to the cost of such items plus freight and/or cartage charges plus the cost of handling. Proposals submitted by any employer shall not be revised, except when a change in the bill of materials or specifications is to be made, in which case the revised proposal must equal only the change in bill of materials or specifications, and except to meet the competition of lower bids, provided however, that after lowering a quotation to meet competition, an employer shall file with the Code Authority a complete statement of the transaction, setting forth the competition which existed and his original and final bids, and except upon the general reopening of bids. Proposals including the services of a superintendent of erection shall consist of a quotation covering a bill of materials on equipment, and a separate quotation covering the cost of furnishing a superintendent of erection on a per diem basis. No job shall be quoted short of the necessary equipment needed to complete the installation, but a three per cent variation of quoted price to allow for engineering discrepancies is permissible.

ARTICLE XI—EXPORT TRADE

No provision of this Code relating to prices or terms of selling, shipping or marketing, shall apply to export trade or sales or shipments for export trade. "Export Trade" shall be as defined in the Export Trade Act adopted April 10, 1918.

ARTICLE XII—MODIFICATION

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of Subsection (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under Title I of said Act.

SECTION 2. Such of the provisions of this Code as are not required to be included herein by the Act may, with the approval of the Administrator, be modified or eliminated in such manner as may be indicated by the needs of the public, by changes in circumstances, or by experience. All the provisions of this Code, unless so modified or eliminated, shall remain in effect until June 16, 1935.

ARTICLE XIII—MONOPOLIES, ETC.

No provision of this Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

ARTICLE XIV—EFFECTIVE DATE

This Code shall become effective on the eleventh day after its approval.

Approved Code No. 483.

Registry No. 1306-03.



Approved Code No. 484

CODE OF FAIR COMPETITION

FOR THE

WHOLESALE MONUMENTAL MARBLE INDUSTRY

As Approved on July 14, 1934

ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE WHOLESALE MONU- MENTAL MARBLE INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Wholesale Monumental Marble Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise, do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said Code of Fair Competition be and it is hereby approved; provided, that the hourly rate for the North as provided in Section 1 of Article IV and the overtime rate as provided in Section 2 (b) of Article III be approved pending the completion of a study within ninety (90) days of these rates in connection with rates of similar codes, and provided further, that Industry's request for stay be granted in Section 5 of Article IV pertinent to the methods of payment of wages pending determination by the Administrator on a similar stay in the Retail Trade Code.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 14, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Wholesale Monumental Marble Industry, the public hearing having been conducted thereon in Washington, D.C., on January 2, 1934, in accordance with the provisions of the National Industrial Recovery Act.

HOURS AND WAGES

The Code provides a forty (40) hour week excepting watchmen who are permitted to work fifty-six (56) hours per week. Firemen, engineers, sawyers, truckmen and shipping clerks may be permitted to work forty-eight (48) hours per week. Minimum rates of wages established are thirty-seven and one-half cents ($37\frac{1}{2}\text{¢}$) per hour in the North and thirty cents (30¢) per hour in the South.

OTHER LABOR PROVISIONS

The Code contains provisions governing child labor, infirm and aged employees, reclassification of employees and safety and health of employee.

ECONOMIC EFFECT

It is expected by the industry that a small increase in employment will result due to the adoption of a maximum forty (40) hour work week. Payrolls under this Code will be increased from twenty percent (20%) to fifty percent (50%) in both the North and South areas.

FINDINGS

The Deputy Administrator in his final report to me on said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial

and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said industry normally employs not more than 50,000 employees, and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant group is an industrial group truly representative of the aforesaid industry; and that said group imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Code.

For these reasons, therefore, I have approved this Code.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 14, 1934.

CODE OF FAIR COMPETITION FOR THE WHOLESALE MONUMENTAL MARBLE INDUSTRY

ARTICLE I—PURPOSES

To effect the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Wholesale Monumental Marble Industry and shall be the standard of fair competition for such industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

(1) The term "wholesale Monumental Marble Industry" or "Industry" as used herein is defined to mean the finishing and sale to retail monument dealers, jobbers, or wholesalers, of marble for monuments, and other monumental work.

(2) The terms "monument" and "monumental" as used herein include marble monuments, memorials, markers, headstones, tombs, tombstones, coping, lot enclosures, surface burial vaults, urns, seats, benches, sundials, and all other related types of memorials, and rough marble and partly finished marble intended or suited for these purposes.

(3) The term "Member of the Industry" includes, but without limitation, any individual, partnership, association, corporation, or other form of enterprise engaged in the industry, either as an employer or on his or its own behalf.

(4) The term "employee" as used herein includes any and all persons engaged in the Industry, however compensated, except a member of the Industry.

(5) The term "employer" as used herein includes anyone by whom such employee is compensated or employed.

(6) The terms "President" "Act" and "Administrator" as used herein shall mean respectively, the President of the United States, Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

(7) Population for the purposes of this Code shall be determined by reference to the latest Federal Census.

ARTICLE III—HOURS

SECTION 1. *Maximum hours.*—No employee shall be permitted to work in excess of forty (40) hours in any one week or eight (8) hours in any twenty-four (24) hour period, or more than six (6) days in any seven (7) day period, except as hereinafter provided.

SECTION 2. No person employed in clerical or office work shall be permitted to work in excess of forty (40) hours in any one week or eight (8) hours in any twenty-four (24) hours period. A normal work day shall not exceed eight hours.

(b) The provisions of this Article shall not apply to traveling salesmen, or to employees engaged in emergency maintenance or emergency repair work, or to persons employed in managerial or executive capacity who earn regularly thirty-five dollars (\$35.00) per week or more; provided, however, that employees engaged in emergency maintenance and emergency repair work shall be paid at one and one-third ($1\frac{1}{3}$) times their normal hourly rate for all hours worked in excess of eight (8) hours per day and forty (40) hours per week.¹

(c) Employees engaged as watchmen may be permitted to work not in excess of fifty-six (56) hours in any one week, or more than six (6) days in any seven (7) day period; and

(d) Employees engaged as firemen, plant engineers, sawyers, and foremen may be permitted to work not in excess of forty-eight (48) hours in any one week and not more than six (6) days in any seven (7) day period; and

(e) Employees engaged as truckmen or shipping clerks may be permitted to work not in excess of forty-eight (48) hours in any one week or more than six (6) days in any seven day period; and

(f) Employees may be permitted to exceed the limitations of Section 1 when employment is necessary to recover time lost due to inclement weather, provided, however, that the total hours worked shall not exceed an average of forty (40) hours per week for any three (3) months' period of the year or a maximum of forty-eight (48) hours in any one week, and provided further that overtime rates shall be paid for all hours worked in excess of eight (8) hours per day or forty (40) hours per week at the rate of one and one third ($1\frac{1}{3}$) times the normal rate except employees covered by Subsections (c), (d), (e) of this Section.

SECTION 3. *Employment by Several Employers.*—No employer shall knowingly permit any employee to work for any time which, when totaled with that already performed with another employer or employers, in this or any other industry, exceeds the maximum permitted herein.

ARTICLE IV—WAGES

SECTION 1. No employee shall be paid in any pay period less than at the rate of thirty-seven and one half cents ($37\frac{1}{2}\text{¢}$) per hour, except in the South where no such employee shall be paid less than at the rate of thirty cents (30¢) per hour. The South includes that part of the United States south of the Potomac and Ohio Rivers, and east of the Mississippi River together with the States of Arkansas, Oklahoma, Louisiana and Texas.¹

SECTION 2. The Minimum rate of pay for accounting, clerical, and office employees shall be as follows:

Fifteen dollars (\$15.00) per week in any city of over 500,000 population, or in the immediate trade area of such city; fourteen and 50/100 dollars (\$14.50) per week in any city of between 250,000 and 500,000 population, or in the immediate trade area of such city; fourteen dollars (\$14.00) per week in any other place.

¹ See paragraph 2 of order approving this Code.

SECTION 3. This Article establishes a minimum rate of pay which shall apply, irrespective of whether an employee is actually compensated on a time-rate, piecework, or other basis.

SECTION 4. A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage below the minimum established by this Code if the employer obtains from the State Authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate provided, however, that the total number of such employees shall not exceed 5 per cent of the total number of employees, except that in any case the employer shall be allowed to employ two such employees. Each employer shall file monthly with the Code Authority, a list of all such persons employed by him, showing the wages paid to, and the maximum hours of work for such employee.

SECTION 5. An employer shall make payment of all wages not otherwise than in lawful currency, or by negotiable check, payable on demand. These wages shall be exempt from any payments for pensions, insurance, or sick benefits, other than those voluntarily paid by the wage earners, or required by law. Wages shall be paid at least semi-monthly, and salaries at least monthly.¹

SECTION 6. *Adjustment of Wages.*—The hourly wage rate or salary of all employees receiving more than the minimum rate or salary herein prescribed shall be equitably adjusted, if such adjustments have not already been made. No employee now receiving compensation at a rate in excess of the minimum herein prescribed shall have his weekly compensation reduced on account of and reduction in weekly hours of employment to conform to requirements of Article III.

SECTION 7. *Female Employees.*—Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. No person under sixteen (16) years of age shall be employed in the industry. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. The Code Authority shall submit to the Administrator for approval within sixty (60) days after the effective date of this Code, a list of such operations or occupations. In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a valid certificate or permit duly signed by the Authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

SECTION 2. (a) Employees shall have the right to organize and bargain collectively, through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

¹ See paragraph 2 of order approving this Code.

(b) No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing, and

(c) Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

SECTION 3. No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge so as to defeat the purposes of the Act.

SECTION 4. Every employer shall provide for the safety and health of employees during the hours and at the places of their employment. Standards for safety and health shall be submitted by the Code Authority to the Administrator within six months after the effective date of the Code.

SECTION 5. No provisions in this Code shall supersede any State or Federal law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary, or general working conditions, or insurance or fire protection, than are imposed by this Code.

SECTION 6. All employers shall post and keep posted copies of this Code in conspicuous places accessible to all employees. Every member of the industry shall comply with all rules and regulations relative to the posting of provisions of Codes of Fair Competition which may from time to time be prescribed by the Administrator.

SECTION 7. No employer shall dismiss or demote any employee for making a complaint or giving evidence with respect to an alleged violation of the provisions of the Code.

ARTICLE VI—ORGANIZATION, POWERS, AND DUTIES OF THE CODE AUTHORITY

SECTION 1. A Code Authority is hereby established to cooperate with the Administrator in the administration of this Code.

SECTION 2. For the purpose of the administration of this Code, the Wholesale Monumental Marble Industry shall be divided into geographical divisions as set forth below:

Division I shall include that part of the United States north of the Potomac and Ohio Rivers and east of the Mississippi River.

Division II shall include that part of the United States south of the Potomac and Ohio Rivers and East of the Mississippi River.

Division III shall include the remainder of the United States.

SECTION 3. (a) The Code Authority in charge of the administration of this Code shall consist of five members of the industry, who shall be chosen as set forth below.

(b) Members of the Industry shall select in each geographical division by a fair method of election, subject to the approval of the Administrator, and with fair consideration of volume of business, one member to represent their Division on the Code Authority. The three members so chosen, shall, with the approval of the Administrator, choose two additional members of the Industry. These five members of the Industry so selected shall serve for a period of one year, and together with those appointed by the Administrator as

provided in Section 4, below, shall constitute the Code Authority for the Wholesale Monumental Marble Industry.

(c) Any vacancies on the Code Authority in the membership representing a Division or otherwise remaining unfilled for a period of fifteen (15) days may be filled by the Code Authority as then constituted, and the member so selected shall continue as the representative of the Division in which the vacancy has occurred until such time as that Division elects a successor.

(d) The members of the Code Authority shall be elected at meetings of the members of the Industry to be called within ten days after the effective date hereof. The notice of the meetings shall be sent out by the Chairman of the Code Committee by registered mail to all known members of the Industry. The notice shall specifically state that the voting at the meeting may be in person or by proxy and said notice shall be sent ten (10) days prior to such meeting. The members of the Code Authority shall be elected by members of the Industry present in person or by proxy at such meetings by a majority vote of members of the Industry present in person or by proxy as such.

SECTION 4. In addition to membership as above provided, there may be not more than three members, without vote, to be known as Administration members appointed by the Administrator, to serve for such terms as he may specify.

SECTION 5. In order that the Code Authority shall at all times be truly representative of the Industry and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Code Authority.

SECTION 6. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for the act of any other member, officer, agent, or employee of the Code Authority. Nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own wilful misfeasance or nonfeasance.

SECTION 7. Any association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

SECTION 8. If the Administrator shall at any time determine that any action of a Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action which shall

not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty (30) days' notice to him of intention to proceed with such action in its original or modified form.

SECTION 9. The Code Authority shall have the following further powers and duties subject to such rules and regulations as the Administrator may prescribe:

(a) To insure the execution of the provisions of this Code and to provide for the compliance of the industry with the provisions of the Act.

(b) To adopt by-laws and rules and regulations for its procedure.

(c) To obtain from members of the Industry such information and reports as are required for the administration of the Code. In addition to information required to be submitted to the Code Authority, members of the industry subject to this Code shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as he may designate; provided that nothing in this Code shall relieve any member of the industry of any existing obligations to furnish reports to any Government agency. No individual report shall be disclosed to any other member of the industry or any other party except to such other Governmental agencies as may be directed by the Administrator.

(d) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(e) To make recommendations to the Administrator for the coordination of the administration of this Code with such other codes, if any, as may be related to or affect members of the industry.

(f) To recommend to the Administrator any action or measures deemed advisable, including further fair trade practice provisions to govern members of the industry in their relations with each other or with other industries; measures for industrial planning, and stabilization of employment; and including modifications of this Code which shall become effective as part hereof upon approval by the Administrator after such notice and hearing as he may specify.

(g) To appoint a Trade Practice Committee which shall meet with the Trade Practice Committees appointed under such other codes as may be related to the industry for the purpose of formulating fair trade practices to govern the relationships between employers under this code and under such other codes to the end that such fair trade practices may be proposed to the Administrator as amendments to this code and such other codes.

SECTION 10. It being found necessary to support the Administration of this Code, and to maintain the standards of fair competition established hereunder, and to effectuate the policy of the Act the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be held in trust for the purposes of the Code and raised as hereinafter provided;

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary:

(1) An itemized budget of its estimated expenses for the foregoing purposes, and

(2) An equitable basis upon which the funds necessary to support such budget shall be contributed by all members of the Industry.

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contributions as above set forth, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(d) Each member of the Industry shall pay for his or its equitable contribution to the expenses of the maintenance of the Code Authority as hereinabove provided and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the industry complying with the Code and contributing to the expenses of its administration shall be entitled to participate in the selection of the members of the Code Authority or to receive the benefits of its voluntary activities or to make use of any emblem or insignia of the N.R.A.

(e) The Code Authority shall neither incur nor pay any obligations in excess of the amount thereof as estimated in its approved budget except upon approval of the Administrator and no subsequent budget shall contain any deficiency item of expenditures in excess of prior budget except those the Administrator shall have so approved.

SECTION 11. The Code Authority shall cause to be formulated methods of cost finding and accounting capable of use by all members of the industry, and shall submit such methods to the Administrator for review. If approved by the Administrator, full information concerning such methods shall be made available to all members of the industry. Thereafter, each member of the industry shall utilize such methods to the extent found practicable. Nothing herein contained shall be construed to permit the Code Authority, any agent thereof, or any member of the industry to suggest uniform additions, percentages or differentials or other uniform items of cost which are designed to bring about arbitrary uniformity of costs or prices.

SECTION 12. The Code Authority may recommend to the Administrator modifications and/or amendments to this Code, which shall become parts of this Code upon approval by the Administrator after such notice and hearing as he may prescribe.

ARTICLE VII—TRADE PRACTICE RULES

The following trade practices are prohibited:

SECTION 1—RULE 1—*Inaccurate Advertising*.—No member of the Industry shall publish advertising (whether printed, radio, display, or of any other nature) which is misleading or inaccurate in any material particular nor shall any member in any way misrepresent any commodity (including but without limitation its use, trade mark, grade, quality, quantity, origin, size, substance, character, nature, finish, material content, or preparation), or credit terms, values, policies, services, or the nature or form of the business conducted.

RULE 2. *False Billing.*—No member of the industry shall knowingly withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any material particular.

RULE 3. *Inaccurate Labelling.*—No member of the industry shall brand or mark or pack any commodity in any manner which tends to deceive or mislead purchasers and/or prospective purchasers with respect to the brand, grade, quality, quantity, origin, size, finish, material content, or preparation of such commodity.

RULE 4. *Inaccurate References to Competitors, Etc.*—No member of the industry shall use advertising or other representation which refers inaccurately in any material particular to any competitors or their commodities, prices, values, credit terms, policies or services.

RULE 5. *Commercial Bribery.*—No member of the industry shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal or party. Commercial bribery provisions shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

RULE 6. *Interference with Another's Contracts.*—No member of the industry shall attempt to induce the breach of an existing contract between a competitor and his customer or source of supply.

RULE 7. *Blacklisting.*—No member of the industry shall join or participate with other members of the industry in any transaction known as a black list, including any practice or device (such as white list), which accomplishes the purpose of a black list.

RULE 8. *Rebates.*—No member of the industry shall secretly pay or allow rebates, refunds, commissions, credit, or unearned discounts, or excess allowances, whether in the form of money or otherwise, or secretly extend to certain customers special services or privileges not extended to all customers under like terms and conditions, for the purpose of influencing sales.

RULE 9. *Misrepresentation.*—No member of the industry shall mislead or deceive any bidder as to the amounts and conditions of other bids, or by any other false information, for the purpose of inducing him to cut his own bid.

RULE 10. *Bidding Practice.*—No member of the industry shall induce or attempt to induce an architect, owner, builder, or retailer to reveal to such member any information regarding any bid received on a competitive job, with a view of giving such member an opportunity to meet or cut below the lowest bid, whether such member was one of the original bidders or not.

ARTICLE VIII—OPEN PRICE

SECTION 1. Each member of the industry shall file with a confidential and disinterested agent of the code authority or, if none, then with such an agent designated by the Administrator, identified lists of all of his prices, discounts, rebates, allowances, and all other terms or conditions of sale, hereinafter in this article referred to

as "price terms", which lists shall completely and accurately conform to and represent the individual pricing practices of said member. Such lists shall contain the price terms for all such standard products of the industry as are sold or offered for sale by said member and for such non-standard products of said member as shall be designated by the code authority. Said price terms shall in the first instance be filed within sixty (60) days after the date of approval of this provision. Price terms and revised price terms shall become effective immediately upon receipt thereof by said agent. Immediately upon receipt thereof, said agent shall by telegraph or other equally prompt means notify said member of the time of such receipt. Such lists and revisions, together with the effective time thereof, shall upon receipt be immediately and simultaneously distributed to all members of the industry and to all of their customers who have applied therefor and have offered to defray the cost actually incurred by the code authority in the preparation and distribution thereof and be available for inspection by any of their customers at the office of such agent. Said lists or revisions or any part thereof shall not be made available to any person until released to all members of the industry and their customers, as aforesaid; provided, that prices filed in the first instance shall not be released until the expiration of the aforesaid sixty (60) day period after the approval of this code. The code authority shall maintain a permanent file of all price terms filed as herein provided, and shall not destroy any part of such records except upon written consent of the Administrator. Upon request the code authority shall furnish to the Administrator or any duly designated agent of the Administrator copies of any such lists or revisions of price terms.

SECTION 2. When any member of the industry has filed any revision, such member shall not file a higher price within forty-eight (48) hours.

SECTION 3. No member of the industry shall sell or offer to sell any products/services of the industry, for which price terms have been filed pursuant to the provisions of this article, except in accordance with such price terms.

SECTION 4. No member of the industry shall enter into any agreement, understanding, combination or conspiracy to fix or maintain price terms, nor cause or attempt to cause any member of the industry to change his price terms by the use of intimidation, coercion, or any other influence inconsistent with the maintenance of the free and open market which it is the purpose of this Article to create.

ARTICLE IX—MODIFICATION

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of subsection (b) of Section 10 of the National Industrial Recovery Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under Title I of said Act and specifically, but without limitation, to the right of the President to cancel or modify his approval of this Code or any conditions imposed by him upon his approval thereof.

SECTION 2. This Code, except as to provisions required by the Act, may be modified on the basis of experience or changes in circumstances, such modification to be based upon application by the Code Authority to the Administrator and such notice and hearing as he shall specify, and to become effective on approval of the Administrator.

ARTICLE X—MONOPOLIES, ETC.

No provision of this Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

ARTICLE XI—PRICE INCREASES

Whereas the policy of the Act to increase real purchasing power will be made more difficult of consummation if price of goods and services increase as rapidly as wages, it is recognized that price increases except such as may be required to meet individual cost should be delayed. But when made such increases should, so far as possible, be limited to actual additional increases in the seller's cost.

ARTICLE XII—FOREIGN TRADE

No provision of this Code relating to prices or terms of selling, shipping, or marketing shall apply to export trade or sales or shipments for export trade.

ARTICLE XIII—EFFECTIVE DATE

This Code shall become effective on the second Monday after its approval by the President.

Approved Code No. 484.

Registry No. 1023-29.



Approved Code No. 485

CODE OF FAIR COMPETITION

FOR THE

COTTON GINNING MACHINERY MANUFACTURING INDUSTRY

As Approved on July 16, 1934

ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE COTTON GINNING MACHINERY MANUFACTURING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Cotton Ginning Machinery Manufacturing Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report, and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved; provided, however, that the provisions of Article VIII, Section 1 (b), insofar as they prescribe a waiting period between the filing with the Code Authority or such agency as may be designated in the Code, and the effective date of price lists, as originally filed and/or revised price lists or revised terms and conditions of sale, be and they hereby are stayed pending my further Order. Further, the provision of Article III, Section III, relating to heat firemen is hereby stayed for a period of sixty (60) days subject to my further orders. And, further, the provision in Article IV, Section 7 relating to a conditional southern wage rate of twenty-five (25) cents per hour, shall be reconsidered

after the conclusion of the present peak season in the Industry, in order that I may determine if conditions in the Industry justify the continuance of said provision.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

A. R. GLANCY,
Division Administrator.

WASHINGTON, D.C.,
July 16, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Cotton Ginning Machinery Manufacturing Industry as revised after a Public Hearing held in Washington on the 21st day of November, 1933, in accordance with the provisions of the National Industrial Recovery Act.

PROVISIONS AS TO HOURS AND WAGES

Employment is limited to eight (8) hours per day and forty (40) hours per week and six (6) days in any seven (7) day period, with the exception of those employees engaged in emergency maintenance or emergency repair work. To provide for the peak season between June 1st and September 15th, overtime is allowed to the extent of eight (8) hours per week, provided that no unemployed workers possessing the necessary skill to perform said work are available.

Overtime for emergency maintenance or emergency repair work in excess of eight (8) hours in any twenty-four (24) hour period or in excess of forty (40) hours in any seven (7) day period will be paid for at not less than one and one-half ($1\frac{1}{2}$) times the regular rate.

Overtime during the peak season will be paid for at a rate of not less than one and one-half ($1\frac{1}{2}$) times the regular rate for all hours worked in excess of forty-four (44) hours per week.

Watchmen and heat firemen will not work in excess of fifty-six (56) hours per week.

A minimum wage of forty (40¢) cents per hour for males and females is established, except for office and clerical employees who may be paid at the rate of not less than fifteen (\$15.00) dollars per week and office boys and girls at a rate of not less than twelve (\$12.00) dollars per week. Female employees performing substantially the same work as male employees will receive the same rate of pay.

In the South (which includes the States of North Carolina, South Carolina, Tennessee, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas and Oklahoma) the minimum rate is thirty-two (32¢) cents per hour.

Due to economic conditions in the Industry, restricting the market for its products, common labor in the South will be paid at a rate of not less than twenty-five (25¢) cents per hour, until the Administrator, after such hearings as he may require, shall determine that economic conditions in the Industry have improved in which event the minimum wage of thirty-two (32¢) cents per hour prescribed in Article IV, Section 1 shall be in effect.

ECONOMIC EFFECT OF THE CODE

Before the adoption of the reduced hourly schedule in 1933, this Industry averaged 46.7 hours per week. Its ten plants employed 623 persons. Adoption of the forty (40) hour week has increased employment to 1071 persons or an increase of 42%.

Sales in 1932 totaled \$2,296,566 but sales for 1934 are expected to be slightly greater.

FINDINGS

The Deputy Administrator in his final report to me on said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant group is an industrial association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Code.

For these reasons, this Code has been approved by me.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 16, 1934.

CODE OF FAIR COMPETITION FOR THE COTTON GINNING MACHINERY MANUFACTURING INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Cotton Ginning Machinery Manufacturing Industry, and shall be the standard of fair competition for this Industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

The term "Cotton Ginning Machinery Manufacturing Industry", or the "Industry", as used herein, shall mean the manufacture and/or sale by the manufacturer of cotton ginning machinery and/or cleaning, separating, extracting and baling equipment necessary to the actual ginning of seed cotton.

The term "Association", as used herein, shall mean the Cotton Ginning Machinery Manufacturers Association.

The term "member of the Industry", as used herein, includes, but without limitation, any individual, partnership, association, corporation or other form of enterprise engaged in the Industry, either as an employer or on his or its own behalf.

The term "employee", as used herein, includes any and all persons engaged in the Industry, however compensated, except a member of the Industry.

The term "employer", as used herein, includes anyone by whom such employee is compensated or employed.

The terms "President", "Act", and "Administrator", as used herein, shall mean respectively the President of the United States, Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

ARTICLE III—HOURS

SECTION 1. No employee, except as hereinafter provided, shall be permitted to work in excess of forty (40) hours per week or in excess of eight (8) hours per day; provided, however, that during any period in which a concentrated demand upon any division of the Industry shall place a temporary burden for production upon its facilities, and no unemployed workers possessing the necessary skill to perform said work are available, any employee of such division may be permitted to work not in excess of forty-eight (48) hours per week in any period between June first and September fifteenth and that each such employee, except as hereinafter described in Section 3 of this Article III, shall be paid at not less than one and one-half times his regular rate for all hours worked in excess of forty-four (44) hours per week.

SECTION 2. *Emergency Overtime.* The maximum hours fixed in the foregoing section shall not apply to any employee on emergency maintenance or emergency repair work involving breakdowns or protection of life or property. But in any such special case at least one and one-half times the normal rate shall be paid for hours worked in excess of the maximum provided in Section 1 above.

SECTION 3. Watchmen and heat firemen shall not be permitted to work in excess of fifty-six (56) hours per week.¹

SECTION 4. The limitations as to hours of work shall not apply to employees in executive or managerial capacities who receive thirty-five (35) dollars or more per week or to outside salesmen and salaried foremen.

SECTION 5. No accounting, clerical, or service employee shall be permitted to work in excess of forty (40) hours per week or nine (9) hours in any one (1) day. No delivery employees shall be permitted to work in excess of forty (40) hours per week or eight hours in any one (1) day except in the seasonal peak period referred to in Article III, Section 1 during which time they may be permitted to work not in excess of forty-eight (48) hours per week but shall be paid at overtime rates of not less than one and one-half (1½) times their regular rate for all hours worked in excess of forty-four (44) hours per week.

SECTION 6. No employer shall knowingly permit any employee to work for any time which, when added to the time spent at work for another employer or employers in this Industry (or otherwise), exceeds the maximum permitted herein.

SECTION 7. No employee shall be permitted to work more than six (6) days in any seven (7) day period.

ARTICLE IV.—WAGES

SECTION 1. No employees shall be paid less than at the rate of forty (40) cents per hour, except as herein otherwise expressly provided. However, in the South the minimum rate shall not be less than at the rate of thirty-two (32) cents per hour. The South, for the purposes of this Article IV, shall include only the States of North Carolina, South Carolina, Tennessee, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas and Oklahoma.

SECTION 2. No employer shall pay any learner less than at the rate of eighty (80) percent of the minimum prescribed in Article IV, Section 1. The total number of learners shall not at any one time exceed the ratio of five (5) percent of the total number of skilled workmen in the employ of any one (1) member of the Industry. A learner shall be defined as a person who is engaged in learning a skilled occupation or trade and who has had less than six (6) months experience in that occupation or trade.

SECTION 3. No other employee shall be paid less than at the rate of fifteen (15) dollars per week; provided that office or errand boys and girls and messengers may be paid at the rate of not less than eighty (80) percent of the aforesaid minimum of fifteen (15) dollars per week; provided, further that the total number of such office or errand boys and girls and messengers thus compensated shall

¹ See paragraph 2 of order approving this Code.

not exceed five (5) percent of the total number of clerical employees in such factory or branch plant; and provided, further, that at least two (2) such office or errand boys and girls and messengers may be employed in any factory or branch plant.

SECTION 4. *Adjusting Wage Scale.*—Within thirty (30) days after the effective date of this Code the wages paid all workers whose pay is above the minimum shall be equitably adjusted, if this has not already been done since June 16, 1933. In no case shall hourly or piece rates be reduced. Within sixty (60) days of the effective date the Code Authority shall report to the Administrator the readjustments made.

SECTION 5. *Females.*—Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees; and where they displace men they shall receive the same rate of earnings as the men they displace.

SECTION 6. This article establishes minimum rates of pay regardless of whether an employee's compensation is calculated on an hourly rate, piece-work performance or otherwise.

SECTION 7. Due to economic conditions in this Industry restricting the market for its products, a minimum wage rate of twenty-five (25) cents per hour may be paid for common labor in the States of North Carolina, South Carolina, Tennessee, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas and Oklahoma, and shall be in effect until after such hearing as the Administrator may require. Should he then determine that improved economic conditions exist in the Industry, the minimum wage prescribed in Article IV, Section 1 shall be in effect.²

ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. No person under sixteen (16) years of age shall be employed in the Industry, nor anyone under eighteen (18) years of age at operations or occupations hazardous in nature or detrimental to health. The Code Authority shall submit to the Administrator, within sixty (60) days from date of signing of the Code by the President, a list of such operations or occupations. In any state an employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly issued by the authority in such state empowered to issue employment or age certificates or permits, showing that the employee is of the required age.

SECTION 2. Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

SECTION 3. No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing.

SECTION 4. Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

² See paragraph 2 of order approving this Code.

SECTION 5. No provisions in this Code shall supersede any State or Federal law which imposes more stringent requirements on employers as to age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions, or insurance, or fire protection, than are imposed by this Code.

SECTION 6. No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge so as to defeat the purposes or provisions of the Act or of this Code.

SECTION 7. All employers shall post and keep posted copies of this Code in conspicuous places accessible to all employees. Every member of the Industry shall comply with all rules and regulations relative to the posting of provisions of Codes of Fair Competition which may from time to time be prescribed by the Administrator.

SECTION 8. Every employer shall make reasonable provision for the safety and health of his employees at the place and during the hours of their employment. Within three (3) months after the effective date of this Code, the Code Authority shall submit to the Administrator, for his approval, Standards of Safety and Health for the Industry.

SECTION 9. No employer shall contract for work to be done except where the person performing the contract is subject to the provisions of this Code or the Code adopted by the Industry covering such work; and in no case shall an employer avoid or evade the labor provisions of this Code by contracting his work to any persons subject to labor regulations less stringent than those provided in this Code.

SECTION 10. The working hours for employees during each day shall be consecutive provided that an interval not longer than one (1) hour may be allowed for each regular meal period, and such interval not counted as part of the employee's working time. Any rest period which may be given employees shall not be deducted from such employee's working time.

ARTICLE VI—ADMINISTRATION

To further effectuate the policies of the Act, a Code Authority is hereby constituted to cooperate with the Administrator in the administration of this Code.

SECTION 1. Organization and constitution of the Code Authority.

(a) The Code Authority shall consist of not more than eight (8) or less than six (6) voting members. Six (6) voting members of the Code Authority shall be selected by the Executive Committee of the Association, and two (2) by members of the Industry who are not members of the Association, if the non-members of the Association so desire. In addition, the Administrator may appoint not to exceed three (3) members without vote.

SECTION 2. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other information as to membership,

organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

SECTION 3. In order that the Code Authority shall at all times be truly representative of the Industry and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification of the Code Authority.

SECTION 4. Members of the Industry shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the selection of the members thereof by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the expenses of its administration. Such reasonable share of the expenses of administration shall be determined by the Code Authority, subject to review by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable.

SECTION 5. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent or employee of the Code Authority. Nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own willful mal-feasance or non-feasance.

SECTION 6. If the Administrator shall determine that any action of the Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty (30) days notice to him of intention to proceed with such action in its original or modified form.

SECTION 7. Subject to such rules and regulations as may be issued by the Administrator, the Code Authority shall have the following further powers and duties:

(a) Subject to such rules and regulations as may be prescribed by the Administrator to adopt by-laws and rules and regulations for its procedure and for the administration of this Code.

(b) To obtain from members of the Industry such information and reports as are required for the administration of the Code. In addition to information required to be submitted to the Code Authority, members of the Industry subject to this Code shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as he may designate; provided that nothing in this Code shall relieve any member of the Industry of any existing obligations to furnish reports to any Government agency. No individual report shall be disclosed to any other member of the Industry or any other party except to such other Governmental agencies as may be directed by the Administrator.

(c) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(d) To make recommendations to the Administrator for the coordination of the administration of this Code with such other codes, if any, as may be related to or affect members of the Industry.

(e) (1) It being found necessary to support the Administration of this Code, in order to effectuate the policy of the Act and to maintain the standards of fair competition established hereunder, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which shall be held in trust for the purposes of the Code and raised as hereinafter provided;

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary:

1. An itemized budget of its estimated expenses for the foregoing purposes, and
2. An equitable basis upon which the funds necessary to support such budget shall be contributed by all members of the Industry entitled to the benefits accruing from the maintenance of such standards, and the administration thereof;

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and collect equitable contributions as above set forth, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(2) Each member of the Industry shall be liable for his or its equitable contribution to the expenses of the maintenance of the Code Authority as hereinbefore provided. Only members of the Industry complying with the Code and making such contribution shall be entitled to participate in the selection of the members of the Code Authority or to receive the benefits of its voluntary activities or to make use of any National Recovery Administration insignia.

(f) To cooperate with the Administrator in regulating the use of any National Recovery Administration insignia solely by those members of the Industry who have assented to, and are complying with, this Code.

(g) To appoint a Trade Practice Committee which shall meet with the Trade Practice Committees appointed under such Codes as may be related to the Industry for the purposes of formulating fair trade practices to govern the relationship between production and distribution employers under this Code and under such other Codes to the end that such fair trade practices may be proposed to the Administrator as amendments to this Code.

ARTICLE VII—TRADE PRACTICES

The following practices constitute unfair methods of competition for members of the Industry, their employees or their agents and are prohibited :

1. *False Marking or Branding*.—The false marking or branding of any product of the Industry which has the tendency to mislead or deceive customers or prospective customers, whether as to grade, quality, quantity, substance, character, nature, origin, size, finish or preparation of any product of the Industry or otherwise.

2. *Misrepresentation or False or Misleading Advertising*.—The making or causing or knowingly permitting to be made or published any false, materially inaccurate or deceptive statement by way of advertisement or otherwise, whether concerning the grade, quality, quantity, substance, character, nature, origin, size, finish, performance or preparation of any product of the Industry, or the credit terms, values policies, or services of any member of the Industry, or otherwise, having the tendency or capacity to mislead or deceive customers or prospective customers.

3. *Commercial Bribery*.—No member of the Industry shall give, permit to be given, or directly or indirectly offer to give anything of value for the purposes of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent, or the represented party without the knowledge of such employer, principal or party. This provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising, except so far as such articles are actually used for commercial bribery as above defined.

4. *Interference with Contractual Relations*.—Maliciously inducing or attempting to induce the breach of an existing contract between a competitor and his customer or source of supply, or interfering with or obstructing the performance of any such contractual duties or services.

5. *Secret Rebates*.—No member of the Industry shall secretly offer or make any payment or allowance of a rebate, refund, commission credit, unearned discount or excess allowance, whether in the form of money or otherwise, nor shall a member of the Industry secretly offer or extend to any customer any special service or privilege not extended to all customers of the same class, for the purpose of influencing a sale.

6. *Defamation*.—The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts or services, questionable credit standing, or by other false representations or by false disparagement of the grade, quality or performance of their goods.

7. *Threats of Litigation*.—The publishing or circulating of threats of suits for infringement of patents or trade marks or of any other legal proceedings not in good faith, with the tendency or effect of harassing competitors or intimidating their customers.

8. *Espionage of Competitors*.—Securing confidential information concerning the business of a competitor by a false or misleading statement or representation, by a false impersonation of one in authority, by bribery, or by any other unfair method.

9. *Quotations*.—(a) Quoting by any member of the Industry or the accepting by any member of the Industry of any offer or contract for the products of the Industry to a customer or prospective customer which includes any sum for erection of a building or charges for free erecting of machinery, or allowing for erectors travelling or other expenses.

(b) Quoting by any member of the Industry or accepting an order for a building from a customer or prospective customer. In the event materials for the erection of buildings are furnished by a member of the Industry, such procedure must be covered by a separate contract, prices and terms to apply to the customer or prospective customer whether or not the member of the Industry furnishes any other of their products.

10. *False Invoices*.—The withholding from and/or insertion in any invoice anything which would make the invoice a false record, wholly or in part, of the transaction to which it refers, or making any arrangement which contemplates payment or settlement contrary to the face of the invoice, or the post-dating or pre-dating of same.

11. *Guarantee*.—The guaranteeing of products or workmanship other than as specifically stated upon sales contract of members of the Industry on file with the Code Authority, or the guaranteeing against decline or rise in selling prices or terms.

12. *Consignments*.—The consigning of any products of the Industry to a customer, prospective customer or representative of same except to legal sales agents or dealers handling such products for resale.

13. *Trade-in Allowances*.—Allowing by any member of the Industry of a trade-in or second-hand value of any machine or product of any description to apply on the purchase price of any new machinery, or otherwise, or the guaranteeing the sale of old or used machinery or products for the benefit of any customer or prospective customer.

14. *Tax Allowances*.—The allowing by any member of the Industry to a customer or prospective customer or representative of same of any Federal, State, County, City or other taxes.

15. *Conditional Contracts*.—Quoting by any member of the Industry to a customer or prospective customer of prices and terms other than those on file with the Code Authority with the intention of delaying the legitimate closing of contracts.

The taking of orders or contracts by any member of the Industry upon any conditions not in strict adherence to standard conditional clause on file with Code Authority, which clause must be plainly shown on any such order or contract.

16. Violating of any provisions of this Code by a member of the Industry through an agent.

ARTICLE VIII—PRICES

SECTION 1. (a) Within ten (10) days after the effective date of this Code each member of the Industry shall file with the Code Authority his prices, discount sheets and all other conditions of sale.

(b) In no case shall a member sell at a price other than his filed price for the various classes of trade. A member may change his

prices as filed with the Code Authority at any time. A price change shall become effective on the tenth (10th) day after it is filed in the office of the Code Authority. When a member revises a price, any other member may file a revised price to meet the first one. The latter member's revised price shall become effective on the same day as the first revised prices.³

(c) Prices filed with the Code Authority shall be open to the inspection of all buyers as well as members of the Industry.

SECTION 2. If, on account of any special conditions affecting a prospective sale, any member of the Industry desires to make a sale of obsolete products or seconds for any cause at less than the price schedules on file with the Code Authority such member shall inform the Code Authority of its intention to dispose of such products.

SECTION 3. The Code Authority shall furnish monthly reports to the Administrator showing the sales price trend in the Industry.

ARTICLE IX—TERMS, DISCOUNTS, SHIPMENTS, DELIVERY POINTS

1. All members of the Industry shall adhere to the following terms in all quotations, estimates or sales contracts except for linter and gin saws:

One-third ($\frac{1}{3}$) cash on delivery of bill of lading.

One-third ($\frac{1}{3}$) fall first year of contract.

One-third ($\frac{1}{3}$) fall second year of contract.

2. In no instance shall notes of a customer maturing in fall of first and second years of contract be due later than December first.

3. Interest on Deferred Payment notes may be figured from July first, or from date of shipment if made later than July first.

4. In the event that a complete cotton ginning plant is destroyed by fire or windstorm during its operating season any member of the Industry who replaces such loss by a legitimate sale, may extend the second and third payments for such replacements to the following consecutive seasons, provided, however, that one-third ($\frac{1}{3}$) cash must be paid upon delivery of the bill of lading for said replacement products and provided further that all insurance money collected by the member of the Industry as a result of said loss shall be applied on the old indebtedness, if any, before it may be accepted as a cash payment for said replacement products.

5. In the event any customer or prospective customer elects to pay all cash for products sold on contract by any member of the Industry such customer or prospective customer is to be allowed a maximum cash discount of five (5) percent, provided the full cash payment is secured within ten (10) days from delivery of said products, otherwise regular prices and terms shall apply.

6. All shipments of products made by members of the Industry shall be "Shippers order notify" and Bill of Lading and settlement papers shall be attached to draft for cash payment, except that gin machinery orders amounting to less than one thousand (1000) dollars and repair parts may be shipped open.

7. In the event any products of any member of the Industry have to be shipped to a "Prepaid Station" or delivered to wagon or truck,

³ See paragraph 2 of order approving this Code.

the original cash payment shall be secured before such products are shipped or delivered.

8. All quotations, estimates and sales contracts made by any members of the Industry, shall be F.O.B. their respective factories, provided, however, that freight charges may be equalized with Dallas, Texas or Atlanta, Georgia.

ARTICLE X—SPECIFIC PROVISIONS APPLICABLE TO LINTER AND GIN SAWS

1. Any member of the Industry selling linter or gin saws shall adhere to terms of thirty (30) days net, and maximum cash discount of two (2) percent if products are paid for within ten (10) days from date of shipment.

2. Full freight charges may be allowed by any members of the Industry, on gin saws if sold and shipped to jobbers of same.

3. Freight charges may be equalized with Atlanta, Georgia; Memphis, Tennessee; Dallas, Texas; Birmingham, Alabama, when any member of the Industry sells gin saws or linter saws direct to consumers. Equalization of freight charges with Macon, Georgia may be made on sales of linter saws only.

ARTICLE XI—PROTECTIONS AND REPOSSESSIONS

1. Nothing contained in this Code shall be construed as prohibiting any member of the Industry from exercising all its and/or their legal rights in the protecting, insuring, paying taxes on or buying-in re-possessed products, property, buildings or real estate.

ARTICLE XII—MONOPOLIES

No provision of this Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress or discriminate against small enterprises.

ARTICLE XIII—MODIFICATIONS

1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of subsection (b) of Section 10 of the National Industrial Recovery Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under Title I of said Act.

2. This Code, except as to provisions required by the Act, may be modified on the basis of experience or changes in circumstances, such modification to be based upon application to the Administrator and such notice and hearing as he shall specify, and to become effective on approval of the Administrator.

ARTICLE XIV—EFFECTIVE DATE

This Code shall become effective on the first Monday after its approval by the Administrator.

Approved Code No. 485.
Registry No. 1333-1-05.

CODE OF FAIR COMPETITION

FOR THE

COMMERCIAL VEHICLE BODY INDUSTRY

As Approved on July 16, 1934

ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE COMMERCIAL
VEHICLE BODY INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Commercial Vehicle Body Industry, and hearing having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved;

PROVIDED, that this Code of Fair Competition shall not be applicable to the repairing of the products of the industry by employees of the owner of such products other than a manufacturer for sale of such products, or where such repairing is done within the definition of another Code of Fair Competition approved prior to the date hereof; and

PROVIDED, further, that within ninety (90) days after the effective date of this Code, the Code Authority shall make a special study and report to the Administrator, to determine whether the minimum wages provided in Article IV are adequate; and

PROVIDED, further, that in addition to the membership in the Code Authority as provided in Section 2 of Article VI of this Code, the Administrator may require the selection, by a method approved or prescribed by him, of two persons to represent non-members of the National Association.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

C. E. ADAMS,
Division Administrator.

WASHINGTON, D.C.,
July 16, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: The proposed Code of Fair Competition for the Commercial Vehicle Body Industry was submitted to the Administrator on July 29, 1933, by the National Association of Commercial Vehicle Body Manufacturers, Incorporated, representing approximately 80% of the production of commercial body manufacturers.

The Hearing was conducted in Washington on January 12, 1934, and the Code was revised during the recess of this Hearing and is submitted in its present form for approval. Every person who requested an appearance was properly heard in accordance with statutory and regulatory requirements.

The Industry is nation-wide in scope and has enjoyed a large increase in number of establishments, particularly among the smaller units. Owing to the lack of a National Trade Association in former years, accurate data on invested capital, employees engaged and annual sales are not available. However, in 1931 there were 501 concerns, as contrasted with approximately 1,500 in 1933. About 25,000 workers were employed in 1929 against 15,100 in February, 1934. Present invested capital is estimated to be in the neighborhood of \$50,000,000, while aggregate annual sales of \$43,358,000 in 1929 compare with \$41,780,000 in 1932.

Wages, particularly in the South, were in many instances as low as 10¢ per hour. Immediate relief was afforded by the President's Recmployment Agreement, so that the present wage scale, with certain exceptions, approximates the wages established by this Code.

ARTICLE I. *Purposes.*—States the purpose of the Code.

ARTICLE II. *Definitions.*—Accurately defines specific terms applicable to the Commercial Vehicle Body Industry as used in this Code.

ARTICLE III. *Hours.*—The maximum hours are limited to 40 hours per week, except that to take care of exceptional demand employees may work 48 hours per week during any six weeks in any period of 26 weeks.

A further exception is made in the case of watchmen who are limited to a maximum of 56 hours per week, and emergency crews, employed because of highway accidents, who are limited to a maximum of 56 hours in any one week, but not more than 40 hours per week averaged over a four weeks' period. Employees engaged in a managerial or executive capacity who receive not less than \$35.00 per week, and traveling salesmen, are not subject to any hourly limitations.

ARTICLE IV. *Wages.*—The minimum wage for employees, except for certain classifications enumerated hereafter, is 37½¢ per hour in cities of more than 250,000 population, 35¢ per hour in cities or towns of less than 250,000 population, except that in certain Southern

states the minimum wage is 32½¢ per hour, irrespective of population. Female employees replacing men, or performing similar work, are to receive the same wages as male employees. Apprentices may be employed for a period not exceeding one year, at not less than 80% of the prevailing minimum wage. Employees in accounting, clerical, office, service and sales work are to be paid not less than \$15.00 per week in cities of 250,000 population or over, and not less than \$14.00 per week in cities of less than 250,000 population, except that in certain Southern states the minimum is \$14.00 per week irrespective of population. Provision is made for the employment of handicapped persons. The minimum rate of pay applies irrespective of whether an employee is paid on a time rate, piece-work, or other basis. Equitable adjustments of all pay schedules above the minimum are to be made.

ARTICLE V. *General Labor Provisions*.—Provides that no person under 16 years of age may be employed and that no person under 18 years of age may be employed at hazardous or dangerous occupations or operations. Also includes the mandatory provision respecting the rights of employees to organize and bargain collectively. Provides further for the regulation of reclassification of employees, the posting of copies of this Code in accessible places, standards of safety and health and the observance of State Laws.

ARTICLE VI. *Administration*.—Establishes a Code Authority of not more than nine members appointed by the Board of Directors of the National Association, and one from each present or future National Trade Division approved by the Administrator. Outlines the duties and powers of the Code Authority.

ARTICLE VII. *Trade Practices*.—Sets forth fair trade practices for this Industry, including a prohibition against selling below cost.

ARTICLE VIII. *General*.—Provides for the safeguarding of dangerous equipment used in painting. Limits purchasing from individuals or firms to those operating under a Code if such individuals are subject to an approved Code. Sets forth provisions respecting modification and amendments, including the mandatory provision of Section 10 (b) of Title I of the Act.

ARTICLE IX. *Export Trade*.—Provides for the exemption of export trade or sales or shipments for export trade from the provisions of this Code relating to terms of sales, etc.

ARTICLE X. *Monopolies*.—No provision of this Code is to be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

ARTICLE XI. *Effective Date*.—Defines the effective date.

The Deputy Administrator in his final report to me on said Code having found as herein set forth and on the basis of all the proceedings in this matter;

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and manage-

ment under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees, and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Sub-section (a) of Section 3, Sub-section (a) of Section 7, and Sub-section (b) of Section 10 thereof, and that the applicant association is an industrial association truly representative of the aforesaid industry, and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Code.

For these reasons, therefore, this Code has been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 16, 1934.

CODE OF FAIR COMPETITION FOR THE COMMERCIAL VEHICLE BODY INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Commercial Vehicle Body Industry, and shall be the standards of fair competition for said Industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS ¹

1. The term "Commercial Vehicle Body Industry" or "Industry" as used herein is defined to mean the manufacture and sale, and/or repairing of horse-drawn vehicles (except horse-drawn farm vehicles), all types of motor vehicle bodies used commercially, (except those manufactured by or sold to the manufacturer or assembler of motor vehicle chassis), and trailer and semi-trailer bodies, (except such bodies as are manufactured by the manufacturers of trailers and semi-trailers, provided such bodies are attached to and sold as an integral part of trailers and semi-trailers by the manufacturers thereof).

2. The term "repairing" as used herein shall include, in addition to general repairing, emergency road service, painting, lettering, artwork and such chassis repairing as is incidental thereto.

3. The term "productive work" as used herein is defined to mean all employment used in the operation of metal, wood, and fabric working machinery, cutting and welding equipment, paint spraying equipment and all other equipment and tools ordinarily used in a vehicle body plant and used in the preparation of material, manufacturing, assembling and finishing of the products to be sold, serviced and repaired.

4. The term "employee" as used herein includes any and all persons engaged in the Industry, however compensated, except a member of the industry.

5. The term "employer" includes anyone for whose benefit such an employee is so engaged.

6. The term "member of the Industry" means, but without limitation, any person, partnership, association, corporation or other legal entity engaged in the Industry, either as an employer or on his or its own behalf.

7. The term "National Association" as hereinafter referred to shall be defined to mean the "National Commercial Vehicle Body Association."

¹ See paragraph 3 of order approving this Code.

8. The terms "President", "Act" and "Administrator" as used herein mean respectively, the President of the United States, Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

9. "Population" for the purposes of this Code, shall be determined by reference to the latest Federal Census.

ARTICLE III—HOURS

1. On and after the effective date no employee in the Industry shall be permitted to work in excess of forty (40) hours in any seven (7) day period, whether employed by one or more employers, except as herein below otherwise provided.

2. Employees may be permitted to work in excess of the maximum hours provided in Section 1 of this Article during any six (6) weeks in any twenty-six (26) weeks period, provided that during such six (6) weeks such overtime shall not exceed eight (8) hours in any seven (7) day period.

3. Watchmen shall not be permitted to work in excess of fifty-six (56) hours in any one week.

4. Outside emergency crews engaged in emergency repair work made necessary because of accidents or breakdowns on the highways shall not be permitted to work in excess of fifty-six (56) hours in any one week nor more than one hundred sixty (160) hours in any four weeks period.

5. The provisions of this Article limiting hours of work shall not apply to traveling salesmen, nor to persons who are paid not less than thirty-five dollars (\$35.00) per week employed in a managerial or executive capacity.

6. No employee shall be permitted to work more than six (6) days in any seven-day period.

7. Every employer and every partner in any partnership engaged in the Industry shall be subject to the provisions as to hours of labor prescribed for employees in this Code insofar as they perform the functions of such employees.

ARTICLE IV—WAGES²

1. On and after the effective date the minimum wage that shall be paid employees in the Industry, except as otherwise provided in Paragraphs 2, 3, 4, and 5 of this Article, shall be at the rate of thirty-seven and one-half cents (37½¢) per hour in all cities with a population of 250,000 or over, thirty-five cents (35¢) per hour in all cities and towns with a population less than 250,000 except in the following states:

North Carolina	Florida	Texas
South Carolina	Tennessee	Mississippi
Georgia	Louisiana	Oklahoma
Alabama	Arkansas	

in which states the minimum hourly rates shall be thirty-two and one-half (32½) cents per hour.

² See paragraph 4 of order approving this Code.

2. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees; and where they displace men, they shall receive the same rate of earnings as the men they displace.

3. The hours and wages of regularly indentured apprentices in skilled trades or occupations of the industry may depart from the standards hereinabove prescribed; provided that the terms of employment and the course of instruction of such apprentices shall conform to standards uniform throughout the trade or industry and approved by the Administrator.

4. Employees in accounting, clerical, office, service and sales work shall receive not less than fifteen dollars (\$15.00) per week in any city of 250,000 population or over, or in the immediate trade area of such city, nor less than fourteen dollars (\$14.00) per week in any city of less than 250,000 population, except that in the states of

North Carolina	Florida	Texas
South Carolina	Tennessee	Mississippi
Georgia	Louisiana	Oklahoma
Alabama	Arkansas	

the minimum shall be fourteen dollars (\$14.00) per week irrespective of population.

5. A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage below the minimum established by this Code if the employer obtains from the State Authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Each employer shall file with the Code Authority a list of all such persons employed by him.

6. This article establishes a minimum rate of pay which shall apply irrespective of whether an employee is actually compensated on a time rate, piece work, or other basis.

7. Each employer shall make an equitable adjustment of all pay schedules above the minimum and not later than thirty (30) days after the effective date of this Code, each employer in the Industry shall report to the Administrator, through the Code Authority hereinafter provided for, the action taken by such employer since June 16, 1933 in adjusting the hourly wage rates for all employees receiving more than the minimum rates. Such adjustment shall not reduce the hourly wage rate of any such employee.

ARTICLE V--GENERAL LABOR PROVISIONS

1. No person under sixteen (16) years of age shall be employed in the Industry. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health.

The Code Authority shall submit to the Administrator for approval within sixty (60) days after the approval of this Code a list of such operations or occupations. In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a valid certificate or permit duly signed by the Authority in each State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

2. The following provisions of Section 7 (a) of the Act are hereby made a part of this Code:

(a) Employees shall have the right to organize and bargain collectively through representatives of their own choosing and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection;

(b) No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing;

(c) Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

3. No employer shall reclassify employees or duties of occupations performed or engage in any subterfuge for the purpose of defeating the purposes or provisions of the Act or of this Code.

4. All employers shall post and keep posted copies of this Code in conspicuous places accessible to all employees. Every member of the Industry shall comply with all rules and regulations relative to the posting of provisions of Codes of Fair Competition which may from time to time be prescribed by the Administrator.

5. Every employer shall make reasonable provision for the safety and health of his employees at the place and during the hours of their employment. Standards of safety and health shall be submitted by the Code Authority to the Administrator for approval within three (3) months after the effective date of this Code.

6. Within each state, members of the Industry shall comply with any Federal laws or any laws of such state imposing more stringent requirements, regulating the age of employees, wages, hours of work, or health, fire or general working conditions, than under this Code.

ARTICLE VI—ADMINISTRATION

1. To further effectuate the purposes of Title I of the National Industrial Recovery Act a Code Authority is hereby set up to cooperate with and assist the Administrator in the administration of this Code.

2. The Code Authority shall consist of the following members:

Not more than nine (9) appointed by the Board of Directors of the National Association;

One (1) appointed by each national trade division of the Industry that may be set up within the National Association and approved by the Administrator.

One (1) appointed by each national trade division of the Industry organized outside the National Association and approved by the Administrator;

Not more than three (3) appointed by the Administrator, but without voting power;

One (1) appointed by the Board of Directors of the National Association who shall be the Secretary and Executive Officer of the Code Authority but without voting power.³

³ See paragraph 5 of order approving this Code.

3. The Code Authority shall have the following duties and powers subject to such rules and regulations as the Administrator may prescribe:

(a) To insure the execution of the provisions of this Code and to provide for the compliance of the industry with the provisions of the Act;

(b) To adopt by-laws and rules and regulations for its procedure and for the administration and enforcement of the Code;

(c) To obtain from members of the Industry such information and reports as are required for the administration of the Code and to provide for submission by members of such information and reports as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as he may designate; provided that nothing in this Code shall relieve any member of the Industry of any existing obligations to furnish reports to any governmental agency. No individual reports shall be disclosed to any other member of the Industry or any other party except to such agencies as may be designated by the Administrator;

(d) To cause to be formulated an accounting system and methods of cost finding and/or estimating capable of use by all members of the Industry and upon approval by the Administrator to require all members to maintain an accurate record of cost in such manner as will make available to an impartial agency the information required by such system and methods;

(e) To recommend to the Administrator fair trade practice provisions to govern members of the Industry in their relations with each other or with other industries and to recommend to the Administrator measures for industrial planning, including stabilization of employment;

(f) To designate, upon complaint of violation of this Code, a disinterested and impartial agency to investigate such books and records as may be necessary to gather data in respect to such alleged violation. For the purpose of obtaining necessary facts relating to a complaint, the Code Authority may request the appearance of the employer, employees and complainant involved in any complaint;

(g) To appoint a Trade Practice Committee which shall meet with the Trade Practice Committees appointed under such other codes as may be related to the Industry for the purpose of formulating fair trade practices to govern the relationships between employers under this Code and under such other codes to the end that such fair trade practices may be proposed to the Administrator as amendments to this Code and such other codes.

4. It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing

purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry;

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

5. Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided (unless duly exempted from making such contribution), shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

6. The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

7. Nothing in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent or employee of the Code Authority. Nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own willful malfeasance or nonfeasance.

8. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restriction on membership, and (2) submit to the Administrator true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

9. In order that the Code Authority shall at all times be truly representative of the Industry and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification of the Code Authority.

10. If the Administrator shall at any time determine that any action of a Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for

investigation of the merits of such action and further consideration by such Code Authority or agency pending final action which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty (30) days' notice to him of intention to proceed with such action in its original or modified form.

ARTICLE VII—TRADE PRACTICES

The following practices constitute unfair methods of competition and are prohibited.

1. *False Marking or Branding.*—Falsely marking or branding any product of this Industry which has the tendency to mislead or deceive customers or prospective customers in some material particular, whether as to the grade, quality, quantity, substance, character, nature, origin, size, finish or preparation of any product of the Industry, or otherwise.

2. *Misrepresentation or False or Misleading Advertising.*—Making or causing or knowingly permitting to be made or published any false, misleading, materially inaccurate or deceptive statement by way of advertisement or otherwise, whether concerning the grade, quality, substance, character, nature, origin, size, finish, or preparation of any product of the Industry, the credit terms, policies or services of any member of the Industry, or otherwise.

3. *Faulty Description.*—Making any sale or contract of sale of any product under any description which does not fully describe such product in terms customarily used in the Industry.

4. *Commercial Bribery.*—Giving, permitting to be given, or directly offering to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal or party. This provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

5. *Giving of Prizes or Gifts.*—Offering or giving prizes, gifts or premiums in connection with the sale of products, or as an inducement thereto, except as offered or given to all customers of the same class; or offering or giving any premiums in connection with any plan or any scheme which involves lottery, misrepresentation or fraud.

6. *Rendering Free Service.*—Rendering to any purchaser of any product or in connection with the sale of such product any service, except pursuant to warranty, unless fair compensation for such service shall be paid by such purchaser.

7. *Interference With Another's Contracts.*—Inducing or attempting to induce the breach of an existing contract between a competitor and his customer or source of supply; or interfering with or obstructing the performance of such contractual duties or services.

8. *Defamation.*—Defaming competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing; or by other false representations; or by falsely disparaging the grade or quality of their goods, or the conditions of employment among their employees.

9. *Espionage of Competitors.*—Securing confidential information concerning the business of a competitor by a false or misleading statement or representation, by a false impersonation of one in authority, by bribery, or by any other unfair method.

10. *Terms of Sale.*—(a) Making of conditions and terms of time sale to consumers other than to conform in every respect to the conditions and terms of a reputable finance corporation doing or offering to do business in this industry in the trade area where the sale is made.

(b) Making other than time sales to consumers on new bodies, other equipment and repairs, on terms other than net cash on delivery except where satisfactory credit arrangements are made. Not less than six per cent (6%) interest per annum shall be charged on all overdue accounts. Payments shall include all taxes applicable to sales under (a) and (b) herein.

11. *Secret Rebates.*—Secretly offering or making any payment or allowance of a rebate, refund, commission, credit, unearned discount or excess allowance, whether in the form of money or otherwise; or secretly offering or extending to any customer any special service or privilege not extended to all customers of the same class, for the purpose of influencing a sale.

12. *False Billing and Quoting.*—Knowingly withholding from or inserting in any quotation or invoice any statement that makes it inaccurate in any material particular.

13. *Guarantee of Prices.*—Making contracts, accepting orders or other commitments guaranteeing prices, except upon bona fide orders for definite quantities and definite times of delivery, or giving to any purchaser of any product any guarantee in any form against decline in the market price of such product.

14. *Trade Mark Piracy.*—Imitating the trade marks, trade names, slogans or other marks of identification of competitors, having the tendency and capacity to mislead or deceive customers or prospective customers in any material particular.

15. *Sales Below Cost.*—On and after the effective date, making any sale of or offering for sale any products of the Industry, or making repairs thereto, or rendering service thereon at less than his cost as determined under Article VI, Section 3, Paragraph (d), except in cases of the usual warranty, provided, however, that any member of the Industry may sell or service the products of the Industry below his individual cost in order to meet the competition of any other member of the Industry who is not violating the provisions of this section. The provisions of this section shall not apply in cases where bodies and component parts thereof become obsolete because of dimension and appearance change, when they may be sold at distress prices, provided, however, that such sales shall not in any one year exceed fifteen percent (15%) by unit volume of the total sales of the company affected. Should there be a surplus of obsolete bodies and component parts now on hand exceeding fifteen percent (15%), such information shall be submitted to the Code Authority for permission to liquidate these bodies and parts as soon as possible and at the best prices obtainable. Within six (6) months the Code Authority shall submit for the approval of the Administrator a report on the working of the distress sale provision with recommendations for any change or modification of the percentage allowable.

ARTICLE VIII—GENERAL

1. The operation of paint spraying equipment in such places and under such conditions, without adequate exhaust ventilation, as are ordinarily considered contrary to building codes and the regulation of fire prevention bureaus, is prohibited.

2. (a) On or after the effective date, no member of the industry shall purchase any goods, wares or merchandise (hereinafter called goods), or services, used in the industry, which are manufactured or sold, in whole or in part, by a vendor who does not represent that he is in full compliance with the approved code of fair competition, agreement or license (if any) applicable to the industry of such vendor; provided that any member of the industry, exercising due diligence in any such purchase of goods or services to comply with the provisions hereof, shall not be deemed in violation hereof. Delivery of a certificate of such vendor that he or it is complying in every particular with the code, agreement or license applicable to such vendor, the display of proper N.R.A. insignia, or the publication in a newspaper or periodical of general circulation of such certificate of compliance or insignia shall constitute a good and sufficient representation of compliance hereunder.

(b) Upon application, or upon his own motion, the Administrator may grant exceptions or exemptions from provisions hereof if it shall appear:

(1) That the vendor of any such goods or services is not subject to a code of Fair Competition, agreement or license approved under the Act; or

(2) That compliance herewith would create undue hardship or injustice or would not tend to effectuate the purposes of this Code or the policy of the Act.

(c) No member of the industry shall make or cause to be presented or published any such representation which shall be false in any material particular.

3. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of Subsection (b) of Section 10 of the National Industrial Recovery Act, from time to time to cancel or modify any order, approval, license, rule or regulation issued under Title I of said Act and specifically but without limitation, to the right of the President to cancel or modify his approval of this Code or any conditions imposed by him upon his approval thereof.

4. This Code, except as to provisions required by the Act, may be modified on the basis of experience or changes in circumstances, such modification to be based upon application to the Administrator by the Code Authority and to become effective on approval of the Administrator after such notice and hearing as he shall specify.

ARTICLE IX—EXPORT TRADE

No provision of this Code relating to prices or terms of selling, shipping or marketing, shall apply to export trade or sales or shipments for export trade. "Export Trade" shall be as defined in the Export Trade Act adopted April 10, 1918.

ARTICLE X—MONOPOLIES

No provision of this Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

ARTICLE XI—EFFECTIVE DATE

This Code shall become effective on the second Monday after its approval by the President.

Approved Code No. 486.

Registry No. 1405-01.



Approved Code No. 487

CODE OF FAIR COMPETITION

FOR THE

IMPORTING TRADE

As Approved on July 20, 1934

ORDER

CODE OF FAIR COMPETITION FOR THE IMPORTING TRADE

An application having been duly made, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Importing Trade and hearings having been held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

ROBERT L. HOUSTON,
Division Administrator.

WASHINGTON, D.C.,
July 20, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report of the Hearing on the Code of Fair Competition for the Importing Trade, conducted in the Sun Room of the Washington Hotel, April 7, 1934. The Code which is attached, was presented by duly qualified and authorized representatives of the Trade, complying with the statutory requirements, said to represent 75 per cent in number and 75 per cent in volume of sales of the Trade which could be included in this Code.

THE TRADE

According to statistics furnished by members of the Importing Trade, there are approximately 1100 establishments with aggregate annual sales of approximately \$760,000,000. The Trade employs about 23,000 persons. The Code is defined to govern only those importers who are not governed by any other approved Code of Fair Competition, the above statistics referring only to importers who are not now governed by other approved codes.

LABOR PROVISIONS

The Code provides for a work week of 40 hours with certain necessary exceptions among which are: Porters, engineers, firemen, electricians and outside installation and repair men are permitted to work 44 hours per week and watchmen are permitted to work 54 hours per week. Provision is made whereby an employer may work an employee as many as 8 hours in excess of the hours mentioned above, if time and one-third is paid for such additional hours per week.

The rates of pay, with certain exceptions for learners and junior employees, are \$15.00 per week of 40 hours in cities of over 500,000 population, or in the immediate vicinity thereof, and \$14.00 per week of 40 hours in all other places, except in the South, which is defined to read as prescribed, at \$1.00 less than the rate otherwise applicable. Part time employees and employees paid on piece rate basis shall receive a minimum of 40¢ per hour irrespective of their method of compensation, this being a slightly higher hourly minimum than is provided for full time employees.

TRADE PRACTICE PROVISIONS

The Trade Practices proposed in Article VII of the Code are not in any respect objectionable. Most of these Trade Practice Provisions are similar to the Trade Practice Provisions contained in the Code of Fair Competition for the Wholesaling or Distributing

Trade. The provision prohibiting inaccurate labeling, branding and packing of goods is designed particularly to protect both domestic manufacturers and importers from any unfair advantage which might be gained by the misleading appearance of imported goods.

CODE ADMINISTRATION

The General Importers Code Authority is authorized in Article VI to take any necessary action on the request of any trade, group or individual governed by this Code to represent them in the case of actions filed against them under Title I, Section 3 (e) of the Act by domestic manufacturers and others who desire protection from allegedly lower prices of imported products. This seems to be a very desirable provision in that it will afford importers representation by a body which will be best able to gather and present the necessary facts in support of the importers' position and may make it possible to handle such cases with greater dispatch.

The Administration of the Code is organized in accordance with commodity divisions.

FINDINGS

The Deputy Administrator in his final report to me on said Code having found as herein set forth and on the basis of all the proceedings in this matter;

I find that—

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible use of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Trade normally employs not more than 50,000 employees and it is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of section 10 thereof; and that the applicant association is a trade association truly representative of the aforesaid Trade; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to the approval of this Code.

For these reasons, the Code has been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 20, 1934.

CODE OF FAIR COMPETITION FOR THE IMPORTING TRADE

ARTICLE I—PURPOSES

SECTION 1. To effectuate the policies of Title I of the National Industrial Recovery Act, this Code is established as a Code of Fair Competition for the Importing Trade, and its provisions shall be the standards of fair competition for such Trade and shall be binding upon every member thereof.

SECTION 2. To afford the means of effective preparation and proper presentation of all relevant import factors, with reference to the possible application of the special provisions governing imported products, contained in Title I, Section 3 (e) of the Act.

ARTICLE II—DEFINITIONS

Importer.—For the purposes of this Code, an “Importer” shall be defined, but without limitation, as any individual, partnership, corporation, association, or other form of enterprise, or any organized division thereof, principally engaged in importing merchandise, and/or principally engaged in the sale of imported merchandise to manufacturers, wholesalers, retailers, and/or to institutional, commercial, and/or industrial users; provided, however, that this Code shall not govern the importation of merchandise which is solely for the consumption of the Importer, and not for resale. Modifications of, or extensions to this definition, or any part thereof, may be made for specific divisions when embodied in any appropriate Supplemental Code, or when recommended by the appropriate Divisional Code Authority and approved by the Administrator.

The Trade.—The term “Trade” is defined to be the business in which Importers, as above defined, are engaged.

Employer.—The term “employer” as used herein, includes anyone engaged in the Trade in any capacity receiving compensation for his services, irrespective of the nature or method of payment of such compensation.

Employer.—The term “Employer” as used herein, includes anyone by whom such employee is compensated or employed.

Ultimate Consumer.—The term “Ultimate Consumer” as used herein is defined as a purchaser for home and/or personal use, and not for use or consumption in trade or business or by institutions.

Porter.—The term “Porter” as used herein is defined as an employee who, in addition to other maintenance duties, is responsible for opening and closing the establishment by which he is employed.

President, Act, Administrator.—The terms “President”, “Act”, and “Administrator”, as used herein shall mean, respectively, the

President of the United States, Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

Population for the purposes of this Code shall be determined by reference to the latest Federal Census.

ARTICLE III—HOURS

SECTION 1. Maximum Hours and Exceptions shall be as follows:

(A) No member of the Trade shall cause or permit any employee, except an employee in an executive, supervisory, professional, or personal secretarial capacity, who receives a salary or guaranteed minimum of thirty-five dollars (\$35.00) per week or more, and except outside salesmen, to work more than forty (40) hours in any one week, or to work more than six (6) days in any one week (or less, as determined by the Code Authority of any specific Trade with the approval of the Administrator), except as hereafter specified.

(B) No employee, except those exempted in paragraphs (A) and (B) of this Section, shall be permitted to work more than eight (8) hours in any one day, except that an extra hour's work may be worked on any day if one hour be deducted from the normal working hours of any other day of the same week.

(C) Porters, engineers, firemen, electricians, and outside installation and repair men, shall not be permitted to work in excess of forty-four (44) hours nor more than six (6) days in any seven (7) day period.

(D) Watchmen shall not be permitted to work more than nine (9) hours in any one day, nor more than fifty-four (54) hours, nor more than six (6) days in any seven (7) day period.

(E) An employer may work an employee such hours as may be necessary in excess of the hours specified in (A), (B), (C), and (D), of this Section, if time and one-third is paid for all such additional hours per week, but in no case shall any employee, other than cable clerks, shipping document clerks, and inside emergency repair men, be permitted to work more than eight (8) hours per week in excess of his regular hours specified above.

(F) Employers shall so arrange matters that the hours worked by any employee in any one day shall be consecutive with the exception of not more than one hour for lunch.

SECTION 2. *Employment by Several Employers.*—No employer shall knowingly permit any employee to work for any time which, when totaled with that already performed with another employer or employers in this Trade, or in any other trade or industry, exceeds the maximum permitted herein.

ARTICLE IV—WAGES

SECTION 1. No employee, irrespective of his method of compensation, shall be paid less than the following weekly wage:

(A) In cities of five hundred thousand (500,000) population or over, or in the immediate trade area thereof, at the rate of fifteen dollars (\$15.00) per week of forty (40) hours.

(B) In places of less than five hundred thousand (500,000) population, at the rate of fourteen dollars (\$14.00) per week of forty (40) hours.

Provided, however, that in the South the rate may be one dollar (\$1.00) per week less than the rates specified above in this Section.

The term "the South" means the following states: Virginia, West Virginia, Kentucky, Maryland, District of Columbia, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas.

(C) A part-time employee or one paid on an hourly basis, shall be paid not less than forty cents (40¢) per hour. Any employee working less than the regular full time hours per week shall be considered a part-time employee. Employers may establish a regular full time week of less than the hours specified herein for all or part of their employees; provided, however, that the minimum weekly wages established herein shall not be reduced, notwithstanding such reduction of regular full time weekly hours. Employees paid on a piece-rate basis shall receive not less than forty cents (40¢) per hour for each hour during which they are at the service of their employer, irrespective of the piece-rate basis of their compensation.

(D) Junior employees between the ages of 16 and 18 years, inclusive, may for the first six months of their employment be paid at the rate of two dollars (\$2.00) less per week than the minimum wage rate per week otherwise applicable to them; and learners over 18 years of age may, for a period of three months from the date of their employment, be paid at the rate of one dollar (\$1.00) less per week than the minimum wage per week otherwise applicable to them. The number of employees classified and compensated as juniors or learners combined shall not exceed the ratio of one such employee to every ten employees or fraction thereof.

(E) All wages due shall be paid not less than once per month in lawful money or by negotiable check, payable on demand.

SECTION 2. No employee whose normal full time weekly hours as of July 1, 1933, or the date of employment, whichever is later, are reduced by twenty per cent (20%) or less, shall have his or her full time weekly earnings as of July 1, 1933, or the date of employment, whichever is later, reduced. No employee whose normal full time weekly hours as of July 1, 1933, or the date of employment, whichever is later, are reduced by more than twenty per cent (20%), shall have his or her full time weekly earnings as of July 1, 1933, or the date of employment, whichever is later, reduced by more than ten per cent (10%).

ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. *Minimum Age Requirements.*—No person under 16 years of age shall be employed in the Trade, nor anyone under 18 years of age, at operations hazardous in nature or detrimental to health. The Code Authority shall submit to the Administrator a list of such hazardous and unhealthful occupations not more than thirty (30) days after such Code Authority is established and approved by the Administrator. In any state, an employer shall be deemed to have complied with this provision, if he shall have on file a certificate or permit duly issued by the Authority, in such State, empowered to issue employment or age certificates or permits showing that the employee is of the required age.

SECTION 2. *Employee Rights and Employers Duties.*—

(A) Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

(B) No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing; and

(C) Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

SECTION 3. *Precedence of Federal and State Laws.*—No provision in this Code shall supersede any Federal or State Law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary, or general working conditions, or insurance, or fire protection, than are imposed by this Code.

SECTION 4. *Reclassification of Employees.*—No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge, so as to defeat the purposes or provisions of the Act or of this Code.

SECTION 5. *Posting Code.*—Each employer shall post in conspicuous places accessible to all employees, full copies of the labor provisions of this Code, together with such amendments and modifications as may hereafter be made. Every employer shall comply with the rules and regulations relative to the posting of provisions of Codes of Fair Competition which may from time to time be prescribed by the Administrator.

SECTION 6. *Protection of Complainants.*—No employee shall be dismissed by reason of making a complaint or giving evidence in respect to an alleged violation of this Code.

SECTION 7. *Protection of Employees.*—Every employer shall make reasonable provisions for the safety and health of his employees at the place and during the hours of their employment. Standards of safety and health shall be submitted by the General Importers Code Authority to the Administrator within three (3) months after the effective date of this Code.

ARTICLE VI—CODES, AND THE ADMINISTRATION THEREOF

SECTION 1. *General and Supplemental Codes.*—

(A) To provide an effective procedure for the administration of this Code and all Codes supplemental thereto, the Trade shall be divided into commodity divisions, as hereinafter provided.

(B) Provisions governing importers in all commodity divisions are included in this General Importers Code.

(C) Provisions governing importers in one or more, but not in all commodity divisions, may be embodied in a supplemental code for each division, after hearing before the Administrator and approval thereof.

SECTION 2. *General Importers Code Authority.*—

(A) The creation of a General Importers Code Authority to cooperate with the Administrator in the administration of the provisions of this General Importers Code, is hereby authorized, and the creation of a Divisional Code Authority for each Division of the Trade to cooperate with the Administrator in administering the provisions of its Supplemental Code, is hereby authorized.

(B) The General Importers Code Authority shall be divided into, but not limited to, three major Sections, representing 1. Crude and semi-finished materials, 2. Food products, 3. Manufactured goods ready for re-sale.

(1) Each of the major Sections shall consist of not less than three members, not more than one of whom shall be selected from each qualified trade in that Section. The Administrator, in his discretion, may appoint one or more additional members, without vote, to represent the Administrator.

(2) Until such time as the General Importers Code Authority is elected as herein provided, the Central N.R.A. Committee for Import Trade Codes, which Committee has presented the Code on behalf of the Trade, shall act as the General Importers Code Authority.

(C) The General Importers Code Authority shall have the following duties and powers subject to such rules and regulations as may from time to time be issued by the Administrator, in addition to the other powers herein granted:

(1) To supervise and coordinate the administration of Supplemental Codes by the Divisional Code Authorities; to administer the Code directly to members not having Divisional Code Authorities; and to coordinate the administration between such members and Divisional Code Authorities having jurisdiction over other commodity groups, in order to prevent conflicts of authority and to minimize overlapping of powers.

(2) To hear all matters pertaining to the provisions of the General Importers Code which may be submitted to it by any Importer or Divisional Code Authority; and to attempt to adjust and/or to report the same with recommendations to the Administrator.

(3) To adopt by-laws and rules and regulations for its procedure and for the administration of this Code; to elect officers, and to employ a staff as needed to exercise its functions.

(4) To require from Importers and from Divisional Code Authorities such information and reports as are necessary to effectuate the purposes of this Code, provided, however, except as otherwise provided in the Act, or in this Code, all statistics, data, and information filed or required in accordance with the provisions of this Code shall be confidential, and handled by an impartial agency, and the statistics, data, and information of one member shall not be revealed to another member, including members of the General Importers Code Authority; no such data or information shall be published, except in combination with other similar data, and in such manner as to avoid the disclosure of confidential information.

(5) To use such Trade Associations or other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code, and that such

Trade Associations and agencies shall at all times be subject to and comply with the provisions hereof.

(6) To make investigations as to the functioning or observance of any provisions of the General or Supplemental Codes; provided, however, that the General Importers Code Authority shall not investigate, nor attempt to adjust complaints of violation of the labor provisions of this Code, until so authorized by the Administrator.

(7) To appoint Trade Practice Committees which shall meet with the Trade Practice Committees appointed under such other Codes of Fair Competition as may be related to the import trades, for the purpose of formulating fair trade practices to govern the relationships between employers under this Code and such others, to the end that such fair trade practices may be proposed to the Administrator as amendments to this Code and such other Codes.

(8) To elect a representative to serve on any Coordinating or Advisory Committee which may subsequently be established for the entire wholesale, retail, importing, exporting, and manufacturing branches of any trade or industry, and to cooperate with such committee for the purpose of achieving uniform basic trade practice provisions or with respect to any functions which may be delegated to it by the Administrator.

(9) To take any necessary action on formal request of any trade, group, or individual governed by this Code to protect them from actions filed under Title I, Section 3 (e) of the Act, or to represent them in any negotiations relevant to the Importing Trade, entered into with any Department of the Government, or with domestic producers, manufacturers or associations of the same, expenses incurred thereby to be for account of the parties directly interested.

(10) To present to the Administrator reports and recommendations based on conditions in the Trade, which will tend to effectuate the purposes of the Act, such recommendations upon approval of the Administrator to become operative as a part of this Code; provided, however, that any Importer affected thereby, shall have the right to be heard by the General Importers Code Authority and the Administrator.

(11) To recommend to the Administrator any modification of this Code, either on its own initiative, or on request by any branch of the Trade.

(12) To establish from time to time as necessary, coordinating committees to investigate matters arising between various Divisions of the Trade, which committees may make recommendations to the General Importers Code Authority, as a result of such investigation.

(13) To submit to the Code Authority members representing a particular major Trade Section, as established in Sub-section (B) of this Section, matters concerning Importers in such major Trade Section, for investigation and recommendation to the General Importers Code Authority as a whole.

(14) To exercise all general powers necessary to assist the Administrator.

SECTION 3. *Divisional Code Authorities.*—Each Divisional Code Authority shall consist of not less than three nor more than fifteen members, selected by the members of the Division of the Trade for

which its Supplemental Code has been approved, in accordance with a fair method to be provided in the Supplemental Code of each Division.

(A) The Administrator, in his discretion, may appoint one or more additional members, to any Divisional Code Authority, without vote, to represent the Administrator.

(B) Each Divisional Code Authority shall have the following duties or powers:

1. To administer for its own Division of the Trade its Supplemental Code and the General Code, subject to the supervision of the General Importers Code Authority and the Administrator.

First, with respect to the provisions of the General Code which govern all Divisions of the Trade, each Divisional Code Authority subject to the approval or request of the General Importers Code Authority:

(1) Shall require from Importers in the Division which it represents such reports as are necessary to effectuate the purposes of the General Importers Code; subject, however, to similar requirements as to non-disclosure of confidential information as is provided in Section 2 (C) (4) of this Article; and

(2) May upon its own initiative or complaint of any Importer in such Division, make investigations as to the functioning and observance of any provision of the General Importers Code and may hear and attempt to adjust such complaints; provided, however, that Divisional Code Authorities shall not investigate, nor attempt to adjust complaints of violation of the labor provisions of this Code until so authorized by the Administrator; and provided further, that any Importer who may be affected by the action or handling of matters pertaining to any provision of the General Importers Code by his Divisional Code Authority, shall have the right to have such matters submitted to and considered by the General Importers Code Authority for its action as provided in Section 2 (C) of this Article.

Second. With respect to the specific provisions of the Supplemental Codes which govern one or more, but not all, Divisions of the Trade, each Divisional Code Authority, subject to the approval or consent of the Administrator;

(1) Shall require from Importers in its Division such reports as are necessary to effectuate the purposes of its Supplemental Code; subject, however, to similar requirements as to non-disclosure of confidential information as is provided in Section 2 (C) (4) of this Article; and

(2) May, upon its own initiative or complaint of any Importer in such Division, make investigation as to the functioning and observance of any provision of its Supplemental Code, and may hear and attempt to adjust such complaints; provided, however, that Divisional Code Authorities shall not investigate nor attempt to adjust complaints of violation of the labor provisions of this Code until so authorized by the Administrator, and provided further,

(a) In the event that a Divisional Code Authority should report any matter referred to in the "Second" part of the above paragraph to the Administrator which affected any provision of the General Importers Code, the Administrator may if he desires, refer such matters to the General Importers Code Authority for handling as

if such matters had been directly submitted to the General Importers Code Authority by such Divisional Code Authority, as provided in the "First" part of the above paragraph.

SECTION 4. *Qualification*.—Any trade or group of trades may qualify to elect a representative on the General Importers Code Authority by submitting evidence of compliance with such minimum requirements as to number of members, number of employees, volume of turnover, invested capital, or otherwise, as may be determined by the Administrator.

SECTION 5. *Elections*.—Members of the General Importers Code Authority shall be elected with regard for the major Sections established in Section 2 (B) of this Article, and all members of the Trade in each Division who assent to the terms and agree to bear their share of the cost of administration of the General Importers Code and any applicable Supplemental Codes thereto, shall have the right to vote for the Code Authority members representing their respective major Trade Sections.

(A) The Central N.R.A. Committee for Import Trade Codes shall submit to the Administrator for approval a fair and equitable method for choosing nominees, and for conducting such election.

(B) The General Importers Code Authority shall establish in its By-Laws provisions relating to the terms of office of its members, and election of successors to the General Importers Code Authority or of any individual member thereof, whether to fill an unexpired term or for a new term of office; provided, however, that such provisions may be disapproved by the Administrator upon review.

SECTION 6. *Administrative Interpretations*.—The Administrator may from time to time, after consultation with the General Importers Code Authority or with any Divisional Code Authority, or on his own initiative, issue such administrative interpretations of the various provisions of this Code, or of any of the Supplemental Codes thereto, as are necessary to effectuate their purposes, and such interpretations shall become operative as a part of this Code or such Supplemental Codes.

SECTION 7. *Non-Liability*.—Nothing contained in this Code shall constitute the members of the General Importers Code Authority or Divisional Code Authorities partners for any purpose nor shall any member of any of such Code Authorities (General or Divisional) be liable in any manner to anyone for any act of any other member, officer, agent or employee of any such Code Authorities nor shall any member of any such Code Authorities, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own willful malfeasance or nonfeasance.

SECTION 8. *Undue Hardships Imposed by Codes*.—Where the operation of the provisions of this Code or any Supplemental Code hereto, imposes an unusual or undue hardship, any Importer may make application for relief to the Administrator who, after such public notice and hearing as he may deem necessary, may grant such exceptions to, or modifications of, the provisions of this Code or of any Supplemental Code hereto, as the case might be, as may be consistent with the Act.

SECTION 9. *Obligations of Trade Associations.*—

(A) Each Trade Association directly or indirectly participating in the selection or activities of the General Importers Code Authority and/or Divisional Code Authorities or their agencies, shall: (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

(B) In order that the General Importers Code Authority and Divisional Code Authorities and their Agencies shall at all times be truly representative of the Import Trade, and in other respects comply with the provisions of the Act, the Administrator may provide such hearings as he may deem proper; and thereafter, if he shall find that the General Importers Code Authority or any Divisional Code Authority or any of their agencies is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of any such Code Authority or Agency.

SECTION 10. *Payment of Cost of Administration.*—

(A) It being found necessary, in order to support the administration of this Code, and to maintain the standards of fair competition established herein, and to effectuate the policy of the Act, the General Importers Code Authority is authorized:

(1) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and shall be held in trust for the purposes of this Code.

(2) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary, (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by Importers;

(3) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all such Importers, and to that end, if necessary, to institute legal proceedings therefor in its own name;

(B) Each Importer shall pay his or its equitable contribution to the expenses of the maintenance of the General Importers Code Authority, as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only importers complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless exempted by Administrative Order from any obligation to pay such assessments, shall be entitled to participate in the selection of members of the General Importers Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(C) The General Importers Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for ex-

penditures in excess of prior budget estimates except those which the Administrator shall have so approved.

(D) Divisional Code Authorities when established under supplemental codes shall have the powers set forth in subsections (A), (B) and (C) of this Section, subject to the limitations contained therein, in order to support the administration of their particular Supplemental Codes, the General Code as applied to their specific division of the Trade, and to effectuate the policy of the Act.

SECTION 11. *Information for Government Agencies.*—In addition to the information required to be submitted to the General Importers Code Authority and the Divisional Code Authorities or their agencies, all or any of the persons subject to this Code shall furnish such statistical information and reports as the Administrator may deem necessary for the purposes recited in Title I, Sections 3 (a) and 3 (e) of the Act, to such Federal and/or State Agencies as the Administrator may designate; but nothing in this Code shall relieve any person of any existing or future obligation to furnish reports to Government Agencies. No individual report shall be disclosed to any other Importer or any other party except to such other governmental agencies as may be directed by the Administrator.

SECTION 12. *Review of Acts of Code Authorities.*—If the Administrator shall determine that any action of a Code Authority (General or Divisional) or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty days' notice to him of intention to proceed with such action in its original or modified form.

SECTION 13. *Expense of Administration Members.*—Salaries and expenses of Administration Members of the General Importers Code Authority and the Divisional Code Authorities shall not be imposed upon, but may be assumed by the Trade in unusual cases warranting such action.

SECTION 14. *Industrial Relations Committee.*—

(A) There shall be created for the General Importing Trade a National Industrial Relations Committee, and for each division thereof which obtains an approved Supplemental Code, a Divisional Industrial Relations Committee, each such committee to be composed of three (3) persons who shall be selected as follows:

(1) A representative of the employers to be appointed, in the case of the National Industrial Relations Committee, by the General Importers' Code Authority, and, in the case of each Divisional Industrial Relations Committee, by the appropriate Divisional Code Authority, which bodies are hereby specifically empowered to make such appointments.

(2) A representative of the employees to be nominated by the Labor Advisory Board of the National Recovery Administration and appointed by the Administrator.

(3) An impartial chairman to be selected by the two (2) members already appointed, or, in case they disagree, by the Administrator.

(B) Members of these committees shall hold office for six (6) months from the date of their appointments, and re-appointments shall be made or vacancies shall be filled in the same manner as provided in Sub-section (A) of this section.

(C) Each Industrial Relations Committee shall have the duty of dealing with complaints and disputes relating to labor, in accordance with rules and regulations issued by the Administrator. They shall have all such general powers necessary to facilitate the performance of said duty, as may be conferred upon them by and under rules and regulations issued by the Administrator, and each special powers as may be expressly conferred by the Administrator.

(D) Upon approval of the Administrator, local Industrial Relations Committees may be appointed under the General Importers Code or any supplement thereof, in order to facilitate the investigation and conciliation of complaints and disputes relating to labor. Such local Industrial Relations Committees shall report all cases handled by them to the appropriate National or Divisional Industrial Relations Committees which may modify or reverse any action taken by local Industrial Relations Committees so reporting to them. Local Industrial Relations Committees shall each consist of three (3) members to be appointed in the same manner as provided in Sub-section (A) of this section.

ARTICLE VII—UNFAIR TRADE PRACTICES

SECTION 1. *Inaccurate Labelling.*—No Importer shall brand, mark or pack any goods in any manner which is intended to, or does, deceive or mislead purchasers with respect to the brand, grade, quality, quantity, origin, size, substance, character, nature, finish, material, content, or preparation of such goods; nor shall any Importer sell or offer for sale any imported merchandise labeled, marked, stamped or branded in any manner which misleads or tends to mislead the purchaser; nor shall any Importer knowingly imitate, or sell or offer for sale any imported merchandise bearing a device which shall imitate, a trademark, trade name, slogan, or any other mark of identification of a product of domestic manufacture, when such domestic marks, names or slogans have been in actual use prior to their use in the case of imported goods, if such device has the capacity to mislead a purchaser or prospective purchaser.

SECTION 2. *Inaccurate Advertising.*—No Importer shall publish advertising (whether printed, radio, display, or of any other nature), which is misleading or inaccurate in any material particular, nor shall any member in any way misrepresent any goods (including, but without limitation, their use, trade mark, grade, quality, quantity, origin, size, substance, character, nature, finish, material content, or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted.

SECTION 3. *False Billing.*—No Importer shall knowingly withhold from or insert in any quotation or invoice, any statement which makes it inaccurate in any material particular.

SECTION 4. *Commercial Bribery.*—No Importer shall directly or indirectly give or permit to be given, or offer to give, money or any-

thing of value to agents, employees, or representatives of customers or prospective customers, with or without knowledge of their employers or principals, as an inducement to influence their employers or principals, to purchase or contract to purchase from the makers of such gift or offer, or to influence such employers or principals to refrain from dealing or contracting to deal with competitors. This Section shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as herein defined.

SECTION 5. *Interference with Another's Contracts.*—No Importer shall attempt to induce the breach of an existing contract between a competitor and his customer or source of supply; nor shall any such Importer interfere with or obstruct the performance of such contractual duties or services.

SECTION 6. *Rebates and Concessions.*—No Importer shall permit the payment or allowance of rebates, refunds, commissions, credits, unearned or special discounts, whether in the form of money or otherwise, or the extension to certain purchasers of special services or privileges, not extended to all purchasers of the same class on like terms and conditions.

SECTION 7. *Giving of Prizes, Premiums, or Gifts.*—No Importer shall offer or give prizes, premiums, or gifts in connection with the sale of products, or as an inducement thereto, by any scheme which involves lottery, misrepresentation, or fraud.

SECTION 8. *Defamation.*—No Importer shall defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or by the false disparagement of the grade or quality of their goods.

SECTION 9. *Threats of Litigation.*—No Importer shall publish or circularize threats of suits for infringement of patents or trade marks or any other legal proceedings not in good faith, with the tendency or effect of harassing competitors or intimidating their customers. Failure to prosecute in due course shall be evidence that such threat is unwarranted or unjustified.

SECTION 10. *Espionage of Competitors.*—No Importer shall secure, or attempt to secure, confidential information from any source concerning the business of a competitor by a false or misleading statement or representation, by a false impersonation of one in authority, by bribery, or by any other unfair method.

SECTION 11. *Subterfuge.*—It shall be an unfair trade practice for any Importer to employ subterfuge, to avoid or attempt to avoid the provisions of this Code, or any Supplemental Code hereto, or the purposes and intent of the National Industrial Recovery Act, which are to increase employment, provide better wages, promote fair competitive methods, better business conditions, and promote the public welfare.

SECTION 12. *Other Unfair Trade Practices.*—Subject to administrative approval after hearing there may be established, in any Supplemental Code, trade practice rules covering such other subjects as conditions in such specific Division may require. Any violation of these provisions shall be an unfair trade practice.

ARTICLE VIII—APPLICATION OF CODE

SECTION 1. Any import trade, by majority vote of its members may make application to the Administrator to operate under any other approved Code of Fair Competition which covers its trade, and upon approval of the Administrator shall become subject to such other approved Code and shall no longer be governed by this General Importers Code with respect to such of their activities as shall be covered by the Code to which they shall be so transferred.

SECTION 2. Every Importer, except those who on the effective date of this Code are governed, or hereafter become governed, as to all or part of their activities, by any other Code of Fair Competition under the administration of the National Recovery Administration or the Agricultural Adjustment Administration, shall be bound by all of the provisions of this General Importers Code and by all of the provisions of each and every Supplemental Code applicable to him, when such General Importers Code and/or such Supplemental Code or Codes shall have been approved, with respect to all of his activities which are not covered by another approved code, except those Importers, who file with the Administrator applications for exemption to this Code or any portion thereof, which after due consideration by the Administrator are sustained.

ARTICLE IX—MODIFICATION

SECTION 1. This General Importers Code and the Supplemental Codes hereto, and all provisions thereof, are expressly made subject to the right of the President, in accordance with the provisions of Sub-section (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule or regulation issued under Title I of said Act and specifically but without limitation, to the right of the President to cancel or modify his approval of these Codes or any conditions imposed by him upon his approval thereof.

SECTION 2. This General Importers Code and the Supplemental Codes hereto, except as to provisions required by the Act, may be modified on the basis of experience or changes in circumstances, such modifications to be based upon application by Importers, the General Importers Code Authority or by any Divisional Code Authority to the Administrator and such notice and hearing as he may prescribe, and to become effective on approval of the Administrator.

ARTICLE X—MONOPOLIES, ETC.

No provision of this Code, nor of any Supplemental Codes hereto, shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

ARTICLE XI—EFFECTIVE DATE

This Code shall become effective on the tenth day after approval.

Approved Code No. 487.

Registry No. 1713-53.

Approved Code No. 488

CODE OF FAIR COMPETITION

FOR THE

WELT MANUFACTURING INDUSTRY

As Approved on July 20, 1934

ORDER

CODE OF FAIR COMPETITION FOR THE WELT MANUFACTURING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Welt Manufacturing Industry, and hearing having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved, provided however, that the provision of Article III, Section 2, Subsection (c) be and it is hereby deleted, and, in lieu thereof the following be, and it is hereby substituted: "Watchmen, who shall not be permitted to work more than fifty-six (56) hours in any one week, nor more than thirteen (13) days in any two (2) weeks."

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

GEO. L. BERRY,
Division Administrator.

WASHINGTON, D.C.,
July 20, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the approved Code of Fair Competition for the Welt Manufacturing Industry, hearing on which was conducted in Washington on May 9, 1934, in accordance with the provisions of the National Industrial Recovery Act.

The minimum wage provided in this code is thirty-five cents (35¢) per hour for male and female employees, with the provision that when female employees perform substantially the same work as male employees they are to receive the same rate of pay.

The maximum hours provided in this code are forty (40) hours per week with an allowance of five (5) hours per week during any eight (8) weeks of a six (6) months' period, with the provision that all time in excess of eight (8) hours in any twenty-four (24) hour period, or forty (40) hours per week shall be paid on the basis of one and one-half (1½) times the normal rate of compensation.

No person under sixteen (16) years of age shall be employed or engaged in this industry, and no person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. No homework shall be permitted in this industry.

The business of this industry is almost exclusively that of supplying automobile manufacturers, automobile parts departments, and automobile accessory jobbers with bindings and trimmings used in the manufacture or repair of automobiles. It does not conflict with the activities, nor could it be said to be in competition with any other industry. Other industries utilize the same raw materials but do not sell their products to the same class of trade or customers.

The welt and binding business is located in the central part of the United States. The major portion of their products are sold in and around Detroit although they are distributed throughout the entire world.

The Deputy Administrator in his final report to me on said Code having found as herein set forth and on the basis of all the proceedings in this matter;

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the

present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Code.

For these reasons this Code has been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 20, 1934.

CODE OF FAIR COMPETITION FOR THE WELT MANUFACTURING INDUSTRY

ARTICLE I—PURPOSES

To effect the policies of Title I of the National Industrial Recovery Act, this Code is established as a Code of Fair Competition for the Welt Manufacturing Industry, and its provisions shall be the standards of fair competition for such industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

SECTION 1. The term "Industry" as used herein is defined to mean the manufacturing, processing, and/or sale by manufacturer or processor of welts and bindings of all kinds in continuous lengths or otherwise, made either from leather, imitation leather, cloth or other fabrics, used on automobiles or other articles of manufacture, and includes dealing by manufacturers in such welts and bindings whether of his own or of another member's manufacture.

SECTION 2. The term "member of the industry" includes, but without limitation, all those engaged in the industry either as an employer or on his own behalf.

SECTION 3. The term "employee" as used herein includes any and all persons engaged in the industry, however compensated, except a member of the industry.

SECTION 4. The term "employer" as used herein includes anyone by whom such employee is compensated or employed.

SECTION 5. The term "Association" as used herein means the Association of Welt Manufacturers, a non-profit organization.

SECTION 6. The terms "Act" and "Administrator" as used herein mean, respectively, Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

ARTICLE III—HOURS

SECTION 1. No employee, including office and clerical employees, shall be permitted to work in excess of forty hours in any one week or eight hours in any twenty-four hour period, provided, however, that in special cases of emergency or where restriction of hours of employees will delay urgent service to the trade served by the industry, during any eight consecutive or non-consecutive weeks of a six month period (the first period to begin on July 1, 1934), employees may work not more than forty-five hours in any one week. Time in excess of eight hours in any twenty-four hour period (starting at midnight), or forty hours per week shall be paid on a basis of one and one-half times the normal rate of compensation.

SECTION 2. The foregoing provision of this article shall not apply to:

(a) Persons who are employed in a managerial or executive capacity who earn thirty-five dollars (\$35.00) or more per week, outside salesmen, or to employees engaged in emergency repair work; provided that employees engaged in emergency repair work shall be paid at least one and one-half times their normal rate for all hours worked in excess of eight (8) hours in any twenty-four (24) hour period or forty (40) hours per week.

Reports shall be made monthly to the Code Authority by every employer stating the number of hours worked in excess of forty (40) per week and eight (8) per day by employees engaged in emergency repair work, special cases of emergency and during peak period provided for in Section 1 hereof.

(b) Firemen and engineers who shall not be permitted to work in excess of forty-five (45) hours per week or nine (9) hours per day during normal periods and fifty (50) hours or ten (10) hours per day during peak periods as described in Section 1 of this article.

(c) Watchmen who shall not be permitted to work in excess of sixty (60) hours in any one week.¹

SECTION 3. The provisions of Section 1 of this Article shall apply to members of the industry (owners, partners, officers), engaged in a productive capacity, but shall not apply to members of the industry who are exclusively or wholly engaged in managerial or executive capacity.

SECTION 4. No employee shall be permitted to work more than five (5) days in any calendar week, except employees specified in Section 2 of this article.

SECTION 5. No employer shall knowingly permit an employee to work for any time, which when totaled with that regularly performed with another employer or employers, exceeds the maximum hours permitted herein.

ARTICLE IV—WAGES

SECTION 1. No employee shall be paid less than at the rate of thirty-five cents (35¢) per hour.

SECTION 2. This article establishes a minimum rate of pay which shall apply, irrespective of whether an employee is actually compensated on a time rate, piecework or other basis, such piecework or other basic rate of compensation above the minimum, however, is to be determined by the average capacity of regular workers.

SECTION 3. Within six months from the effective date of this Code the Code Authority shall present for approval to the Administrator, after notice and hearing, recommendations as to upward adjustments in minimum wages generally or for specified localities or occupations, in order to effectuate the purposes of the Act.

SECTION 4. There shall be an equitable adjustment of all wages above minimum, and to that end, within sixty (60) days from the approval of this Code, the Code Authority shall submit to the Administrator a report of all adjustments by members of the industry since June 16, 1933.

¹ Amended. See paragraph 2 of order approving this Code.

SECTION 5. Female employees who perform substantially the same work as male employees shall receive the same rate of pay as male employees.

SECTION 6. A person whose earning capacity is limited because of age or physical or mental handicap or other incapacity may be employed on light or unskilled work, at a wage below the minimum established by this Code, if the employer obtains from the State Authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate, provided, however, that the number of such employees shall not be in excess of five percent (5%) of the total number of employees in any establishment, but any establishment may have at least one such employee. Each employer shall file with the Code Authority a list of all such persons employed by him.

ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. No person under sixteen (16) years of age shall be employed in the industry. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. The Code Authority shall submit to the Administrator thirty (30) days after the effective date of the Code, a list of such operations or occupations. In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly signed by the Authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

SECTION 2. In compliance with Section 7 (a) of the Act, it is provided:

(a) That employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

(b) That no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing, and

(c) That employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

SECTION 3. No employer shall reclassify employees or duties or occupations performed, or engage in any other subterfuge so as to defeat the purposes or provisions of the Act or of this Code, and in this connection, employees engaged in two or more occupations or positions having different duties connected therewith, one or more of which being limited by maximum hours, shall be classified under the limited hours position which is limited to the fewer number of hours per week, and shall not be permitted to work a total number of hours in excess of those prescribed for such position.

SECTION 4. Every employer shall provide for the safety and health of employees during the hours and at the places of their employment. Standards for safety and health shall be submitted by the Code Authority to the Administrator within six months after the effective date of the code.

SECTION 5. No provision in this Code shall supersede any State or Federal law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, safety, health, sanitary or general working conditions, insurance, or fire protection than are imposed by this Code.

SECTION 6. No home work shall be permitted in this industry, except in accordance with Executive Order of May 15, 1934.

SECTION 7. All employers shall post and keep posted copies of the labor provisions of this Code in conspicuous places accessible to all employees. Every member of the industry shall comply with all rules and regulations relative to the posting of provisions of Codes of Fair Competition which may from time to time be prescribed by the Administrator.

SECTION 8. No employee of this industry shall be dismissed or demoted or otherwise penalized for making complaint or giving evidence with respect to an alleged violation of this or any other Code.

ARTICLE VI—ORGANIZATION, POWERS, AND DUTIES OF THE CODE AUTHORITY

SECTION 1. There shall forthwith be constituted a Code Authority consisting of four members of the Board of Directors of the Welt Manufacturers Association.

SECTION 2. In addition to membership as above provided, not more than three members, without vote, may be appointed by the Administrator.

SECTION 3. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator for his approval true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

SECTION 4. In order that the Code Authority shall at all times be truly representative of the industry and in other respects further the purposes of the Act and the provisions of the Code, the Administrator may prescribe such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects further the purposes of the Act and the provisions of the Code, may require an appropriate modification in the composition and method of selection of the Code Authority.

SECTION 5. It being found necessary, in order to support the administration of this Code and to maintain the standards of fair competition established by this Code and to effectuate the policy of the Act, the Code Authority is authorized, subject to the approval of the Administrator:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary, (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry.

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and secure equitable contribution as above set forth by all such members of the industry, and to that end, if necessary, to institute legal proceedings therefor in its own name;

(d) After approval of its budget and plan of assessment as provided in this article, to make collections in proportion to the volume of sales made in the products of the industry as defined in Section 1 of Article II of this Code, from any person or persons as defined in Section 2 of Article II engaged in the manufacture of any products coming within the jurisdiction of the Code.

(e) Each member of the industry shall be liable for his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, (unless duly exempted from making such contribution) shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities.

(f) The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator first obtained; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

SECTION 6. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Code Authority. Nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own malfeasance or nonfeasance.

SECTION 7. The Code Authority shall have the following further powers and duties, and if the Administrator shall determine that any action of the Code Authority or any agency thereof is without the scope of its delegated or implied powers or is unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended for a period of not to exceed thirty (30) days to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action, which shall be taken only upon approval by the Administrator.

(a) To insure the execution of the provisions of this Code and provide for the compliance of the industry therewith.

(b) To adopt by-laws and rules and regulations for its procedure and for the administration of the Code.

(c) To obtain from members of the industry such information and reports as are required for the administration of the Code, which reports shall be furnished promptly by members, and, in addition to information required to be submitted to the Code Authority, members of the industry shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as the Administrator may designate; nor shall anything in any code, agreement, or license relieve any person of any existing obligation to furnish reports to Government agencies.

(d) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code.

(e) To make recommendations to the Administrator for the coordination of the administration of this code with such other codes, if any, as may be related to the industry or affect members of this industry.

(f) To cooperate with the Administrator in regulating the use of any N.R.A. insignia solely by those members of the industry who are complying with this Code.

(g) To recommend to the Administrator further fair trade practice provisions to govern members of the industry in their relations with each other or with other industries and to recommend to the Administrator measures for industrial planning, including stabilization of employment, and other modifications hereof.

ARTICLE VII—TRADE PRACTICE RULES

The following practices constitute unfair methods of competition of the industry and are prohibited.

SECTION 1. *Inaccurate Advertising.*—No member of the industry shall publish advertising (whether printed, radio, display, or of any other nature), which is misleading or inaccurate in any material particular, nor shall any member in any way misrepresent any goods (including, but without limitation, its use, trade mark, grade, quality, quantity, origin, size, substance, character, nature, finish, material content or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted. No member of the industry shall publish advertising which refers inaccurately in any material particular to any competitors or their goods, prices, values, credit terms, policies or services.

SECTION 2. *False Billing.*—No member of the industry shall withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any material particular.

SECTION 3. *Inaccurate Labeling.*—No member of the industry shall brand or mark or pack any goods in any manner which is intended to or does deceive or mislead purchasers with respect to the brand, grade, quality, quantity, origin, size, substance, character, nature, finish, material content, or preparation of such goods.

SECTION 4. *Threats of Law Suits.*—No member of the industry shall publish or circulate unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harassing competitors or intimidating their customers.

SECTION 5. *Secret Rebates.*—No member of the industry shall secretly or otherwise offer or make any payment or allowance of a rebate, refund, commission, credit, or give any discount or excess allowance, whether in the form of money or otherwise, nor shall a member of the industry offer or extend to any customer any special service or privilege not extended to all customers of the same class, for the purpose of influencing a sale.

SECTION 6. *Selling on Consignment.*—No member of the industry shall sell or ship goods on consignment.

SECTION 7. *Bribing Employees.*—No member of the industry shall give, permit to be given, or offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal, or party. This provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinbefore defined.

SECTION 8. *Interference with Another's Contracts.*—No member of the industry shall wilfully induce or attempt to induce the breach of existing contracts between competitors and their customers by any false or deceptive means, or interfere or obstruct the performance of any such contractual duties or services by any such means, with the purpose and effect of hampering, injuring or embarrassing competitors in their business.

SECTION 9. *Coercion.*—No member of the industry shall require that the purchase or lease of any goods be a prerequisite to the purchase or lease of any other goods.

SECTION 10. *Defamation.*—No member of the industry shall defame a competitor by falsely imputing to him dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representation, or by falsely disparaging the grade or quality of his goods.

SECTION 11. *Discounts.*—A discount not to exceed two percent (2%) may be allowed on accounts paid before the end of the month following shipment. No post datings shall be permitted.

ARTICLE VIII—MODIFICATION

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of subsection (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule or regulation issued under Title I of said Act.

SECTION 2. Such of the provisions of this Code as are not required to be included herein by the Act may, with the approval of the Administrator, be modified or eliminated in such manner as may be indicated by the needs of the industry or of the public by changes

in circumstances, or by experience. All the provisions of this Code, unless so modified or eliminated shall remain in effect until June 16, 1935, or as long thereafter as the NIRA by Amendment may remain in effect.

ARTICLE IX—MONOPOLIES, ETC.

No provision of this Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

ARTICLE X—PRICE INCREASES

Whereas the policy of the Act to increase purchasing power will be made more difficult of consummation if prices of goods and services increase as rapidly as wages, it is recognized that price increases, except such as may be required to meet individual cost, should be delayed, but when made such increases should, as far as possible, be limited to actual additional increases in the seller's costs.

ARTICLE XI—EFFECTIVE DATE

This Code shall become effective on the tenth day after its approval.

Approved Code No. 488.

Registry No. 934-01.



Approved Code No. 489

CODE OF FAIR COMPETITION

FOR THE

SAFETY RAZOR AND SAFETY RAZOR BLADE
MANUFACTURING INDUSTRY

As Approved on July 21, 1934

ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE SAFETY RAZOR AND
SAFETY RAZOR BLADE MANUFACTURING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Safety Razor and Safety Razor Blade Manufacturing Industry, and hearing having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved; provided that the continued participation of the National Association of Safety Razor and Blade Manufacturers, Inc. in the Code Authority after thirty (30) days from the effective date of this Code shall be contingent upon its amending its Constitution and By-Laws to the satisfaction of the Administrator; provided further, that the provisions of Section 5, and Section 16 of Article VIII, be and they are hereby stayed until such time as the Administrator may, by further order, otherwise direct.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 21, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Safety Razor and Safety Razor Blade Manufacturing Industry, the hearing having been conducted thereon in Washington, D. C., April 2, 1934, in accordance with the provisions of the National Industrial Recovery Act.

RÉSUMÉ OF CODE AS TO WAGES AND HOURS

The Code provides that eight (8) hours shall constitute the normal number of working hours per day and forty (40) hours the normal number of working hours per week, except that employees may work not exceeding forty-eight (48) hours for six (6) weeks in any twenty-six (26) weeks period. These provisions are applicable to all employees except outside salesmen, watchmen who shall be employed not more than fifty-six (56) hours per week, employees engaged in executive, managerial or supervisory capacity who receive thirty-five dollars (\$35.00) per week, or more, and employees on emergency maintenance or emergency repair work involving breakdown or protection of life and property.

The rates of pay provided for production labor are forty (40) cents per hour for males and thirty-five (35) cents per hour for females. For a period of not more than sixty (60) days beginners may be paid not less than eighty (80) per cent of the minimum wage provided that the total number of beginners shall not exceed five (5) per cent of the total number of factory workers employed by any such employer in any calendar month. Persons whose earning capacity is limited because of age, physical or mental handicap or other infirmities may be employed on light work at a wage below the minimum, if the employer obtains from the State Authority designated by the United States Department of Labor a certificate authorizing such employment at such wages and for such hours as shall be stated in the certificate. Each employer shall file monthly with the Code Authority a list of all such persons employed by him showing the wages paid to and the maximum hours of work for such employees. Time and one-half will be paid production labor for hours worked in excess of eight (8) hours per day and forty (40) hours per week.

Employees engaged in office or clerical work shall be paid not less than fifteen dollars (\$15.00) per week provided however, that office boys and girls may be paid not less than eighty (80) per cent of the said minimum wage, but the number of such office boys and girls employed at any time shall not exceed five (5) per cent of the total

number of office and clerical employees, and provided further, that any employer may employ at least one office boy or girl.

Equitable adjustments shall be made of all wage rates above said minimum.

Child labor is prohibited and no persons under eighteen (18) years of age shall be employed in a hazardous occupation.

GENERAL STATEMENT

The Safety Razor and Safety Razor Blade Manufacturing Industry is one of the few which have enjoyed an increase in unit sales during the past four years, but because of drastic price revisions this condition is not reflected in dollar volume.

The Industry is unique in that the safety razor or safety razor blade holder is a by-product of the safety razor blade. The holder is a non-profit item of the Industry and it is a general practice within the Industry to give these holders away as premiums or sell them below cost in order to stimulate the use of safety razors and safety razor blades.

The growth of this Industry has been exceedingly great. From an insignificant beginning in 1904 the Industry has grown so that in 1931 fifty-three (53) cents of every dollar spent for cutlery went for the purchase of safety razors and safety razor blades, and of that fifty-three (53) cents, forty-six (46) cents or eighty-six (86) per cent went for the purchase of safety razor blades alone.

The investment in the Industry is approximately \$62,500,000, and the number of wage earners in normal times is about five thousand (5,000), with an estimated annual pay roll of \$5,150,000.

In 1929 the number of blades produced was approximately 690,226,115, and in 1933 approximately 889,074,075, an increase in unit production of twenty-three (23) per cent. In 1929 the dollar sales volume was approximately \$36,139,322 while in 1933 approximately \$19,856,020, or a decrease of forty six (46) per cent.

I believe that the Code is fair to the Industry, to labor and to the public and is in accordance with the intent and purpose of the National Industrial Recovery Act.

FINDINGS

The Deputy Administrator in his final report to me on said Code having found as herein set forth and on the basis of all proceedings in this matter:

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries,

by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant group is an industrial association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Code.

For these reasons, therefore, I have approved this Code.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 21, 1934.

CODE OF FAIR COMPETITION FOR THE SAFETY RAZOR AND SAFETY RAZOR BLADE MANUFACTURING INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Safety Razor and Safety Razor Blade Manufacturing Industry and shall be the standards of fair competition for such industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

SECTION 1. The term "safety razor and safety razor blade manufacturing industry", hereinafter referred to as the "industry", means the manufacture of safety razor blade holders and/or safety razor blades for sale.

SECTION 2. The term "employee", as used herein, includes any and all persons engaged in the industry, however compensated, except a member of the industry.

SECTION 3. The term "employer", as used herein, includes anyone by whom such employee is compensated or employed.

SECTION 4. The term "member of the industry", as used herein, includes but without limitation any individual, partnership, association, corporation or other form of enterprise engaged in the industry either as an employer or on his or its own behalf.

SECTION 5. The terms "President", "Act", and "Administrator", as used herein, shall mean respectively the President of the United States, Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

SECTION 6. The term "Code Committee", as used herein, shall mean the committee duly elected by the association to formulate and present a Code of Fair Competition on behalf of the Industry.

SECTION 7. The term "Code Authority", as used herein, shall mean the Administrative body of this code as set forth in Article VI.

SECTION 8. The term "Association", as used herein, is defined to mean the National Association of Safety Razor and Blade Manufacturers, Inc., or its successor.

ARTICLE III—HOURS

SECTION 1. No employee shall be permitted to work in excess of forty (40) hours in any one week or eight (8) hours in any twenty-four (24) hour period, nor more than six (6) days in any seven (7) day period, except as herein otherwise expressly provided.

SECTION 2. The maximum hours fixed in Section 1 shall not apply to employees engaged in an executive, managerial, or supervisory capacity, who receive thirty-five (\$35.00) dollars per week or more, and outside salesmen.

SECTION 3. The maximum hours fixed in Section 1 shall not apply to employees on emergency maintenance or emergency repair work involving breakdowns or protection of life or property, but in any such special case at least one and one-half ($1\frac{1}{2}$) times their regular rate shall be paid for hours worked in excess of eight (8) hours in any twenty-four (24) hour period or forty (40) hours in any one week.

SECTION 4. The maximum hours fixed in Section 1 shall not apply to employees for six (6) weeks in any twenty-six (26) weeks period during which time overtime shall not exceed eight (8) hours in any one week; provided that at least one and one-half ($1\frac{1}{2}$) times the regular rate shall be paid for hours worked in excess of eight (8) hours in any twenty-four (24) hour period or forty (40) hours in any seven day period.

SECTION 5. No employer shall permit any employee to work for any time which when totaled with that already performed for another employer, or employers, exceeds the maximum permitted herein.

SECTION 6. Watchmen shall be permitted to work not in excess of fifty-six (56) hours per week, provided, that they shall be given one day of rest in every fourteen (14) day period.

SECTION 7. Employers who personally perform manual work or who are engaged in mechanical operations in connection with the manufacture of products of the Industry shall not exceed the prescribed maximum hours.

ARTICLE IV—WAGES

SECTION 1. No male employee shall be paid less than at the rate of forty (40) cents per hour, and no female employee shall be paid less than at the rate of thirty-five (35) cents per hour, except as herein otherwise expressly provided.

SECTION 2. For a period of not more than sixty days after the commencement of employment in the Industry, beginners without experience shall be paid not less than 80% of the minimum wages, provided that the total number of such beginners shall not exceed 5% of the total number of factory workers employed by any such employer in any calendar month.

SECTION 3. No employee engaged in office or clerical work shall be paid less than at the rate of fifteen (\$15.00) dollars per week; provided, however, that office boys and girls may be paid not less than eighty (80%) percent of such minimum wage, but the number of such office boys and girls employed at any time shall not exceed five (5%) percent of the total number of office and clerical employees; and provided, further, that any employer may employ at least one (1) office boy or girl.

SECTION 4. A person whose earning capacity is limited because of age, physical or mental handicap, or other infirmity, may be employed on light work at a wage below the minimum established by this Code if the employer obtains from the State authority designated by the United States Department of Labor a certificate authorizing such person's employment at such wages and for such hours as shall be stated in the certificate. Such authority shall be guided by instructions of the United States Department of Labor in issuing certificates to such persons. Each employer shall file monthly with

the Code Authority a list of all such persons employed by him, showing the wages paid to, and the maximum hours of work for such employee.

SECTION 5. Equitable adjustment of compensation of all employees receiving more than the minimum rates of pay shall be made by all employers who have not heretofore made such adjustments, and all employers shall within thirty days after approval of this Code, report in full to the Code Authority concerning such adjustments whether made prior to or subsequent to such approval, provided, however, that in no event shall hourly rates of pay be reduced, irrespective of whether compensation is actually paid on an hourly, weekly, or other basis, nor shall any wages be at less than the minimum rates herein provided.

SECTION 6. This article establishes a minimum rate of pay which shall apply, irrespective of whether an employee is actually compensated on a time rate, piece-work, or other basis.

SECTION 7. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees, and where they displace men they shall receive the same rate of earnings as the men they displace. The Code Authority shall within ninety (90) days after the effective date of this Code file with the Administrator a description of all occupations in the Industry in which both men and women are employed.

SECTION 8. This article establishes rates of pay which shall be exempt from any charge, fine and/or deduction by the employer, except such charges or deductions required by State Law.

SECTION 9. The employer shall make payments of all wages due in lawful currency or by negotiable check therefor, payable on demand. These wages shall be exempt from any payments for pensions, insurance or sick benefits other than those voluntarily paid by the wage earners, or required by State Laws. Wages shall be paid at least by the end of every two week period, and salaries shall be paid at least at the end of every month. No employer shall withhold wages. The employer or his agents shall accept no rebates directly or indirectly on such wages, nor give anything of value or extend favors to any person for the purpose of influencing rates of wages or the working conditions of his employees.

ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. (a) Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

(b) No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing.

(c) Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

SECTION 2. No persons under sixteen (16) years of age shall be employed in the Industry. No persons under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. The Code Authority shall submit to the Administrator for approval before September 1, 1934, a list of such operations or occupations. In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a valid certificate or permit duly signed by the Authority in such State empowered to issue employment or age certificates or permits, showing that the employee is of the required age.

SECTION 3. No provision in this Code shall supersede any State or Federal Law which imposes on employers more stringent requirements as to the age of employees, wages, hours of work, or as to the safety, health, sanitary or general working conditions or insurance or fire protection, than are imposed by this Code.

SECTION 4. Employers shall not re-classify employees, or duties, of occupations performed, or engage in any other subterfuge so as to defeat the purposes of the Act or of this Code.

SECTION 5. Within ten (10) days after the effective date of this Code, each employer shall post, and keep posted, in conspicuous places accessible to employees full copies of this Code and any amendments or modifications which may later be approved in accordance with Executive Orders and/or regulations thereof. Every member of the Industry shall comply with all rules and regulations relative to the posting of provisions of Codes of Fair Competition which may from time to time be prescribed by the Administrator.

SECTION 6. Every employer shall make provision for the safety and health of his employees at the place and during the hours of their employment. Standards for safety and health shall be submitted by the Code Authority to the Administrator within three (3) months after the effective date of the Code.

SECTION 7. No employee shall be dismissed by reason of making a complaint or giving evidence with respect to an alleged violation of this Code.

ARTICLE VI—ORGANIZATION AND ADMINISTRATION ¹

SECTION 1. During the period not to exceed sixty (60) days following the effective date of this Code, the Code Committee of the Industry shall constitute a temporary Code Authority until the Code Authority is elected. There shall be constituted within the sixty-day period a Code Authority consisting of nine members to be elected by the members of the Industry, at a meeting called by the temporary Code Authority, upon ten days' notice sent by registered mail to all members of the Industry whose names shall have been obtained after a reasonable investigation, who may vote either in person or by proxy. The members of the Code Authority shall be elected in the following manner:

(a) Seven members who shall be members of the Association by a majority vote of all members of the Industry who are members of the Association present in person or by proxy, each member to have one vote.

¹ See paragraph 2 of order approving this Code.

(b) Two members who are not members of the Association by majority vote of all members of the Industry who are non-members of the Association, present in person or by proxy, each member to have one vote.

(c) In addition thereto, the Administrator may appoint not more than three members without vote to serve on the Code Authority and together with the Administrator shall receive notice of and may sit at all meetings of the Code Authority.

SECTION 2. If the members of the Industry who are non-members of the Association fail to elect two members on the Code Authority, as provided, three such non-members shall be selected by the Association and submitted to the Administrator, who may appoint from them the two members to serve on the Code Authority.

SECTION 3. The members of the Code Authority first elected shall serve until the following annual meeting of the Association and thereafter members of the Code Authority shall be elected at a meeting of the members of the Industry to be held at the time and place of the annual meeting of the Association to serve until the following annual meeting or until the election of their successors.

SECTION 4. A vacancy in the membership of the Code Authority may be filled by a majority vote of the remaining members of the Code Authority. If a vacancy occurs in the case of an association member, the new member to be elected shall likewise be an association member, and if a vacancy occurs in the case of a non-member of the association, such vacancy shall be filled with a non-member.

SECTION 5. Each trade association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its Articles of Association, By-laws, Regulations and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

SECTION 6. In order that the Code Authority shall, at all times, be truly representative of the Industry and in other respects comply with the provisions of the Act, the Administrator may prescribe such Hearings as he may deem proper; and thereafter, if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require removal of any or all of the members thereof and may make an appropriate modification or modifications in the method of selection of the Code Authority.

SECTION 7. (a) It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(1) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code.

(2) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary

to support such budget shall be contributed by members of the industry.

(3) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(b) Each member of the industry shall be liable for his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Failure on the part of the member of the Industry to make such contribution shall be a violation of this Code. Only members of the industry complying with the Code, and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contribution, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(c) The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator first obtained; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimate except those which the Administrator shall have so approved.

SECTION 8. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. No member of the Code Authority shall be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Code Authority, nor shall any member of the Code Authority be liable to anyone for any act or omission to act in connection with the performance of the duties of such member except for his own wilful malfeasance or non-feasance.

SECTION 9. The Code Authority shall have the following further powers and duties:

(a) Subject to such rules and regulations as may be prescribed by the Administrator to administer and insure the execution of the provisions of this Code and provide for the compliance of the Industry with the provisions of the Act.

(b) To adopt such Bylaws, rules and regulations as are necessary for its procedure and for the administration of this Code.

(c) To obtain from members of the Industry such information and reports as are required for the administration of the Code. In addition to information required to be submitted to the Code Authority members of the Industry subject to this Code shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3a of said Act to such Federal and State agencies as he may designate; provided that nothing in this Code shall relieve any person from any existing obligations to furnish reports to any government agency. No individual reports shall be disclosed to any other member of the Industry or any other party except to such government agencies as may be directed by the Administrator.

(d) To make recommendations to the Administrator for the coordination of the administration of this Code with such other codes, if any, as may be related to or affect the members of the Industry.

(e) To appoint a trade practice committee which shall meet with the trade practice committees appointed under such other codes as may be related to the Industry for the purpose of formulating fair trade practices to govern the relationships between production and distribution employers under this Code and under such others to the end that such fair trade practices may be proposed to the Administrator as amendments to this Code and such other codes.

SECTION 10. If the Administrator shall determine that any action of a Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty days' notice to him of intention to proceed with such action in its original or modified form.

ARTICLE VII—ACCOUNTING AND COSTING

SECTION 1. With respect to that portion of a member's product which is within the Industry, the Code Authority shall cause to be formulated an accounting system and methods of cost finding and/or estimating capable of use by all members of the Industry. After such system and methods are formulated and approved by the Administrator, full details concerning them shall be made available to all members of the Industry, and thereafter all members shall determine and/or estimate their costs in accordance with the principles of such methods.

SECTION 2. If the Administrator, after investigation shall at any time find both (1) that an emergency has arisen within the industry adversely affecting small enterprises or wages or labor conditions, or tending toward monopoly or other acute conditions which tend to defeat the purposes of the Act; and (2) that the determination of the stated minimum price for a specified product within the industry for a limited period is necessary to mitigate the conditions constituting such emergency and to effectuate the purposes of the Act, the Code Authority may cause an impartial agency to investigate costs and to recommend to the Administrator a determination of the stated minimum price of the product affected by the emergency and thereupon the Administrator may proceed to determine such stated minimum price.

When the Administrator shall have determined such stated minimum price for a specified product for a stated period, which price shall be reasonably calculated to mitigate the conditions of such emergency and to effectuate the purposes of the National Industrial Recovery Act, he shall publish such price. Thereafter, during such stated period, no member of the industry shall sell such specified products at a net realized price below said stated minimum price and any such sale shall be deemed destructive price cutting. From time to time, the Code Authority may recommend review or reconsideration or the Administrator may cause any determinations hereunder to be reviewed or reconsidered and appropriate action taken.

ARTICLE VIII—UNFAIR TRADE PRACTICES

The following described acts shall constitute unfair trade practices and any member of the Industry who shall directly, indirectly or through any officer, employee, agent, or representative use or employ any such unfair trade practices, shall be guilty of a violation of this Code:

SECTION 1. (a) No member of the Industry shall offer to sell or exchange or sell or exchange any product of the Industry, except safety razor blade holders, in whole or in part below the cost of such product to such individual member. For this purpose, the cost of such product is to be arrived at upon the principles of a standard uniform accounting and costing system as provided for under Article VII of this Code.

(b) Provided that selling below cost to meet competition from a member of the Industry who is not selling below his own costs, on products of equivalent design, character, quality, or specifications shall not be deemed a violation of this Article.

(c) Provided further, that the selling below cost of distress merchandise or inventories which must be converted into cash to meet emergency need shall not be deemed a violation of this Article. All such sales or other dispositions of such products shall be reported by the member to the Code Authority within forty-eight (48) hours after such sale.

(d) Provided further, that the foregoing provisions of this Article VIII shall not be deemed to apply to or affect the sale of any product for direct shipment in export trade by any member of the Industry.

SECTION 2. No member of the Industry shall knowingly withhold from or insert in any statement or invoice, any statement that makes it inaccurate in any material particular.

SECTION 3. No member of the Industry shall secretly offer or make any payment or allowance of a rebate, refund, commission, credit, unearned discount or excess allowance whether in the form of money or otherwise; nor shall any member of the Industry secretly offer or extend to any customer any special service or privilege not extended to all customers of the same class under like conditions and circumstances for the purpose of influencing a sale.

SECTION 4. No member of the Industry shall defame a competitor by falsely imputing to him dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations or by the false disparagement of the grade or quality of his goods.

SECTION 5. No member of the Industry shall imitate, or simulate the trade name, or the trade mark, or the package, or the wrapper, or the label, used or employed by another member of the Industry in connection with the sale, marketing, or distribution of the products of the Industry.²

SECTION 6. No member of the Industry shall give, permit to be given or directly offer to give anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent, or the represented party, without the knowledge of such employer, principal, or party.

² See paragraph 2 of order approving this Code.

This provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

SECTION 7. No member of the Industry shall brand or mark or pack any goods in any manner which is intended to, or which has a tendency to, or which does deceive or mislead purchasers with respect to the brand, grade, quality, quantity, origin, size, substance, character, nature, finish, material, content or preparation of such goods.

SECTION 8. No member of the Industry shall publish advertising (whether printed, radio, display or of any other nature) which is misleading or inaccurate in any material particular, nor shall any member in any way misrepresent any goods (including, but without limitation, its use, trade mark, grade, quality, quantity, origin, size, substance, character, nature, finish, material, content or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted.

SECTION 9. No member of the Industry shall obtain or endeavor to obtain from an employee of a competitor information relating to patented or secret processes and/or methods.

SECTION 10. (a) No member of the Industry shall market blades unless the blades or blade backs bear either (1) the name of the member, or (2) the name of the brand, or (3) an adequate mark identifying the source of origin.

(b) Every member of the Industry shall imprint upon packages, tucks, envelopes and blade wrappings either the name of the member of the Industry or its subsidiary distributing company or the name of the distributor and the name of the brand if the blades are marketed under a brand name. The provisions of this sub-section shall not apply to wax or other like paper intended to protect and not to advertise the blade.

(c) Every member of the Industry shall pack razor blades for sale in envelopes or other wrappings and enclosed in individual tucks and packed by the member on the member's premises, except when such blades are sold in combination with razor blade holders.

SECTION 11. No member of the Industry shall make any allowances to a customer for alleged defective merchandise, or replace the same unless such defective merchandise be first returned to the member, nor shall a member of the Industry make allowances for shortage in excess of the actual shortage.

SECTION 12. No member of the Industry shall market or distribute goods on consignment or guarantee to any distributor the sale of any of the products of the Industry.

SECTION 13. No member of the Industry shall guarantee any accounts receivable of any of his distributors.

SECTION 14. No member of the Industry shall offer or grant to a customer terms in excess of sixty days from the date of shipment, or allow a cash discount in excess of 2% 10 days, E.O.M.

SECTION 15. No member of the Industry shall purchase, barter, sell or otherwise trade in safety razor blade holders and/or blades manufactured or produced by a competing member, except that nothing in this paragraph shall prevent a member from contracting to procure the manufacture by another member or the purchase from

another member, the whole or any part of his requirements for safety razor blade holders and/or blades for the purpose of disposing of them in the ordinary course of business under his own name or under a brand name.

SECTION 16. The members of the Industry recognize that the standards of the Industry and the distribution of the products of the Industry may be best served and promoted by the sale and other distribution of the products of the Industry only by and through recognized and customary wholesale and retail dealers and traders in the products of the Industry and other allied and associated products having an established place of business.²

SECTION 17. No member of the Industry shall sell blades "seconds" or resharpened used blades unless they are clearly marked as such on the packages, merchandise cards, and advertising material in connection with which they are to be sold.

ARTICLE IX—MONOPOLIES

No provision of this Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

ARTICLE X—PRICE INCREASES

Whereas the policy of the Act to increase real purchasing power will be made more difficult of consummation if prices of goods and services increase as rapidly as wages, it is recognized that price increases except such as may be required to meet individual costs should be delayed, and when made, such increases should, so far as possible, be limited to actual additional increases in the seller's costs.

ARTICLE XI—MODIFICATIONS

SECTION 1. This Code and all provisions thereof are expressly made subject to the right of the President, in accordance with provisions of subsection (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule or regulation issued under Title I of said Act.

SECTION 2. This Code, except as to provisions required by the Act, may be modified on the basis of experience or changes in circumstances, such modifications to be based upon application by the Code Authority to the Administrator and such Notice and Hearing as he shall specify and to become effective and be a part of this Code on approval by the President.

ARTICLE XII—EFFECTIVE DATE

This Code shall become effective at 12:01 A.M. o'clock on the tenth day after it is approved by the President.

Approved Code No. 489.
Registry No. 1108-1-03.

² See paragraph 2 of order approving this Code.

Approved Code No. 490

CODE OF FAIR COMPETITION
FOR THE
IMPORTED DATE PACKING INDUSTRY

As Approved on July 22, 1934

(NOTE.—This Code was originally Code No. 1 of the Agricultural Adjustment Administration)

ORDER

APPROVING MODIFICATION AND AMENDMENT TO CODE OF FAIR COMPETITION FOR THE IMPORTED DATE PACKING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a modification and amendment of the Code of Fair Competition for the Imported Date Packing Industry; hearings having been duly held thereon and the annexed report on said modification and amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933; amendment of Executive Order No. 6182 (as supplemented by Executive Order No. 6207 and Executive Order No. 6345), dated January 8, 1934; letter of the Secretary of Agriculture, dated February 13, 1934, designating me as agent, pursuant to Article X of the Code aforesaid, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said modification and amendment and the Code as constituted, after such modification and amendment, comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said modification and amendment be, and the same is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety, as modified and amended. Such approval and such amendment and modification to take effect ten (10) days from the date hereof, unless good cause to the contrary is shown to the Administrator before that time and the Administrator issues a subsequent

order to that effect: provided, however, that the provisions of Subsection (b), Section 1, Article VII, insofar as they prescribe a waiting period between the filing with the Code Authority of the effective date of revised schedules of prices, be and they are hereby stayed pending my further order either within sixty (60) days from the effective date of the Code as modified and amended or after the completion of a study of the open price associations now being conducted by the National Recovery Administration.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

ARMIN W. RILEY,
Division Administrator.

WASHINGTON, D.C.,
July 22, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Imported Date Packing Industry as modified and amended, and on the hearing conducted thereon in Washington, D.C., May 23, 1934, in accordance with the provisions of Title I of the National Industrial Recovery Act.

GENERAL STATEMENT

The Imported Date Packing Industry, through the Date Industries Committee, its Code Authority, has offered modifications and amendments to Code of Fair Competition No. 1-AAA for the Imported Date Packing Industry.

This Code was approved by you on November 11, 1933, but did not become effective until November 20, at which date the packing season for this Industry had been practically completed. The Code carried a provision making the hours and wages provisions of said Code effective until January 1, 1934, at the end of which period the Date Industries Committee was required to submit a complete report on hours and wages, with the view of modifying such provisions on the basis of more accurate labor statistics to be compiled.

Between the date of your approval of this Code and the effective date thereof, January 1, 1934, the last day upon which such labor report was due, little or no progress could be made by the Date Industries Committee as the packing season was virtually over, and in addition considerable confusion existed in view of the transfer of the jurisdiction of this Code from the Agricultural Adjustment Administration to the National Recovery Administration. The packing season for packaged dates normally is at its peak in September, October, November and December, and while the Industry was ready to amend the Code on the basis of code provisions, the National Recovery Administration postponed the hearing for such modifications and amendments until the present time, in order that several studies being conducted by the Administration on various code provisions could be completed and the results thereof be incorporated into this Code as modified and amended.

RÉSUMÉ OF MODIFICATIONS AND AMENDMENTS

The Code as originally approved by you placed the jurisdiction of other than the hours and wages provisions in the hands of the Secretary of Agriculture. Subsequently such jurisdiction was re-transferred to the Administrator for Industrial Recovery. It was necessary, therefore, to practically modify and amend the entire

Code, not only for the purposes of having the Code conform to present N.R.A. policies in its entirety, but also to place full jurisdiction over the entire Code in the hands of the Administrator for Industrial Recovery.

As a practical matter the resulting code, as modified and amended, while carrying some changes in substance, is mainly a matter of rewording in the light of the Administration's experience in drafting code provisions. Except for some few changes the hours and wages provisions remain substantially the same. Weekly wages for watchmen, however, have been raised from sixteen dollars (\$16.00) to eighteen dollars (\$18.00) per week. Permissive overtime has been reduced, and such overtime as is permitted is controlled through the payment of time and one-third for all such permissive hours over the basic forty hour week and nine hour day. In addition, the Industry's operations are required to be placed on a schedule which normally will not permit any employee to work more than eight (8) hours in any day.

The articles on administration have been completely redrafted in order to reflect N.R.A. policy and uniformity of Code Authority administration. The manner of selection of the Code Authority has been found satisfactory and has accordingly been retained in this modification and amendment.

Article VIII, having to do with unfair trade practices, has been entirely revised, and the substituted provisions reflect present policy of the Administration in the light of practically nine (9) month's operation under codes.

No radical change appeared possible in the matter of decreasing hours or increasing wages generally, inasmuch as the Industry have never operated, except for a small portion of the peak season, under these provisions, and it was felt necessary to leave the hours and wages generally as in the original code, particularly in view of the fact that evidence was submitted by the Date Industries Committee actually indicating increasing employment and a considerable increase in the minimum wages paid under this Code as compared to pre-code hours and wages.

By a spirit of fine cooperation between the Code Authority for the Industry, members of the Industry and the Administration, one hundred percent (100%) compliance with the hours and wages provisions of the Code have been obtained. Operation for a full year under the existing hours and wages provision, together with exhaustive reports on their effect, should be continued when a further revision may be possible after such full year's operation.

The Deputy Administrator in his final report to me on said amendments to said Code, having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The Code as modified and amended is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united

action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of the industries, by avoiding undue restrictions of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as modified and amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Code as modified and amended is not designed to and will not permit monopolies or monopolistic practices.

(d) The Code as modified and amended is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendments.

For these reasons the Code as modified and amended has been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 22, 1934.

CODE OF FAIR COMPETITION FOR THE IMPORTED DATE PACKING INDUSTRY

ARTICLE I—PURPOSES

To effect the policies of Title I of the National Industrial Recovery Act, the following provisions of this Code are established as a Code of Fair Competition for the Imported Date Packing Industry, and shall be the standards of fair competition for such Industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

SECTION 1. As used in this Code:

(a) The terms "President", "Act" and "Administrator" mean respectively the President of the United States, Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

(b) The term "Imported Date Packing Industry" or the term "Industry" mean the processing and/or packing of imported dates and sales thereof in packages containing not more than four and one-half (4½) pounds by the processor and/or packer, and such related branches or subdivisions as may from time to time be included under the provisions of this Code.

(c) The term "Member of the Industry" includes, but without limitation, any individual, partnership, association, corporation, or other form of enterprise and their affiliates and/or subsidiaries engaged in the Imported Date Packing Industry, either as an employer or on his or its own behalf.

(d) "Imported Dates" means dates imported into the United State, pitted or unpitted, and processed and/or packed with or without the addition of syrup by the processors.

(e) The term "employee" means any and all persons engaged in the Industry, however compensated, except a member of the Industry.

(f) The term "employer" means any person by whom any such employee is compensated or employed.

(g) The term "watchman" means any employee whose principal function is watching and guarding the premises and property of any establishment of a member of the Industry.

(h) The term "outside salesman" means any salesman who spends at least sixty (60) percent of his working hours outside of the establishment or any branch thereof of his employer, and who does not regularly deliver merchandise.

(i) The term "buyer" means any commercial buyer as distinguished from an ultimate consumer.

(j) The term "Code Authority" means the Code Authority provided for in Article VI of this Code.

(k) "Pack" means a quantity of dates processed and/or packed over any given period for distribution and sale.

ARTICLE III—HOURS

SECTION 1. No employee shall be permitted to work in excess of forty (40) hours in any week or nine (9) hours in any day, with the following exceptions:

(a) The provisions of this Section shall not apply to employees engaged in managerial, executive, or supervisory capacities, regularly receiving not less than thirty-five (\$35.00) dollars per week, and outside salesmen.

(b) Watchmen shall not be permitted to work in excess of fifty-six (56) hours in any week.

(c) Engineers, firemen, foremen, foreladies, shipping and receiving clerks shall not be permitted to work in excess of forty-four (44) hours in any week or nine (9) hours in any day.

(d) The provisions of this Section shall not apply to employees engaged in emergency maintenance and emergency repair work involving breakdowns or protection of life and property, provided that in every such special case such employees shall be compensated not less than at a rate of one and one-third ($1\frac{1}{3}$) their normal hourly rate for all hours worked in excess of forty (40) hours in any week and nine (9) hours in any day.

(e) During the months of September, October, November and December, employees may be permitted to work forty-four (44) hours per week; provided that such employees shall be compensated not less than at a rate of one and one-third ($1\frac{1}{3}$) their normal hourly rate for all hours worked in excess of forty (40) hours in any week and nine (9) hours per day.

SECTION 2. Employers shall adjust their operations to the end that a normal work day for any employee shall not exceed eight (8) hours.

SECTION 3. No employee shall be permitted to work more than six (6) days in any seven (7) day period.

SECTION 4. All employees, except those enumerated in subsection (a), Section 1 of this Article, shall be compensated not less than at a rate of time and one-third ($1\frac{1}{3}$) their normal hourly rate for all hours worked on Sundays and legal holidays.

ARTICLE IV—WAGES

SECTION 1. No employee engaged in clerical, accounting or other office work shall be paid less than at a rate of sixteen (\$16.00) dollars per week.

SECTION 2. No watchman shall be paid less than at a rate of eighteen (\$18.00) dollars per week.

SECTION 3. No male employee other than those provided for in Sections 1 and 2 of this Article shall be paid less than at a rate of forty cents (40¢) per hour, and no female employee other than

those provided for in Section 1 of this Article shall be paid less than at a rate of thirty cents (30¢) per hour.

SECTION 4. Female employees performing substantially the same work as male employees shall be paid not less than at the rate of pay for such male employees.

SECTION 5. This Code establishes a minimum rate of pay which shall apply, irrespective of whether an employee is actually compensated on a time rate, piecework, or other basis.

SECTION 6. In order to maintain differentials existing between employees prior to the effective date of this Code, (unless such adjustments have been made theretofore) equitable adjustments of wage rates will be made in the case of such employees receiving more than the minimum rates provided for herein.

SECTION 7. Wages shall be exempt from fines and rebates; and from charges and deductions, except charges and deductions for employees' contributions, voluntarily made by employees, or required by law, for pension, insurance or benefit funds. No employer shall withhold wages except upon service of legal process or other papers lawfully requiring such withholding. Deductions for other purposes not heretofore stated may be made only when the contract is in writing and is kept on file by the employer for six (6) months after the termination of the contract.

SECTION 8. Employers shall make payment of all wages in lawful currency or by negotiable checks payable on demand.

SECTION 9. A person whose earning capacity is limited because of age, physical, mental handicap, or other infirmity, may be employed on light work at a wage below the minimum established by this Code, if the employer obtains from the State Authority designated by the United States Department of Labor, a certificate authorizing such person's employment at such wages and for such hours as shall be stated in the certificate. Each employer shall file monthly with the Code Authority a list of all such persons employed by him, showing the wages paid to, and the maximum hours of work for such employee.

ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. No person under sixteen (16) years of age shall be employed in the Industry. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. The Code Authority shall submit to the Administrator within ninety (90) days after the effective date of this provision a list of such operations or occupations. In any jurisdiction an employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly signed by the Authority in such jurisdiction empowered to issue employment or age certificates or permits showing that the employee is of the required age.

SECTION 2. Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or

in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

SECTION 3. No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing.

SECTION 4. Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

SECTION 5. No employee now employed at a rate in excess of the minimum shall be discharged and reemployed at a lower rate for the purpose of evading the provisions of this Code.

SECTION 6. No provision in this Code shall supersede any law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary, or general working conditions, or insurance, or fire protection, than are imposed by this Code.

SECTION 7. If any employer of labor in the Date Packing Industry is also an employer of labor in any other Industry the provisions of this Code shall apply to and affect all labor employed by said employer, in the plant in which dates are packed, until such time as Codes of Fair Competition have been approved for the other Industry or Industries operating in the same plant as the packaging of dates; provided, however, that labor operating under substituted provisions of the President's Reemployment Agreement in the same plant in which dates are processed and /or packed may continue to operate under such substituted provisions as long as said substituted provisions are effective.

SECTION 8. No employer shall knowingly permit any employee to work for a total number of hours in excess of the number of hours prescribed for his occupation for each week and day whether employed by one or more employers.

SECTION 9. No employer shall reclassify employees, or reclassify the duties or occupations performed by them, or change the method of compensation of employees, or engage in any subterfuge which tends to or will defeat the purpose or provisions of the Act or of this Code.

SECTION 10. No increase in the amount of production or work shall be required of employees for the purpose of avoiding the benefit to employees prescribed by this Code with respect to wages and hours of employment.

SECTION 11. Every employer shall provide for the safety and health of employees during the hours and at the places of their employment. Standards for safety and health shall be submitted by the Code Authority to the Administrator within six (6) months after the effective date of this provision.

SECTION 12. All employers shall post and keep posted copies of this Code in conspicuous places accessible to all employees. Every member of the Industry shall comply with all rules and regulations relative to the posting of provisions of Codes of Fair Competition which may from time to time be prescribed by the Administrator.

ARTICLE VI—ORGANIZATION, POWERS AND DUTIES OF THE CODE
AUTHORITY

PART A—ORGANIZATION

SECTION 1. A Code Authority to consist of five (5) members shall be elected each year between the dates of June 1 and June 15 for the purpose of administering, supervising, and promoting the performance of the provisions of this Code from July 1 of such year to June 30th of the succeeding year.

Said Code Authority shall be selected in accordance with the following rules:

(a) Each member of the Industry shall be entitled to one vote for each 5,000 cases, each containing approximately 68 pounds of dates, packed and/or processed in the preceding calendar year, provided, however, that each member of the Industry shall in any case be entitled to at least one vote in the selection of the Code Authority.

(b) At least one member of the Code Authority shall be affiliated with a member of the Industry who in the preceding calendar year packed and/or processed less than 10,000 cases, each containing approximately 68 pounds of dates.

(c) In addition to membership of the Code Authority as provided in Section 1 of this Article, there may be one (1) to three (3) members of the Code Authority, without vote, and without expense to the Industry, appointed by the Administrator to serve for such terms as he may designate. Such members, together with the Administrator, shall be given notice of, and shall be permitted to sit at all meetings of the Code Authority.

(d) In the selection of the Code Authority a vote cast by mail or by proxy shall have the same force and effect as a vote cast in meeting.

(e) Nothing herein shall be construed to prevent the reelection of a Code Authority member to serve for more than one term.

(f) Any vacancies occurring in the membership of the Code Authority shall be filled for the unexpired term by vote of the Code Authority, subject, however, to the provisions of subsection (b) hereof.

(g) The Code Authority shall have as its chairman one of its members duly elected by said Code Authority.

(h) The Code Authority shall have a Managing Agent duly elected and appointed by said Code Authority. Said Managing Agent shall perform such duties as may be designated by the Code Authority.

SECTION 2. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

SECTION 3. In order that the Code Authority shall at all times be truly representative of the Industry and in other respects comply

with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter, if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Code Authority.

SECTION 4. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent or employee of the Code Authority. Nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own wilful misfeasance or non-feasance.

PART B—POWERS AND DUTIES

SECTION 1. Subject to such rules and regulations as may be issued by the Administrator, the Code Authority shall have the following powers and duties, in addition to those authorized by other provisions of this Code.

(a) To insure the execution of the provisions of this Code and provide for the compliance of the industry with the provisions of the Act.

(b) To adopt by-laws and rules and regulations for its procedure and for the administration of the Code.

(c) To obtain from members of the Industry such information and reports as are required for the administration of the Code and to provide for submission by members of the Industry of such information and reports as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act, which information and reports shall be submitted by members to such administrative and/or government agencies as the Administrator may designate; provided that nothing in this Code shall relieve any member of the Industry of any existing obligations to furnish reports to any government agency. No individual reports shall be disclosed to any other members of the Industry or any other party except to such governmental agencies as may be directed by the Administrator.

(d) To investigate, upon complaint of any interested party (if in the opinion of the Code Authority, the complaint warrants such action) and subject to such rules and regulations as the Administrator may establish, any alleged specific violation or violations of any provision or provisions of this Code and, if it deems advisable, to require a report based upon records of transactions in the industry kept in accordance with the requirements of any of the provisions of this Code in such form as the Code Authority shall prescribe, from any member or members of the Industry against whom such complaint shall have been made, setting forth the facts pertaining to the alleged violation or violations.

(e) In the event any member or members of the Industry shall fail to file a report or reports when requested by the Code Authority so to do, in accordance with the preceding paragraph, or in the event

the Code Authority shall be of the opinion that any such report or reports when filed would not truly reflect the facts, or, in the case of any such report, that the details requested by the Code Authority shall not have been furnished, the Administrator, upon the request of the Code Authority, during reasonable business hours, may cause any of such books and records required to be kept, in accordance with the requirements of any of the provisions of this Code, to be examined by disinterested certified public accountants or other accountants having equal qualifications, in order to determine whether the alleged violation has occurred. After making such examination, said accountants shall make a report of their findings to the Administrator, who shall take such action as he deems advisable.

(f) If, after examining any reports filed in accordance with either of the preceding two paragraphs, and after making any other investigations, and after such hearings as it shall deem advisable, the Code Authority shall determine that any violation of this Code has been committed, it shall, at its option, (1) notify the member or members of the Industry so violating the Code and request that such violation be discontinued, and if the party continues in such violation, the Code Authority shall then notify the Administrator; or (2) report its findings of fact and recommendations to the Administrator, who may take such action under applicable law as he deems necessary.

(g) To use such trade associations, other agents or agencies or to create and use regional or sub-code authorities as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such trade associations and agents or agencies shall at all times be subject to and comply with the provisions hereof.

(h) To make recommendations to the Administrator for the coordination of the administration of this Code with such other codes, if any, as may be related to the Industry.

(i) To appoint a trade practice committee who shall meet and confer with like committees to be appointed by code authorities of codes of related trades and/or industries, with a view to formulating fair trade practices to govern the relationship between production and distribution employers of such trades and/or industries; to the end that such fair trade practices may be proposed to the Administrator as amendments to this Code, and to such other codes or related trades and/or industries.

(j) To recommend to the Administrator measures for industrial planning, including stabilization of employment.

(k) To elect a representative to serve on any conference or advisory committee which may be established by the Administrator for the entire grocery and food manufacturing industry; and to consider recommendations formulated by such committee and approved by the Administrator, for the modification of this Code.

(l) (1) It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations

out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry;

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(2) Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided (unless duly exempted from making such contributions), shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(3) The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

(m) To initiate, if necessary, and recommend modifications or amendments of this Code, which upon approval by the Administrator, after such notice and hearing as he may require, shall become a part of this Code.

(n) To make, in cooperation with such governmental agency as the Administrator may designate, an investigation of (1) standardization of package sizes and (2) grades and standards for package dates, and report its findings and recommendations to the Administrator on or before May 1, 1935.

SECTION 2. If the Administrator shall determine that any action of a Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action, which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty (30) days' notice to him of intention to proceed with such action in its original or modified form.

ARTICLE VII—PRICES AND DISCOUNTS

SECTION 1. *Price Schedules.*—(a) Each member of the Industry shall, within ten (10) days after the effective date of the Code, file

with the Code Authority a schedule of prices for all packages of dates offered for sale by him, including allowances, discounts and terms and conditions of sale, and from and after the expiration of such ten (10) days such processor shall at all times maintain on file with the Code Authority such price schedule for all such package dates; and shall not sell at other than such prices then on file as effective, except as otherwise provided in Section 5 hereof.

(b) Any member of the Industry desiring to change such prices shall file a revised price schedule with the Code Authority, and such revised schedule of prices shall become effective not less than five (5) days after and exclusive of the date of filing thereof, Sundays and holidays excluded.¹

(c) Price schedules filed as provided for in Section 1 of this Article shall be available to all members of the Industry, the Administrator and to buyers.

SECTION 2. *Price Discrimination.*—No member of the Industry shall discriminate in price among buyers. The term “discriminate in price” as used in this Section means directly or indirectly charging a different price to buyers in the same quantity and/or distribution class who are located in the same competitive market or any action taken by any member of the Industry pursuant to the provisions of subsection (b) Section 1 of this Article which tends to or results in such discrimination in price.

SECTION 3. *Cash Discounts.*—No member of the Industry shall allow a cash discount which is not duly earned in accordance with the terms of cash discount as filed under the provisions in Section 1 of this Article.

SECTION 4. *Quantity Price.*—No member of the Industry shall offer or make a quantity price unless it is a genuine quantity price, and unless it is equally available to all buyers in the same quantity class. The term “genuine quantity price” as used in this Section means a price differential which is based upon and reasonably measured by a saving in cost to the seller.

SECTION 5. Destructive price cutting is declared an unfair method of competition and is forbidden.

(a) When no emergency exists and when no lowest reasonable cost is in effect, as hereinafter provided, for any given product or products, it is intended in order to foster fair price competition that pricing practices should give due consideration to sound cost estimating methods, but that when no emergency exists no minimum basis for prices should be fixed. In order to facilitate the estimating of costs hereunder and to encourage the use of proper accounting methods for purposes of internal management, the Code Authority shall cause to be formulated an accounting system and methods of cost finding and/or estimating capable of use by all members of the Industry and shall submit such system and methods to the Administrator for review and possible disapproval. Full details and instructions concerning such methods shall be made available to all members of the Industry and to the Administrator and thereafter all such members should utilize the principles of such methods in determining and/or estimating costs. No member of the Industry shall be deemed to have engaged in destructive price cutting, at a

¹ See paragraph 2 of order approving this Code.

time when the lowest reasonable cost for such product or products determined pursuant to subsection (b) of this Section is not in effect, if an impartial agency, designated or approved by the Administrator, shall find (1) that proper use has been made of and due consideration given to the cost estimating methods above referred to or (2) that the price at which sale or offer of sale has been made is justified by existing competition, evidence of which has been reported to the Code Authority, or (3) that such price is justified as a method of disposal of distressed stocks on hand which must be for sufficient reasons disposed of immediately.

(b) When the Administrator and/or Code Authority determines that an emergency exists in the Industry such as to render ineffective or seriously to endanger the maintenance of the provisions of this Code the Code Authority may cause to be determined the lowest reasonable cost of the product (s) of this Industry, such determination to be subject to such notice and a hearing as the Administrator may require. Due notice of such determination, when approved, shall be given to all members of the Industry. The Code Authority or the Administrator may, upon its or his own initiative or upon the request of any interested party, from time to time, cause such determinations to be reviewed or reconsidered and appropriate action taken. During any such emergency, any sale below the lowest reasonable cost of the particular product (s) as determined pursuant to this subsection shall be deemed destructive price cutting, unless justified by notification to the Code Authority as a necessary means of disposal of distressed stocks on hand which must be for sufficient reasons disposed of immediately.

ARTICLE VIII—UNFAIR TRADE PRACTICES

SECTION 1. *Inaccurate Advertising.*—No member of the Industry shall publish advertising (whether printed, radio, display, or of any other nature) which is misleading or inaccurate in any material particular, nor shall any member in any way misrepresent any publication and/or other products (including, but without limitations, their use, trade-mark, grade, quality, origin, size, substance, character, nature, finish, material, content, or preparation) or credit terms, values, policies, services, or the nature or form of the business.

SECTION 2. *False Billing.*—No member of the Industry shall knowingly withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any particular.

SECTION 3. *Secret Rebates.*—No member of the Industry shall secretly, directly, or indirectly offer or make any payment or allowance of a rebate, refund, commission, credit, of unearned discount, or excess allowance, whether in the form of money or otherwise, nor shall a member of the Industry secretly offer or extend to any customer any special service or privilege not extended to all customers of the same class, for the purpose of influencing a sale.

SECTION 4. *Threats of Lawsuits, etc.*—No member of the Industry shall make, publish, or circulate unjustified or unwarranted threats of the exercise of influence directed particularly at the security of office or position, or of legal proceedings which tend to or have the effect of harassing competitors or intimidating customers.

SECTION 5. *Commercial Bribery*.—No member of the Industry shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal, or party. This provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

SECTION 6. *Misbranding*.—No member of the Industry shall brand or mark or pack any goods in any manner which is intended to or does mislead purchasers with respect to the brand, quality, quantity, origin, size, character, nature, finish, material content, or preparation of such goods.

SECTION 7. *Coercion*.—No member of the Industry shall require the purchase of any packaged dates as a prerequisite to the purchase of any other products.

ARTICLE IX—MODIFICATION

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of subsection (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule, or regulations issued under Title I of said Act.

SECTION 2. This Code, except as to provisions required by the Act, may be modified on the basis of experience or changes in circumstances, such modifications to be based upon application to the Administrator and such notice and hearing as he shall specify, and to become effective on approval of the Administrator.

ARTICLE X—MONOPOLIES, ETC.

No provision of this Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

ARTICLE XI—PRICE INCREASES

Whereas the policy of the Act to increase real purchasing power will be made more difficult of consummation of prices of goods and services increase as rapidly as wages, it is recognized that price increases except such as may be required to meet individual cost should be delayed, but when made such increases should, so far as possible, be limited to actual additional increases in the seller's costs.

ARTICLE XII—EFFECTIVE DATE

This Code shall become effective on the ninth day after its approval by the President.

Approved Code No. 490.

Registry No. 121-03.

AMENDMENTS

Approved Code No. 1—Amendment No. 6

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

COTTON TEXTILE INDUSTRY

As Approved on July 6, 1934

ORDER

MODIFICATION OF CODE OF FAIR COMPETITION FOR THE COTTON TEXTILE
INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Cotton Textile Industry, and opportunity to file objections thereon having been duly afforded to all interested parties and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

ROBERT L. HOUSTON,
Division Administrator.

WASHINGTON, D.C.,
July 6, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: I have the honor to submit herewith an amendment to the Code of Fair Competition for the Cotton Textile Industry. The amendment, which is attached, was presented by the Code Authority.

Notice of opportunity to file objections to this amendment was given and no objections were received.

The amendment provides that that portion of Section 2, relative to employees in the Industry who are partially incapacitated by reason of age and who shall receive not less than a stipulated amount of the minimum wage in the Code, and further that such number of employees shall not exceed a stipulated percentage of the total of the number of employees in the plant, shall be stricken out, and that the Executive Order of February 17, 1934 be inserted.

FINDINGS

The Deputy Administrator in his final report to me on said amendment to said Code having found as herein set forth and on the basis of all proceedings in this matter:

I find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of Said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Code Authority is empowered to present the aforesaid amendment on behalf of the Industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For the above reasons this amendment has been approved by me.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 6, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE COTTON TEXTILE INDUSTRY

That the portion of Section II of the Code reading as follows:

“In the case of employees in the Industry who are partially incapacitated by reason of age, injury, incompetency or infirmity the minimum wage shall not be less than 80% of the standard minimum wage hereinabove set forth, provided that such employees employed by any one employer shall not exceed 4% of the total number of his employees, and further that as a condition to the employment of such employees the Cotton Textile National Industrial Relations Board may require such certificate as it may find advisable with relation thereto.”

shall be stricken out and that the following be substituted in lieu thereof:

“An employee whose earning capacity is limited because of age, physical or mental handicap, or other infirmity, may be employed on light work at a wage below the standard minimum hereinabove set forth, if the employer obtains from the state authority, designated by the United States Department of Labor, a certificate authorizing such employee's employment at such wages and for such hours as shall be stated in the certificate. Each employer shall file monthly with The Cotton-Textile Institute, Inc., as agent of the Cotton Textile Industry Committee to receive the same, a list of all such employees employed by him, showing the wages paid to, and the maximum hours of work for such employee.”

Approved Code No. 1—Amendment No. 6.
Registry No. 299-25.

Approved Code No. 305—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION
FOR THE
FIBRE CAN AND TUBE INDUSTRY

As Approved on July 6, 1934

ORDER

APPROVING AMENDMENT TO CODE OF FAIR COMPETITION FOR THE FIBRE
CAN AND TUBE INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Fibre Can and Tube Industry, and notice of opportunity to file objections having been published, and the annexed report on said amendment containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be, and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

GEO. L. BERRY,
Division Administrator.

WASHINGTON, D.C.,
July 6, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act, for an amendment to the Code of Fair Competition for the Fibre Can and Tube Industry, submitted by the Code Authority for the Fibre Can and Tube Industry.

The purpose and effect of the amendment are to increase the number of members on the Code Authority for the Industry from six to nine, as provided for in Article II, Section 1 of the Code.

FINDINGS

The Deputy Administrator in his final report to me on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of the industries, by avoiding undue restrictions of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7, and sub-section (b) of Section 10 thereof.

(c) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, therefore, I have approved this amendment.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 6, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE FIBRE CAN AND TUBE INDUSTRY

Amend Article II by eliminating therefrom Section 1 and substituting therefor a new Section 1 as follows:

“Section 1. The Code Authority of the Fibre Can and Tube Industry shall consist of nine (9) persons. Eight (8) of such persons shall be selected by the Board of Directors of the Fibre Can and Tube Association, and a ninth person shall be elected by the eight so selected. At least three (3) of the eight (8) persons elected by the said Board of Directors shall be engaged in the manufacture of tubes and cones for winding textile yarns. In addition to the nine (9) persons selected as above, the Administrator may designate from one (1) to three (3) persons to serve on the Code Authority without vote and without compensation from the Industry; provided, however, that the inclusion of this provision in this Code shall not invalidate the selection of any member of the Code Authority selected in accordance with Section 1 of Article II of the Code as approved on February 24, 1934, nor any of the acts of the Code Authority adopted subsequent to the approval of the Code prior to the approval of this Section.”

Approved Code No. 305—Amendment No. 1.
Registry No. 311-03.

Approved Code No. 247—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION
FOR THE
FOOD DISH AND PULP AND PAPER PLATE
INDUSTRY

As Approved on July 6, 1934

ORDER

APPROVING AMENDMENTS OF CODE OF FAIR COMPETITION FOR THE FOOD
DISH AND PULP AND PAPER PLATE INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of amendments to a Code of Fair Competition for the Food Dish and Pulp and Paper Plate Industry, and notice of opportunity to file objections having been published, and the annexed report on said amendments containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said amendments and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendments be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

GEO. L. BERRY,
Division Administrator.

WASHINGTON, D.C.,
July 6, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act, for amendments to the Code of Fair Competition for the Food Dish and Pulp and Paper Plate Industry, submitted by the Code Authority for the Food Dish and Pulp and Paper Plate Industry.

The purpose and effect of the amendments are

- (a) To authorize the Code Authority to submit a budget and method of assessment upon which funds shall be contributed by members of the Industry and
- (b) To add a standard partnership clause.

FINDINGS

The Deputy Administrator in his final report to me on said amendments to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The amendments to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of the industries, by avoiding undue restrictions of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (b) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The amendments and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The amendments and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendments.

For these reasons, therefore, I have approved these amendments.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 6, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR
THE FOOD DISH AND PULP AND PAPER PLATE
INDUSTRY

Amend Article II

I. By eliminating therefrom Section 5 and substituting therefor a new Section 5 as follows:

"5. It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

"(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

"(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry;

"(c) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contributions as above set forth, by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

"(d) Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided (unless duly exempted from making such contribution), shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

"(e) The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditure in excess of prior budget estimates except those which the Administrator shall have so approved."

II. By inserting a new section to be known as Section 8 as follows:

"8. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose; nor shall any

member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent or employee of the Code Authority; nor shall any member of the Code Authority exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own wilful malfeasance or non-feasance.”

Approved Code No. 247—Amendment No. 1.
Registry No. 407-1-04.

Approved Code No. 187—Amendment No. 3

AMENDMENT TO CODE OF FAIR COMPETITION
FOR THE
COTTON CLOTH GLOVE MANUFACTURING
INDUSTRY

As Approved on July 9, 1934

ORDER

APPROVING AMENDMENT TO CODE OF FAIR COMPETITION FOR THE COTTON CLOTH GLOVE MANUFACTURING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Cotton Cloth Glove Manufacturing Industry, and notice of opportunity to file objections having been published thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

SOL A. ROSENBLATT,
Division Administrator.

WASHINGTON, D.C.

July 9, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: Notice of opportunity to file objections to the proposed assessment amendment to the Code of Fair Competition for the Cotton Cloth Glove Manufacturing Industry, as submitted by the Code Authority, was published on May 15, 1934. During the period for the filing of objections, one objection to the proposed amendment was received, but upon investigation it was found that this objection was without sufficient foundation to warrant withholding approval of the amendment.

The proposed amendment was submitted by the Code Authority in accordance with your Order of April 14, 1934.

The proposed amendment was revised pursuant to instructions issued by the Legal Division.

In final form this amendment has been approved by the Industrial Advisory Board, the Labor Advisory, the Consumers' Advisory Board, the Research and Planning Division and the Legal Division of the National Recovery Administration.

The Deputy Administrator in his final report to me on the amendment to said Code, having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation subsection (a) of Section 3, subsection (a) of Section 7 and subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the Industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, this amendment has been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 9, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE COTTON CLOTH GLOVE MANUFACTURING IN- DUSTRY

Section 4 of Article VI shall be deleted and the following inserted as Sections 4, 5, and 6 under said Article VI.

4. It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established by this Code and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry;

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and secure equitable contribution as above set forth by all such members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

5. Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry complying with the Code and contributing to the expenses of its administration as provided in Section 5 hereof shall be entitled to participate in the selection of the members of the Code Authority or to receive the benefit of its voluntary activities.

6. The Code Authority shall neither incur nor pay any obligations in excess of the amount thereof as estimated in its approved budget, except upon approval by the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

Approved Code No. 187—Amendment No. 3.
Registry No. 235-1-01.

Approved Code No. 219—Amendment No. 2

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

BEDDING MANUFACTURING INDUSTRY

As Approved on July 10, 1934

ORDER

APPROVING AMENDMENT TO CODE OF FAIR COMPETITION FOR THE
BEDDING MANUFACTURING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of amendments to a Code of Fair Competition for the Bedding Manufacturing Industry, and hearings having been duly held thereon and the annexed report on said amendments, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said amendments and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendments be and they are hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 10, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on amendments of the Code of Fair Competition for the Bedding Manufacturing Industry as approved by me on January 23, 1934. Application was made under date of April 7, 1934 by the Code Authority for the Bedding Manufacturing Industry for amendment of certain of the provisions of Articles II and VII of the said Code. All interested parties were given opportunity to present their views at a Public Hearing held on these proposed fourteen amendments on May 4, 1934.

Six of these fourteen amendments have been approved by me. They relate to the Code's definition of "Bedding Industry", to the status of certain States with respect to the North-South wage differential, to the labelling regulations of the Code, to the wording of commercial bribery prohibition, and to export trade.

The principal effects of these amendments will be to place West Virginia, Maryland and the District of Columbia in the North rather than in the South, to prescribe regulations for the labelling of bedding containing bulk feathers, and down and to exempt shipments for export trade from the terms of sale provisions of the Code.

The Assistant Deputy Administrator in his final report to me on said amendments to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The amendments to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provision of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendments on behalf of the industry as a whole.

(d) The amendments and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendments and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendments.

I believe the amendments to be fair to labor, to the consumer and to the industry, and for these reasons, therefore, I have approved these amendments.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 10, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE BEDDING MANUFACTURING INDUSTRY

AMENDMENT No. 1

Article II, Section 1, of the Bedding Code shall be and hereby is amended, by inserting in parentheses after the word "pillows" the words, "including the preparation and processing of feathers and down", the section to read as follows:

"1. The term 'industry' as used herein, includes the manufacture, remaking, repairing, or renovating of mattresses, pillows (including the preparation and processing of feathers and down), box springs, studio couches (the principal components of which are springs, mattresses, and pillows), metal beds, metal and wood cribs and cots, metal bed springs, and gliders; provided, however, that this definition shall not include any retail furniture or department store which, incidental to the operation of such business, repairs, remakes, or renovates for customers a bedding product previously sold by such store to such customer; provided, further, that organizations or groups of manufacturers representing branches or subdivisions thereof may become parties to or be exempted from this Code on approval by the Administrator."

AMENDMENT No. 2

Article II, Section 6, of the Bedding Code shall be and hereby is amended, by deleting the words, "West Virginia", "Maryland", and "District of Columbia", the Section to read as follows:

"6. The 'South' as used herein includes the following States: Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Texas, and Oklahoma. The 'North' includes the remaining States of the United States."

AMENDMENT No. 6

Article VII, Part I, Section 4, subsection (c), of the Bedding Code shall be and hereby is amended, by inserting at the beginning thereof, and again, in quotation marks just before the word "curled", the word "crushed", the subsection to read as follows:

"Crushed, curled or chopped feathers shall be designated by the name of the fowl from which they came, preceded by the words, 'crushed', 'curled', or 'chopped'."

AMENDMENT No. 7

Article VII, Part I, Section 4, of the Bedding Code shall be and hereby is amended, by striking out the words "feathers and down"

at the end of the first paragraph thereof, and by inserting after paragraph (g) thereof a new paragraph as follows:

“(h) *Bulk Feather and Down Labelling Rules.*—No commodity shall be sold, offered for sale, labelled, advertised or described as down other than the under-coating of a water-fowl, consisting of the light, fluffy filaments grown from one quill point but without any quill shaft, except that a 10% tolerance by weight of small water-fowl feathers only shall be allowed. Feathers and/or down shall not be labelled with percentages or propositions of ingredients unless such feathers and/or down do in fact contain the percentages or proportions named, except that a tolerance of 10% by weight shall be allowed.”

AMENDMENT No. 10

Article VII, Part I, Section 15, of the Bedding Code shall be and hereby is amended, by deleting the word “spiffs” in the heading and removing parentheses around “commercial bribery”, also in the heading, and by deleting the words “loan”, “or loaned”, “directly”, and “loan or” in the first sentence, the section to read as follows:

“15. *Commercial Bribery.*—No member of the industry shall give, permit to be given, or offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal or party. This provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.”

AMENDMENT No. 13

Article VII, Part I, of the Bedding Code shall be and hereby is amended, by adding after Section 32 a new Section numbered 33, as follows:

“33. *Export Trade.*—No provision of this Code relating to prices or terms of selling, shipping or marketing, shall apply to export trade or sales or shipments for export trade. ‘Export Trade’ shall be as defined in the Export Trade Act adopted April 10, 1918.”

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

CAST IRON SOIL PIPE INDUSTRY

As Approved on July 10, 1934

ORDER

APPROVING AMENDMENT TO CODE OF FAIR COMPETITION FOR THE
CAST IRON SOIL PIPE INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Cast Iron Soil Pipe Industry, and opportunity to be heard thereon having been duly Noticed to all interested parties, and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order 6543-A, dated December 30, 1933, and otherwise, do hereby incorporate by reference, said annexed report and do find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended, such approval and such amendment to take effect July 16, 1934, unless good cause to the contrary is shown to the Administrator before that time and the Administrator issues a subsequent order to that effect.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.
July 10, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on an Amendment to the Code of Fair Competition for the Cast Iron Soil Pipe Industry, the Code having been approved by your order dated September 7, 1933.

Notice of opportunity to be heard on this amendment was duly posted to all interested parties providing an opportunity to file objections to this amendment within a fourteen (14) day period, and unless due cause to the contrary is shown within this period, this amendment will become effective on July 16, 1934.

The Code is amended to provide that willful destructive price cutting is an unfair method of competition and is forbidden and the amendment further provides for the establishment of minimum prices during the period of emergency.

FINDINGS

The Assistant Deputy Administrator in his final report to me on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The amendment to said code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons therefore, I have approved this amendment.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 10, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE CAST IRON SOIL PIPE INDUSTRY

SECTION 17. The standards of fair competition for the industry with reference to pricing practices are declared to be as follows:

(a) Wilfully destructive price cutting is an unfair method of competition and is forbidden. Any member of the industry or of any other industry or the customers of either may at any time complain to the Code Authority that any filed price constitutes unfair competition as destructive price cutting, imperiling small enterprise or tending toward monopoly or the impairment of code wages and working conditions. The Code Authority shall within 5 days afford an opportunity to the member filing the price to answer such complaint and shall within 14 days make a ruling or adjustment thereon. If such ruling is not concurred in by either party to the complaint, all papers shall be referred to the Research and Planning Division of N.R.A. which shall render a report and recommendation thereon to the Administrator.

(b) When no declared emergency exists as to any given product, there is to be no fixed minimum basis for prices. It is intended that sound cost estimating methods should be used and that consideration should be given to costs in the determination of pricing policies.

(c) When an emergency exists as to any given product, sale below the stated minimum price of such product, in violation of Section 18 hereof, is forbidden.

SECTION 18. *Emergency Provisions.*—If the Administrator, after investigation shall at any time find both (1) that an emergency has arisen within the industry adversely affecting small enterprises or wages or labor conditions, or tending toward monopoly or other acute conditions which tend to defeat the purposes of the Act; and (2) that the determination of the stated minimum price for a specified product within the industry for a limited period is necessary to mitigate the conditions constituting such emergency and to effectuate the purposes of the Act, the Code Authority may cause an impartial agency to investigate costs and to recommend to the Administrator a determination of the stated minimum price of the product affected by the emergency and thereupon the Administrator may proceed to determine such stated minimum price.

(b) When the Administrator shall have determined such stated minimum price for a specified product for a stated period, which price shall be reasonably calculated to mitigate the conditions of such emergency and to effectuate the purposes of the National Industrial Recovery Act, he shall publish such price. Thereafter, during such stated period, no member of the industry shall sell such specified products at a net realized price below said stated minimum price and any such sale shall be deemed destructive price cutting. From time to time, the Code Authority may recommend review or reconsideration or the Administrator may cause any determinations hereunder to be reviewed or reconsidered and appropriate action taken.

Approved Code No. 1—Amendment No. 7

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

COTTON TEXTILE INDUSTRY

As Approved on July 10, 1934

ORDER

AMENDING CODE OF FAIR COMPETITION FOR THE COTTON TEXTILE
INDUSTRY

An amendment to the Code of Fair Competition for the Cotton Textile Industry having been approved on August 8, 1933, and an application having been duly made pursuant to and in full compliance with provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of the amendment of certain provisions of said amendment, and it appearing desirable that certain other provisions of said amendment be amended, and annexed report on said amendments containing findings with respect thereto having been made and directed to the President;

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise, do hereby incorporate by reference said annexed report, and do find that said amendments and Code as constituted after being amended, comply with all respects to the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendments be and they hereby are approved, and that the previous approval of the amended portions of the Code are hereby modified to include an approval of said portions of the Code in their entirety as amended.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

ROBERT L. HOUSTON,
Division Administrator.

WASHINGTON, D.C.,
July 10, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE COTTON TEXTILE INDUSTRY

Section XVII of the Code of Fair Competition for the Cotton Textile Industry shall be amended to read as follows:

To make proper provision with regard to any problem of working conditions in the Cotton Textile Industry, including but without limitation all claims and complaints of discrimination, representation, incorrect entries on pay envelopes, unwarranted reductions in classification, increased stretch-out, alleged violations of Section 7(a) of the Industrial Recovery Act, and all other alleged violations of Code provisions affecting relations between employers and employees, it is provided:

1. There shall be constituted by appointment of the Administrator a Cotton Textile National Industrial Relations Board, to be composed of five members, two to be nominated by the Cotton Textile Industry Committee to represent the employers, two, at least one of whom shall be from the employees of the Cotton Textile Industry, to be nominated by the Labor Advisory Board of the National Recovery Administration to represent the employees, and a fifth to be selected by the Administrator. This National Board shall be provided by the National Recovery Administration with a per diem for actual days engaged in its work and with such secretarial and expert technical assistance as it may require in the performance of its duties.

2. The Administrator, upon the nomination of the Cotton Textile National Industrial Relations Board, shall appoint in each state in which the cotton textile industry operates a State Cotton Textile Industrial Relations Board composed of three members, one of whom shall be selected from the employers of the cotton textile industry, one from the employees of the cotton textile industry, and a third to represent the public.

3. Whenever, in any cotton textile mill a controversy shall arise between employer and employees involving any problem of working conditions, including but without limitation all claims and complaints of discrimination, representation, incorrect entries on pay envelopes, unwarranted reductions in classification, increased stretch-out, alleged violations of Section 7 (a) of the Industrial Recovery Act, and all other alleged violations of Code provisions affecting relations between employers and employees, the employer and employees may establish an industrial relations committee chosen by the management and by the employees of the mill and on which the employer and employees shall have equal representation of not more than three representatives each. If such a committee is not otherwise established, the employer or the employee, or both, may apply to the State Industrial Relations Board for assistance and cooperation in the establishment of such industrial relations committee.

The term of service of each such committee shall be limited to the adjustment of such controversy or problem of working conditions for the adjustment of which the committee was created.

If the representatives of the employers and of the employees in such industrial relations committee are unable to arrive at an agreement and united action with respect to such differences of opinion, the representatives of the employers or of the employees, or both, may appeal to the State Industrial Relations Board for cooperation and assistance in arriving at an agreement and united action.

It shall be the duty of such Industrial Relations Committee to endeavor to adjust such controversy. In cases where such committee reaches agreement with respect to any such controversy, such agreement shall be final except that it shall be submitted to the Cotton Textile National Industrial Relations Board for review and approval under such regulations as such National Board may establish.

This provision for such industrial relations committee shall be so construed as to permit the employees freely to choose their own representatives in full compliance with the provisions of Section 7 (a) of the Industrial Recovery Act.

4. It shall be the duty of the State Industrial Relations Board, where their assistance is requested, as provided in subsection 3. to cooperate with employers and employees in organizing such industrial relations committees and to cooperate with such committees in the development of conference procedures and in the adjustment of differences of opinion with respect to the operation or introduction of the stretch-out system and other problems of working conditions.

In the event that the State Industrial Relations Board is unable to bring about agreement and united action of labor and management in a controversy so appealed to it, such State Industrial Relations Board shall present the controversy to the National Industrial Relations Board for hearing and final adjustment.

5. The National Industrial Relations Board shall hear and finally determine all such questions brought before it on appeal by the State Industrial Relations Boards and certify its decisions to the Administrator and shall have authority to codify the experience of the industrial relations committees of the various mills and state boards with a view to establishing standards of general practice with respect to the stretch-out (or specialization) system or other problems of working conditions.

Approved Code No. 1—Amendment 7.
Registry 299-25.

Approved Code No. 244B—Amendment No. 1

AMENDMENT TO SUPPLEMENTARY CODE OF FAIR
COMPETITION

FOR THE

PAINTING, PAPERHANGING AND DECORATING
INDUSTRY

As Approved on July 10, 1934

ORDER

APPROVING MODIFICATION OF SUPPLEMENTARY CODE OF FAIR COM-
PETITION FOR THE PAINTING, PAPERHANGING AND DECORATING
INDUSTRY

A DIVISION OF THE CONSTRUCTION INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a modification to a Supplementary Code of Fair Competition for the Painting, Paperhanging and Decorating Division of the Construction Industry, and due notice and opportunity to be heard having been given thereon and the annexed report on said modification, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said modification and the Code as constituted after being modified comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said modification be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as modified.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

GEO. L. BERRY,
Division Administrator.

WASHINGTON, D.C.,
July 10, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on a modification of the Supplementary Code of Fair Competition for the Painting, Paperhanging and Decorating Division of the Construction Industry which was approved by you on February 17, 1934.

The effect of this amendment will enable the Code Authority to submit a budget and basis of assessment and give it the power to institute legal proceedings, if necessary, for the collection of said assessments.

The Deputy Administrator in his final report to me on said modification of said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The modification of said Code and the Code as Modified are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as modified complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The modification and the Code as modified are not designed to and will not permit monopolies or monopolistic practices.

(d) The modification and the Code as modified are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said modification.

For these reasons this modification has been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 10, 1934.

MODIFICATION OF SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE PAINTING, PAPERHANGING AND DECORATING INDUSTRY

A DIVISION OF THE CONSTRUCTION INDUSTRY

Modify Article III by deleting paragraph (b) of Section 2; add the following as "Section 3":—

ARTICLE III—ADMINISTRATION

SECTION 3. It being found necessary, in order to support the Administration of this Chapter and to maintain the standards of fair competition established by this Code and to effectuate the policy of the Act, the Divisional Code Authority is authorized, subject to the approval of the Administrator:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Chapter.

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary, (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of this Division.

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and secure equitable contributions as above set forth by all such members of this Division, and to that end, if necessary, to institute legal proceedings therefor in its own name.

Each Member of this Division shall pay his or its equitable contribution to the expenses of the maintenance of the Divisional Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of this Division complying with the Code and contributing to the expenses of its administration as provided in Section 3 of this Article (unless duly exempted from making such contribution), shall be entitled to participate in the selection of the Members of the Divisional Code Authority or to receive the benefits of its activities or to use any emblem or insignia of the National Recovery Administration.

The Divisional Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimate except those which the Administrator shall have so approved.

Approved Code No. 244B—Amendment No. 1.
Registry No. 618-05.

Approved Code No. 311—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

READY MIXED CONCRETE INDUSTRY

As Approved on July 11, 1934

ORDER

**APPROVING AMENDMENT TO CODE OF FAIR COMPETITION FOR THE READY
MIXED CONCRETE INDUSTRY**

An application having been duly made by the Code Authority for the Ready Mixed Concrete Industry under the provisions of Section 2 of Article VIII of the Code of Fair Competition for the Ready Mixed Concrete Industry for approval of amendment to said Code and annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference, said annexed report and do find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended, such approval and such amendment to take effect ten (10) days from the date hereof, unless good cause to the contrary is shown to the Administrator before that time and the Administrator issues a subsequent order to that effect.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 11, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act, for an amendment to the Code of Fair Competition for the Ready Mixed Concrete Industry, submitted by the Code Authority for the Ready Mixed Concrete Industry.

The purpose and effect of the amendment are to authorize the Code Authority to submit a budget and method of assessment upon which funds shall be contributed by member of the Industry.

FINDINGS

The Deputy Administrator in his final report to me on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of the industries, by avoiding undue restrictions of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provision of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Amendment and thte Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The Amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Amendment.

For these reasons, therefore, I have approved this Amendment.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 11, 1934.

MODIFICATION OF CODE OF FAIR COMPETITION FOR THE READY MIXED CONCRETE INDUSTRY

Amend Article VI by eliminating Section 7 and substituting the following in lieu thereof:

SECTION 7. (a) It being found necessary in order to support the administration of this code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

1. To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code:

2. To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (a) an itemized budget of its estimated expenses for the foregoing purposes, and (b) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry;

3. After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(b) Each member of the industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(c) The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

Approved Code No. 224—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION
FOR THE
FURNITURE AND FLOOR WAX AND POLISH
INDUSTRY

As Approved on July 12, 1934

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE
FURNITURE AND FLOOR WAX AND POLISH INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of amendments to a Code of Fair Competition for the Furniture and Floor Wax and Polish Industry, and hearings having been duly held thereon and the annexed report on said amendments containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said amendments and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendments be and they are hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

GEO. L. BERRY,
Division Administrator.

WASHINGTON, D.C.,
July 12, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: A Code of Fair Competition for the Furniture and Floor Wax and Polish Industry was approved by me on January 23rd and became effective on February 2nd, 1934.

Since that time, it has been deemed advisable to bring under this Code three groups which are closely allied with the above Industry. These groups are the Household Lubricants and Penetrants, Silver and Metal Polish and Sweeping Compound Industries.

The Code Authority for the Furniture and Floor Wax and Polish Industry and the National Association of Chemical Specialty Manufacturers, Inc., claiming to represent seventy-eight (78%) percent of the Industry, submitted an application to include the three above mentioned groups under the approved Code. A Public Hearing on the proposed amendments was conducted in Washington, April 30th, 1934, in accordance with the provisions of the National Industrial Recovery Act.

By amending the definition of the Industry, the three groups have been included under the provisions of the Furniture and Floor Wax and Polish Code. The Code Authority has been enlarged to eight members in order that it may be truly representative of the Industry. Supplemental Code Authorities have been provided for the Silver and Metal Polish and the Sweeping Compound Divisions. Provision has also been made for the establishment of individual subordinate Code Authorities if at any time in the future additional related Industries or divisions are included under the provisions of the Furniture and Floor Wax and Polish Code. It has also been provided that the Administrator, after such hearings as he may deem proper, may require an appropriate modification of the composition and selection of the Code Authority or the subordinate Code Authorities. The Code has also been amended to allow the Code Authority and the several subordinate Code Authorities to collect expenses for the proper administration of the Code. The provision for Free Goods and Allowances has been amended so that the provision will not prohibit the gift of a product of the Industry or premiums to the ultimate consumer.

The Open Price Provision for the Furniture and Floor Wax and Polish Industry has been deleted, and in place thereof there has been inserted the Emergency Provision for the Sweeping Compound and Silver and Metal Polish Divisions. Standard Terms of Cash Discounts have been amended in order to avoid conflict with the various outlets through which the Industry sells its products. A new provision "Substitution of Goods", which applies to the Silver and Metal Polish Division, has been added.

THE INDUSTRY

A number of the Furniture and Floor Wax and Polish Industry members also manufacture one or more of the products of the Industries which are provided for in the amendments. The amendments will assure proper administration and tend to avoid conflict and overlapping of code provisions which might result under other circumstances. The hour and wage conditions of labor are also quite similar in all the groups.

There are about 150 establishments listed for the Household Lubricants and Penetrants Industry, only 20 of which are important in sales volume. Annual sales amounted to about \$1,000,000.

There are about 200 establishments in the Silver and Metal Polish Industry, 15 of which have a substantial sales volume and employ ten or more workers. Annual sales were about \$2,000,000 in 1929 and \$1,400,000 in 1933.

There are about 150 establishments included in the Sweeping Compound Industry, approximately 20 of which are important from the viewpoint of sales. Aggregate annual sales have been about \$2,000,000 in recent years.

ECONOMIC EFFECT OF THE AMENDMENTS

A considerable proportion of the employees engaged in the Household Lubricants and Penetrants Industry are engaged in such tasks as filling, labeling and packaging. Working hours ranged up to 48 per week prior to the President's Reemployment Agreement but have since been generally reduced to 40 per week with some small increase in employment. Minimum wage rates have generally been rather low, 30 cents per hour quite general at present. It is believed that the Code labor provisions will provide minimum wages at least equal to those of 1929, and payrolls will be increased an additional ten percent.

The number of employees in the Silver and Metal Polish Industry decreased from 1,150 in 1929 to 900 in 1932 but increased to about 1,000 in late 1933. Working hours formerly varied between 40 and 48 and were generally reduced to 40 under the President's Reemployment Agreement. Minimum wage rates, which, in some cases, formerly were as low as 20 cents per hour, now range from 30 to 40 cents. It is estimated that operations under the Code will lead to an increase of approximately ten percent in the Industry's payrolls.

The number of employees in the Sweeping Compound Industry remained about 300 during 1928-1933. It is estimated that payrolls will be increased about 20 percent with complete compliance with the Code's provisions.

FINDINGS

The Deputy Administrator in his final report to me on said amendments to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The amendments to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the

National Industrial Recovery Act including the removal of obstructions to the free flow of inter-state and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of Industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating Industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation subsection (a) of Section 3, subsection (a) of Section 7, and subsection (b) of Section 10 thereof.

(c) The National Association of Chemical Specialty Manufacturers, Inc., was and is an industrial association, which, together with the Code Authority are truly representative of the aforesaid Industry and that said association and said Code Authority imposed and imposes no inequitable restrictions on admission to membership therein and has applied for these amendments.

(d) The amendments and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendments and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendments.

For these reasons, therefore, the amendments have been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 12, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE FURNITURE AND FLOOR WAX AND POLISH INDUSTRY

Article II, the term "Industry" shall be amended to read as follows:

"The term 'Industry' as used herein includes the manufacture and/or packaging of products containing wax and/or oil compounds, as essential constituents, for use in the treatment of floors and furniture; lubricants, penetrants and the like commonly used for household or equivalent purposes and sold under trade names in small containers; compounds used for the purpose of cleaning and/or polishing metal surfaces, and such related industries as may from time to time be included under the provisions of this Code."

"The term 'Silver and Metal Polish Division' means that portion of the industry engaged in the manufacture and/or packaging of products used for cleaning or polishing fine or base metal surfaces."

"The term 'Sweeping Compound Division' as used herein means that portion of the Industry engaged in the manufacture of compounds used in sweeping floors."

Article VI, Section 1 (a), shall be amended to read as follows:

"(a) The Code Authority shall consist of eight (8) members of the Industry, or such other number as may be approved from time to time by the Administrator, to be elected by the Industry. The Administrator may appoint not more than three (3) additional members without vote to represent the Administrator, without compensation from the Industry."

Article VI, Section 1 (c) shall be deleted and the following shall be inserted in place thereof:

"Related industries or divisions which may from time to time be included under the provisions of this Code, with the approval of the Administrator, may establish their own subordinate Code Authorities which shall be independent and self-supporting and may deal under the supervision of the main Code Authority with the Administrator in respect to conditions or problems relating exclusively to said related industries. The subordinate Code Authority of such related industries shall be entirely responsible for the administration of this Code in their respective Divisions."

"1. The following subordinate Code Authorities are hereby constituted:

"(a) The Silver and Metal Polish Subordinate Code Authority which shall consist of three (3) members to be selected by the members of that Division by a fair method of election approved by the Administrator.

"(b) The Sweeping Compound Subordinate Code Authority which shall consist of three (3) members of that Division by a fair method of election approved by the Administrator."

Article VI, Section 1 (e) shall be amended to read as follows:

“(e) In order that the Code Authority and the Subordinate Code Authorities shall at all times be truly representative of the Industry and in other respects comply with the provisions of the Code, the Administrator may prescribe such hearings as he may deem proper; and thereafter, if he shall find that the Code Authority and/or the subordinate Code Authorities are not truly representative or do not in other respects comply with the provisions of the Code, may require an appropriate modification of the composition and selection of the Code Authority or subordinate Code Authorities.”

Article VI, Section 2 Subsection (d) shall be deleted and the following substituted therefor:

“(1) It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority and the several subordinate Code Authorities are authorized:

“(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

“(b) To submit to the Administrator for his approval subject to such notice and opportunity to be heard as he may deem necessary

“(1) An itemized budget of its estimated expenses for the foregoing purposes, and

“(2) An equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry under its jurisdiction;

“(c) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contributions as above set forth by all members of the Industry under its jurisdiction, and to that end, if necessary, to institute legal proceedings therefor in its own name.

“(2) Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, and/or his Subordinate Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, shall be entitled to participate in the selection of members of the Code Authority and the appropriate Subordinate Code Authority or to receive the benefits of any of their voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

“(3) The Code Authority and the Subordinate Code Authorities shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.”

Article VIII, first paragraph shall be amended to read as follows:

“The following practices constitute unfair methods of competition for members of the Industry and are prohibited, except for

products of the Silver and Metal Polish and Sweeping Compound Divisions of the Industry sold for export trade as defined in the Export Trade Act adopted April 10, 1918."

Article VIII, Section 6, shall be amended to read as follows:

"6. *Free Goods and Allowances*.—The offering or giving of free goods. This provision shall not apply to the gift of a product of the Industry or premiums to the ultimate consumer; materials marked 'sample', 'not for sale', or similarly designated. This provision shall not be construed to prohibit any advertising allowance which is made for a definite service rendered and for which there is a proper auditable accounting as a direct charge for cooperative advertising."

Article VIII, Section 11, shall be deleted and the following inserted therefore:

"11. *Emergency Provisions—Sweeping Compound and Silver and Metal Polish Divisions*.—(a) If the Administrator, after investigation shall at any time find both (1) that an emergency has arisen within the Industry adversely affecting small enterprises or wages or labor conditions, or tending toward monopoly or other acute conditions which tend to defeat the purposes of the Act; and (2) that the determination of the stated minimum price for a specified product within the Industry for a limited period is necessary to mitigate the conditions constituting such emergency and to effectuate the purposes of the Act, the Subordinate Code Authority of the Division affected may cause an impartial agency to investigate costs and to recommend to the Administrator a determination of the stated minimum price of the product affected by the emergency and thereupon the Administrator may proceed to determine such stated minimum price.

"(b) When the Administrator shall have determined such stated minimum price for a specified product for a stated period, which price shall be reasonably calculated to mitigate the conditions of such emergency and to effectuate the purposes of the National Industrial Recovery Act, he shall publish such price. Thereafter, during such stated period, no member of the Industry shall sell such specified products at a net realized price below said stated minimum price and any such sale shall be deemed destructive price cutting. From time to time, the Subordinate Code Authority of the Division affected may recommend review or reconsideration or the Administrator may cause any determinations hereunder to be reviewed or reconsidered and appropriate action taken. The provisions of this Section shall not apply to the Furniture and Floor Wax and Polish Division of the Industry."

Article VIII, Section 14 shall be amended to read as follows:

"14. *Standard Terms of Cash Discounts*.—No member of the Industry shall allow a discount for early payment greater than 2% of the amount of the invoice after deduction of quantity discounts and transportation charges.

"1. On invoices dated before the 25th of the month, for payment on or before the 10th of the month following; net thereafter.

"2. On invoices dated on or after the 25th of any month for payment on or before the 10th of the second month following; net thereafter.

"Provided that for products of the Sweeping Compound Division shipped in solid or pooled carloads, or truckloads in excess of seven (7) tons, there may be permitted split datings of 30, 60, and 90 days allowing payment of the amount of the invoice for such shipment in three equal installments."

There shall be a new section known as *Section 16 of Article VIII*.

"16. *Substitution of Goods—Silver and Metal Polish Industry.*—No member of that Division shall take in exchange for his or its own goods, similar products of another manufacturer, distributor or dealer."

Approved Code No. 224—Amendment No. 1.

Registry No. 625-02.

Approved Code No. 145—Amendment No. 2

AMENDMENT TO CODE OF FAIR COMPETITION
FOR THE
FURNITURE MANUFACTURING INDUSTRY

As Approved on July 12, 1934

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE
FURNITURE MANUFACTURING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Furniture Manufacturing Industry, and notice of opportunity to be heard thereon having been issued, and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference said annexed report and do find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 12, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the amendment of the Code of Fair Competition for the Furniture Manufacturing Industry as approved by me December 7, 1933. Application was made under date of May 31, 1934, by the Code Authority for the Furniture Manufacturing Industry, for amendment of the provisions of Article VI of the Code. Fair notice of opportunity to be heard on this proposed amendment was given to all interested parties.

This amendment was proposed in accordance with office memorandum, dated February 3, 1934, and has since been revised, with the assent of the Code Authority, in accordance with suggestions made by the Legal Division. It is intended to govern the collection of assessments for code administration by the Furniture Code Authority.

This amendment does not in any way affect the labor provisions of the Code, nor anything other than assessment for the expenses of code administration.

The Assistant Deputy Administrator in his final report to me on said amendment to said Code having found as herein set forth and on the basis of the proceedings in this matter:

I find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provision of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7, and sub-section (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

I believe the amendment to be fair to labor, to the consumer, and to the industry, and for these reasons, therefore, I have approved this amendment.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 12, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE FURNITURE MANUFACTURING INDUSTRY

Article VI, Section 1, Subsection (b) of the Code of Fair Competition for the Furniture Manufacturing Industry, approved December 7, 1933, shall be and hereby is deleted and three new subsections, 5, 6, and 7, are hereby inserted, as follows:

“5. It being found necessary in order to support the Administration of this code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

“(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code.

“(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry;

“(c) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

“6. Each member of the industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinbefore provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the industry complying with the code and contributing to the expenses of its administration as hereinabove provided, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

“7. The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.”

Approved Code No. 145—Amendment No. 2.
Registry No. 312—10.

Approved Code No. 70—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

GAS COCK INDUSTRY

As Approved on July 12, 1934

ORDER

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE GAS COCK INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Gas Cock Industry, and as contained in a published Notice of Opportunity to File Objections, Administrative Order No. 70-9, dated June 19, 1934, and no objections having been filed as provided in said published Notice, and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order 6543-A, dated December 30, 1933, and otherwise, do hereby incorporate, by reference, said annexed report and do find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended, such approval and such amendment to take effect ten (10) days from the date hereof, unless good cause to the contrary is shown to the Administrator before that time and the Administrator issues a subsequent order to that effect.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 12, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,

The White House.

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act, for an Amendment to the Code of Fair Competition for the Gas Cook Industry, submitted by the Code Authority for the said Industry.

The existing provision of Article XVIII, Section 1 of the Code for said Industry, is entirely inadequate in view of Executive Order 6678 and Administrative Order X-36, and it is therefore evident that the proposed amendment to Article XVIII of said Code, the provisions of which follow closely the text of the above mentioned Orders, will overcome the existing inadequate provisions.

FINDINGS

The Deputy Administrator in his final report to me on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of the industries, by avoiding undue restrictions of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof.

(c) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, therefore, I have approved this amendment, such approval and such amendment to take effect in ten (10) days, unless good cause to the contrary is shown to me before that time and I issue a subsequent order to that effect.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 12, 1934.

MODIFICATION TO CODE OF FAIR COMPETITION FOR THE GAS COCK INDUSTRY

PURPOSE

Pursuant to Article XXI of the Code of Fair Competition for the Gas Cock Industry, duly approved by the President on October 31, 1933, and further to effectuate the policies of Title I of the National Industrial Act, the following modification is established as a part of said Code of Fair Competition and shall be binding upon every member of the Gas Cock Industry.

MODIFICATION

Modify Article XVIII by deleting Section 1 and substituting in lieu thereof the following:

SECTION 1. It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized, subject to the approval of the Administrator:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purpose of the Code.

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary, (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry.

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all such members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

SECTION 2. Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided shall be entitled to participate in the selection of the members of the Code Authority or to receive the benefit of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

SECTION 3. The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

Approved Code No. 70—Amendment No. 1.
Registry No. 1335-05.

Approved Code No. 276—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION
FOR THE
PLEATING, STITCHING, AND BONNAZ AND
HAND EMBROIDERY INDUSTRY

As Approved on July 12, 1934

ORDER

APPROVING AMENDMENT TO CODE OF FAIR COMPETITION FOR THE PLEATING, STITCHING, AND BONNAZ AND HAND EMBROIDERY INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Pleating, Stitching, and Bonnaz and Hand Embroidery Industry, and notice of opportunity to file objections having been published thereon, and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise, do hereby incorporate, by reference, said annexed report and do find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

SOL A. ROSENBLATT,
Division Administrator.

WASHINGTON, D.C.,
July 12, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: The notice of opportunity to file objections to the proposed assessment amendment to the Code of Fair Competition for the Pleating, Stitching, and Bonnaz and Hand Embroidery Industry, as submitted by the Code Authority, was published on May 10, 1934. During the period designated for the filing of objections, no objections were received.

The proposed amendment was submitted by the Code Authority in accordance with your Order of April 14, 1934.

The proposed amendment was revised pursuant to instructions issued by the Legal Division.

In final form this amendment has been approved by the Industrial Advisory Board, the Labor Advisory Board, the Consumers' Advisory Board, the Research and Planning Division and the Legal Division of the National Recovery Administration.

The Deputy Administrator in his final report to me on the amendment to said Code, having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation subsection (a) of Section 3, subsection (a) of Section 7 and subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the Industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, this amendment has been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 12, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE PLEATING, STITCHING, AND BONNAZ AND HAND EMBROIDERY INDUSTRY

The following sections shall be added to Article VI of the Code and shall be designated as Sections 7, 8, and 9 under said Article VI.

7. It being found necessary, in order to support the administration of this Code and to maintain the standards of fair competition established by this Code and to effectuate the policy of the Act, the Code Authority is authorized, subject to the approval of the Administrator:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary, (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry;

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and secure equitable contribution as above set forth by all such members of the industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

8. Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry complying with the Code and contributing to the expenses of its administration as provided in Section 7 hereof shall be entitled to participate in the selection of the members of the Code Authority to receive the benefit of its voluntary activities.

9. The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

Approved Code No. 276—Amendment No. 1.
Registry No. 231-1-06.

Approved Code No. 365—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION
FOR THE
SAND-LIME BRICK INDUSTRY

As Approved on July 12, 1934

ORDER

APPROVING AMENDMENT TO CODE OF FAIR COMPETITION FOR THE
SAND-LIME BRICK INDUSTRY

An application having been duly made by the Code Authority for the Sand-Lime Brick Industry under the provisions of Section (b) of Article XI of the Code of Fair Competition for the Sand-Lime Brick Industry for approval of amendment to said Code and annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended, such approval and such amendment to take effect ten (10) days from the date hereof, unless good cause to the contrary is shown to the Administrator before that time and the Administrator issues a subsequent order to that effect.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 12, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act, for an amendment to the Code of Fair Competition for the Sand-Lime Brick Industry, submitted by the Code Authority for the Sand-Lime Brick Industry.

The purpose and effect of the amendment are to authorize the Code Authority to submit a budget and method of assessment upon which funds shall be contributed by members of the Industry.

FINDINGS

The Deputy Administrator in his final report to me on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of the industries, by avoiding undue restrictions of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The Amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Amendment.

For these reasons, therefore, I have approved this Amendment.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 12, 1934.

MODIFICATION OF CODE OF FAIR COMPETITION FOR THE SAND-LIME BRICK INDUSTRY

Modify Article VIII, Section 5, by eliminating sub-Sections (h) and (k) and by substituting in lieu thereof the following; and by changing (i) to (j) and (j) to (k).

(b) 1. It being found necessary in order to support the administration of this code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry;

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

2. Each member of the industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the industry complying with the code and contributing to the expenses of its administration as hereinabove provided, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(i) The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

Approved Code No. 365—Amendment No. 1.
Registry 1007-13.

Approved Code No. 244E—Amendment No. 1

**AMENDMENT TO SUPPLEMENTARY CODE OF FAIR
COMPETITION**

FOR THE

TILE CONTRACTING INDUSTRY

As Approved on July 12, 1934

ORDER

**APPROVING MODIFICATION OF SUPPLEMENTARY CODE OF FAIR COM-
PETITION FOR THE TILE CONTRACTING INDUSTRY**

A DIVISION OF THE CONSTRUCTION INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a modification of a Supplementary Code of Fair Competition for the Tile Contracting Division of the Construction Industry, and due notice and opportunity to be heard having been given thereon and the annexed report on said modification, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said modification and the Supplementary Code as constituted after being modified comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said modification be and it is hereby approved, and that the previous approval of said Supplementary Code is hereby modified to include an approval of said Supplementary Code in its entirety as modified.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

GEO. L. BERRY,
Division Administrator.

WASHINGTON, D.C.,
July 12, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on a modification of the Supplementary Code of Fair Competition for the Tile Contracting Division of the Construction Industry, which was approved by you on April 2, 1934.

These changes in Section 4 of Article III of the Code of Fair Competition for the Tile Contracting Division will enable the Code Authority to collect the expenses of code administration, as set forth in the Executive Order of April 14, 1934, "Making Provision for a Clause in Codes of Fair Competition Relating to Collection of Expenses of Code Administration."

FINDINGS

The Deputy Administrator in his final report to me on said modification of said Code having found as herein set forth and on the basis of all the proceedings in this matter;

I find that:

(a) The modification of said Code and the Code as modified are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as modified complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The modification and the Code as modified are not designed to and will not permit monopolies or monopolistic practices.

(d) The modification and the Code as modified are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said modification.

For these reasons, therefore, I have approved said modification of the Tile Contracting Chapter of the Code of Fair Competition of the Construction Industry.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 12, 1934.

MODIFICATION OF SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE TILE CONTRACTING INDUSTRY

A DIVISION OF THE CONSTRUCTION INDUSTRY

Article III, Section 4—

Delete the present Section and, in lieu thereof, insert the following:

1. It being found necessary, in order to support the administration of this Code and to maintain the standards of fair competition established by this Code and to effectuate the policy of the Act, the Code Authority is authorized, subject to the approval of the Administrator:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purpose of the Code;

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary, (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry;

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and secure equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

2. Each member of this Division shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry complying with the Code and contributing to the expenses of its administration as provided in Sub-section 1 hereof (unless duly exempted from making such contribution) shall be entitled to participate in the selection of the members of the Code Authority or to receive the benefit of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

3. The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

Approved Code No. 244E—Amendment No. 1.
Registry No. 1043-01.

Approved Code No. 280—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

RETAIL SOLID FUEL INDUSTRY

As Approved on July 13, 1934

ORDER

MODIFICATION OF CODE OF FAIR COMPETITION FOR THE RETAIL SOLID FUEL INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a modification of a Code of Fair Competition for the Retail Solid Fuel Industry, and hearings have been duly held thereon and the annexed report on said modification, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said modification and the Code as constituted after being modified comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said modification be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as modified.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

C. E. ADAMS,
Division Administrator.

WASHINGTON, D.C.
July 13, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: Pursuant to Executive Order No. 6678, dated April 14, 1934, a modification of the Code of Fair Competition for the Retail Solid Fuel Industry has been submitted by the Retail Solid Fuel Industry, through its National Code Authority, and a Public Hearing in connection therewith was held on June 18, 1934.

The Deputy Administrator in his final report to me on the modification of the Code of Fair Competition for the Retail Solid Fuel Industry having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The modification of said Code and the Code as modified are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by including and maintaining united action of labor and management under adequate governmental practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as modified complies in all respects with the pertinent provisions of said Title of said Act, including without limitation subsection (a) of Section 3, subsection (a) of Section 7 and subsection (a) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid modification on behalf of the industry as a whole.

(d) The modification and the Code as modified are not designed to and will not permit monopolies or monopolistic practices.

(e) The modification and the Code as modified are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said modification.

Said modification is accordingly approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 13, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE RETAIL SOLID FUEL INDUSTRY

Article III is amended by adding the following Sections:

SECTION 23. It being found necessary, in order to support the administration of this Code and to maintain the standards of fair competition established by this Code and to effectuate the policy of the Act, the National Code Authority and the several Divisional Code Authorities are authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary, (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry;

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and secure equitable contribution as above set forth by all such members of the industry, and to that end, if necessary, to institute legal proceedings therefor in their own several names.

SECTION 24. Only members of the industry complying with the Code and contributing to the expenses of its administration as provided in Section 23 hereof shall be entitled to participate in the selection of the members of their respective Divisional Code Authorities or to receive the benefit of their voluntary activities and the activities of the National Code Authority or to make use of any emblem or insignia of the National Recovery Administration, designed especially for the use of members of the Retail Solid Fuel Industry.

SECTION 25. Continued nonpayment, by any member of the industry, of assessments or contributions required by the administration of this Code, for thirty days after the receipt of notice that such assessments or contributions are due, is a violation of this Code. The operations of the provisions of this Section 25 shall be subject to such rules and regulations pertaining thereto as may be issued by the Administrator.

SECTION 26. The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event, exceed the total amount contained in the approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

Approved Code No. 23—Amendment No. 4

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

**UNDERWEAR AND ALLIED PRODUCTS
MANUFACTURING INDUSTRY**

As Approved on July 13, 1934

ORDER

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE
UNDERWEAR AND ALLIED PRODUCTS MANUFACTURING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Underwear and Allied Products Manufacturing Industry, and hearings having been duly held thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

ROBERT L. HOUSTON,
Division Administrator.

WASHINGTON, D.C.,
July 13, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Hearing covering an Amendment to the Code of Fair Competition for the Underwear and Allied Products Manufacturing Industry held in the Chinese Room, Mayflower Hotel, Washington, D.C., Monday, May 21, 1934. The Amendment which is attached was presented by a duly qualified and authorized representative of the Code Authority for the Underwear and Allied Products Manufacturing Industry, complying with statutory requirements and being the agency that is administering the code.

In accordance with customary procedure every person who had filed a request for appearance was freely heard in public and all statutory and regulatory requirements were complied with.

PROVISIONS OF THE AMENDMENT

The Amendment grants all branches of the Industry, excepting manufacturers of knitted underwear, the privilege of using N.R.A. labels under regulations to be issued by the Code Authority in accordance with regulations approved by the Administrator.

FINDINGS

The Deputy Administrator in his final report to me on said amendment to said Code, having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The amendment to said Code and the Code as amended is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving the standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limita-

tion Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the Industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons this amendment has been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 15, 1934.

MODIFICATION OF CODE OF FAIR COMPETITION FOR THE UNDERWEAR AND ALLIED PRODUCTS MANU- FACTURING INDUSTRY

Add a new Part to the Code to read as follows:

PART VIII—LABELS

1. All products excepting knitted underwear manufactured or distributed under the provisions of this Code may bear a NRA label, which when used shall be firmly attached to such products. The only knitted outerwear garments that may bear the label are fleeced-lined garments, cotton ribbed garments and cotton garments made of fabric produced on the Tompkins machine. Such label shall be in such form as may be prescribed by the Code Authority. The Code Authority shall have the exclusive right in this Industry to issue and furnish said labels to the members thereof who may voluntarily apply for said labels for the purpose set forth above. The privilege of using such labels may be granted and such labels may be issued to any employer from time to time engaged in the manufacture of said products, upon application therefor to the Code Authority accompanied by a statement of compliance with the provisions of this Code. The privilege of using such labels and the issuance thereof may be withdrawn and cease or may be suspended in respect to any such manufacturer whose operations, after appropriate hearing by the Code Authority and review by the Administrator, shall be found to be in substantial violation of the provisions of this Code. Employers shall be entitled to obtain and use such labels if they comply with the provisions of this Code. The Code Authority may establish appropriate machinery and regulations for the issuance of such labels, inspection, examination, and supervision of employers engaged in this branch of the Industry, in accordance with all provisions of this Code and in accordance with regulations approved by the Administrator.

Approved Code No. 23—Amendment No. 4.
Registry No. 275-1-03.

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

MOTOR VEHICLE RETAILING TRADE

As Approved on July 14, 1934

ORDER

APPROVING MODIFICATION OF CODE OF FAIR COMPETITION FOR THE
MOTOR VEHICLE RETAILING TRADE

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a modification to the Code of Fair Competition for the Motor Vehicle Retailing Trade, and due consideration having been given thereon and the annexed report on said modification, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Order No. 6543-A, dated December 30, 1933, and otherwise, do hereby incorporate, by reference, said annexed report and do find that said modification and the Code as constituted after being modified comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said modification be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as modified.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

C. E. ADAMS,
Division Administrator.

WASHINGTON, D.C.,
July 14, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Recovery Act, for a modification of the Code of Fair Competition for the Motor Vehicle Retailing Trade, submitted by the National Control Committee on behalf of the Emergency National Committee.

The purpose and effect of the modification are to have the Code conform to the provisions of Administrative Order No. X-36, approved on May 26, 1934, to authorize the Code Authority to submit a budget and method of assessment upon which funds shall be contributed by members of the Trade.

FINDINGS

The Deputy Administrator in his final report to me on said modification of said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The modification of said Code and the Code as modified are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of the industries, by avoiding undue restrictions of production (except as may be temporarily required) by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as modified complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid modification on behalf of the industry as a whole.

(d) The modification and the Code as modified are not designed to and will not permit monopolies or monopolistic practices.

(e) The modification and the Code as modified are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said modification.

For these reasons, therefore, I have approved this modification.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 14, 1934.

MODIFICATION TO CODE OF FAIR COMPETITION FOR THE MOTOR VEHICLE RETAILING TRADE

To include, and add to Article VI, Title B, the following, to be known as Sections 4, 5 and 6:

SECTION 4. It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established by this Code and to effectuate the policy of the Act, the Code Authority is authorized, subject to the approval of the **Administrator:**

a. To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code.

b. To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary, (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Trade.

c. After such budget and basis of contribution have been approved by the Administrator, to determine and secure equitable contribution as above set forth by all such members of the Trade, and to that end, if necessary to institute legal proceedings therefor in its own name.

SECTION 5. Only members of the Trade complying with the code and contributing to the expenses of its administration as provided above shall be entitled to participate in the selection of the members of the Code Authority or to receive the benefits of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration. Each member of the trade shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator.

SECTION 6. The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

Approved Code No. 46—Amendment No. 2.
Registry No. 1403-32.

Approved Code No. 257—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION
FOR THE
PRINTING EQUIPMENT INDUSTRY AND TRADE
As Approved on July 14, 1934

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE
PRINTING EQUIPMENT INDUSTRY AND TRADE

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of amendment to the Code of Fair Competition for the Printing Equipment Industry and Trade, and due consideration having been given thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended, such approval and such amendment to take effect fifteen (15) days from the date hereof, unless good cause to the contrary is shown to the Administrator before that time and the Administrator issues a subsequent Order to that effect.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 14, 1934

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the amendment to Section 2 of Article V of the Code of Fair Competition for the Printing Equipment Industry and Trade, submitted by the Code Authority of this Industry in accordance with the provisions of Article X of said Code approved February 2, 1933.

GENERAL STATEMENT

This Amendment is submitted by the Code Authority of the Industry in order that the Code may conform to the provisions of Administrative Order No. X-36, approved on May 26, 1934, governing the collection of expenses of code administration.

FINDINGS

The Deputy Administrator in his final report to me on said Amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) Said Amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purposes of cooperative action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof.

(c) The Amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The Amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Amendment.

For these reasons, therefore, I have approved this Amendment, such approval and such amendment to take effect in fifteen (15) days, unless good cause to the contrary is shown to me before that time and I issue a subsequent order to that effect.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 14, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE PRINTING EQUIPMENT INDUSTRY AND TRADE

The following provisions to be substituted in lieu of Section 2 of Article V.

SECTION 2. (1) It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary, (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry and Trade, figured upon the number of employees of each member of the Industry and Trade, or upon such other fair and equitable basis as the Code Authority may specify, subject to review by the Administrator;

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the Industry and Trade, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(2) Each member of the Industry and Trade shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry and Trade complying with the Code shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(3) The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof, as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

Approved Code No. 257—Amendment No. 1.
Registry No. 599-18.

Approved Code No. 163—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

WHOLESALE AUTOMOTIVE TRADE

As Approved on July 14, 1934

ORDER

APPROVING AMENDMENT TO CODE OF FAIR COMPETITION FOR THE
WHOLESALE AUTOMOTIVE TRADE

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Wholesale Automotive Trade, and as contained in a Published Notice of Opportunity to be heard, Administrative Order No. 163-6, dated June 22, 1934, and no objections having been filed as provided in said Published Notice, and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President.

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

C. E. ADAMS,
Division Administrator.

WASHINGTON, D.C.,
July 14, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act for an amendment to the Code of Fair Competition for the Wholesale Automotive Trade, submitted by the Code Authority for the Wholesale Automotive Trade.

The purpose and effect of the amendment are to authorize the Code Authority to submit a budget and method of assessment upon which funds shall be contributed by members of the Trade.

The Deputy Administrator in his final report to me on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of the industries, by avoiding undue restrictions of production (except as may be temporarily required) by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the trade as a whole.

(d) The Amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The Amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Amendment.

For these reasons, therefore, I have approved this Amendment.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 14, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE WHOLESALE AUTOMOTIVE TRADE

The following shall be substituted for Section H of Article VIII:

1. It being found necessary to support the Administration of this Code, in order to effectuate the policy of the Act and to maintain the standards of fair competition established hereunder, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which shall be held in trust for the purposes of the Code and raised as hereinafter provided.

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary.

(1) An itemized budget of its estimated expenses for the foregoing purposes, and

(2) An equitable basis upon which the funds necessary to support such Budget shall be contributed by all Members of the Trade entitled to the benefits accruing from the maintenance of such standards, and the Administration thereof.

(c) After such Budget and basis of assessment have been approved by the Administrator, to determine and collect equitable assessments as above set forth and to that end, if necessary, institute legal proceedings therefor in its own name.

2. Each Member of the Trade shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the trade complying with the Code and contributing to the expenses of its administration as hereinabove provided, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

3. The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

Approved Code No. 163—Amendment No. 1.
Registry No. 1404-3-14.

Approved Code No. 9—Amendment No. 15

AMENDMENT TO CODE OF FAIR COMPETITION
FOR THE
LUMBER AND TIMBER PRODUCTS INDUSTRY

As Approved on July 16, 1934

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE
LUMBER AND TIMBER PRODUCTS INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to the Code of Fair Competition for the Lumber and Timber Products Industries, and an opportunity to be heard thereon having been duly afforded to all interested parties and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order 6543-A, dated December 30, 1933, and otherwise, do hereby incorporate by reference, said annexed report and do find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended, such approval and such amendment to take effect on the date hereof, provided that such approval and such amendment may be suspended or modified by the Administrator upon good cause shown to the Administrator by any interested party within fifteen (15) days from the date hereof.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 16, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: Under the Code of Fair Competition for the Lumber and Timber Products Industries, as approved by you on August 19, 1933, the Lumber Code Authority has submitted their amendment No. 79, which is included and attached.

This amendment makes certain changes in Article IX of the Code whereby when the Code Authority determines, or when the Administrator so determines on his own initiative that an emergency exists in the industry, which endangers the maintenance of the purposes and provisions of the Code or of the Act, the Administrator may thereupon declare such an emergency to exist, and may determine the reasonable cost of items classified under the Code.

While a Public Hearing has not been held, due to the fact that an emergency exists and time does not permit, it should be noted that the provisions of this amendment do not depart from the policies established and published by the National Recovery Administration, nor is the general purpose of Article IX changed. The public generally is informed of the conditions existing in the lumber and timber products industries through releases of the N.R.A. and the Lumber Code Authority and its Divisional Administrative Agencies. Although the Order is effective immediately upon approval, an adequate safeguard has been provided through publishing a fifteen (15) day Notice of Opportunity to be Heard in connection therewith by any interested persons who object to the provisions of the amendment. The amendment may remain effective either in its present form or may be modified as a result of objections or suggestions submitted with supporting facts.

The Deputy Administrator in his final report to me on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restrictions of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products

through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard.

For these reasons, therefore, I have approved this amendment to the Code.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 16, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE LUMBER AND TIMBER PRODUCTS INDUSTRY

AMENDMENT No. 79

Amend Article IX by striking therefrom Sections (a), (b), (c), (d), (g), (i) and (j), and substitute therefor the following:

“SECTION (a). (1). Whenever the Code Authority determines that an emergency exists in the Industries or in any division or subdivision of the Industries, such as to render ineffective or to seriously endanger the maintenance of the purposes and provisions of this Code or of the Act, and the Code Authority certifies its conclusions based on such determinations to the Administrator, or the Administrator determines on his own initiative, that an emergency exists as herein set forth, the Administrator may thereupon declare such an emergency to exist.

“(2). Thereupon, upon application of the Code Authority, and if he shall find that it is necessary to the maintenance of the purposes and provisions of this Code or of the Act that reasonable costs of items and classifications of lumber and timber products and rules and regulations for the application thereof, be determined and established by him during the period of that emergency, the Administrator may determine or cause to be determined in accordance with such rules and regulations as he may prescribe, the f.o.b. mill and/or delivered reasonable cost of any or all items and classifications of lumber and timber products and rules and regulations for the application thereof. Notice of such reasonable cost and such rules and regulations, when determined as aforesaid, shall be given to the industries in such reasonable manner as the Administrator may direct, provided that for any species such costs for the respective grades and items shall be in reasonable proportion to the market prices of such grades and items during a representative period, provided further, that the reasonable cost of any item or classification of said products shall not be established unless and until reasonable costs are at the same time established for such other items or classifications of lumber and timber products as are sold or offered for sale, in competition therewith: Provided, further, that in determining said reasonable costs, the Administrator shall make provision for equitable differentials within specified limitations for products below accepted standards of quality, such as the products of some small mills or for the purpose of securing the equitable application of such reasonable costs, and provided further, that said reasonable costs shall be established with due regard to the maintenance of free competition among species, divisions and subdivisions, and with the products of other industries and other countries.

“(3) Thereafter, during the period of the emergency and until the Administrator shall have declared that said emergency has

ceased to exist, such reasonable costs and such rules and regulations for the application thereof shall constitute the minimum prices for such items and classifications of lumber and timber products for which such costs and rules and regulations have been determined and no person subject to the jurisdiction of this Code shall sell or offer to sell or otherwise dispose of any product of the industries for which such reasonable costs and rules and regulations for the application thereof have been determined as hereinabove set forth, at a price less than such reasonable cost so established, or otherwise than in accordance with such rules and regulations.

“(4). During the period of the emergency, any determination of reasonable cost and any rules and regulations for the application thereof, may upon application of the Code Authority or upon the Administrator’s own initiative, be revised from time to time at reasonable intervals or suspended as changes in circumstances or experience may indicate; and, if the Code Authority shall determine and so certify to the Administrator that the application of reasonable costs and rules and regulations applicable thereto result in injustice, inequality, unjust discrimination, or unfair competition within the lumber and timber products industries, thereupon unless such determination shall have been arbitrary, capricious, or based upon no substantial evidence, the said reasonable costs and rules and regulations applicable thereto shall be forthwith suspended by the Administrator, said suspension to be effective five (5) days after the filing of said certificate by the Code Authority.

“(5). Not later than December 1, 1934, the Code Authority shall submit to the Administrator its recommendations for such amendments of the provisions of this Article as it deems necessary to effectuate the purposes of the Act, and the Administrator shall, after due notice and public hearing, review and reconsider the provisions of this Article and the recommendations of the Code Authority.”

Renumber Sections (e), (f), and (h) to become sections (b), (c), and (d), respectively, and delete the first sentence of section (e).

Approved Code No. 9—Amendment No. 15.

Registry No. 313-1-06.

Approved Code No. 335—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

ART NEEDLEWORK INDUSTRY

As Approved on July 17, 1934

ORDER

**APPROVING AMENDMENT TO CODE OF FAIR COMPETITION FOR THE ART
NEEDLEWORK INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Art Needlework Industry, and an opportunity to be heard having been afforded all members of the Industry and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended, such approval and such amendment to take effect ten days from the date hereof, unless good cause to the contrary is shown to the Administrator before that time and the Administrator issues a subsequent order to that effect.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

ROBERT L. HOUSTON,
Division Administrator.

WASHINGTON, D.C.,
July 17, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on an amendment to the Code of Fair Competition for the Art Needlework Industry, notice to file objection to this has been sent out on May 17, 1934, no objections were received within the given fifteen (15) day period ending June 1, 1934. The amendment, which is attached, was presented by duly qualified and authorized representatives of the Industry, complied with the statutory requirements and being the same agency that originally submitted the Code.

PROVISION OF THE AMENDMENT

This amendment provides that a mandatory assessment is set forth in the Executive Order No. 6678, Dated April 14, 1934.

The Deputy Administrator in his final report to me on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provision of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7, and sub-section (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the Industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons the amendment has been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 17, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE ART NEEDLEWORK INDUSTRY

Article VI, Section 3 shall be amended to read as follows:

“3(a) It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

“(1) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code:

“(2) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary, (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry;

“(3) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

“(b) Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry complying with the Code and contributing to the expense of its administration as hereinabove provided, unless duly excepted from so contributing, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration. Failure to contribute to the expenses of the administration of this Code as provided herein shall constitute a violation of the Code.

“(c) The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approval budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.”

Article VI, Section 5, sub-sections (e) and (f), shall be deleted from the Code and sub-sections (g) through (m) shall be renumbered so that they will become subsections (e) through (k) respectively.

Approved Code No. 335—Amendment No. 1.
Registry No. 231-08.

Approved Code No. 389—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

CLAY AND SHALE ROOFING TILE INDUSTRY

As Approved on July 17, 1934

ORDER

APPROVING MODIFICATION OF CODE OF FAIR COMPETITION FOR THE
CLAY AND SHALE ROOFING TILE INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for the approval of a modification to a Code of Fair Competition for the Clay and Shale Roofing Tile Industry, an opportunity to be heard having been duly afforded all interested parties and the annexed report on said modification, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference, said annexed report and do find that said modification and the Code as constituted after being modified comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said modification be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as modified.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 17, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: Under the Code of Fair Competition for the Clay and Shale Roofing Tile Industry, as approved on April 6, 1934, the Code Authority has submitted a modification to Article VI, Sections 8, 8-A, and 8-B, designed to empower the Code Authority to collect assessments from all members of the Industry to provide for the expenses of administering the Code. Under this modification, payment of such assessments will not be mandatory until the Code Authority has submitted and has had approved by the Administrator, a budget and plan of assessment. A provision of the modification forbids the Code Authority from making expenditures in excess of their approved budget. These provisions replace the former provisions for supporting the Code Authority through voluntary payments.

FINDINGS

The Deputy Administrator in his final report to me on said modification to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The modification of said Code and the Code as modified are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

The Code as modified complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid modification on behalf of the Industry as a whole.

(d) The modification and the Code as modified are not designed to and will not permit monopolies or monopolistic practices.

(e) The modification and the Code as modified are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said modification.

For these reasons, therefore, I have approved this modification.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 17, 1934.

MODIFICATION TO CODE OF FAIR COMPETITION FOR THE CLAY AND SHALE ROOFING TILE INDUSTRY

MODIFICATION

Modify Article VI, by deleting Section 8 and substituting in lieu thereof the following:

SECTION 8. It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

a. To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

b. To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry.

c. After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

SECTION 8-A. Each member of the industry shall pay his or its equitable contribution to the **expenses of the maintenance** of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

SECTION 8-B. The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

Approved Code No. 389—Amendment No. 1.
Registry No. 1036-1-02.

Approved Code No. 228—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

COIN-OPERATED MACHINE MANUFACTURING
INDUSTRY

As Approved on July 17, 1934

ORDER

APPROVING AMENDMENT TO CODE OF FAIR COMPETITION FOR THE COIN-
OPERATED MACHINE MANUFACTURING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Coin-Operated Machine Manufacturing Industry, and as contained in a Published Notice of Opportunity to File Objections, Administrative Order No. 228-6, dated June 18, 1934, and no objections having been filed as provided in said Published Notice, and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President,

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order 6543-A, dated December 30, 1933, and otherwise, do hereby incorporate, by reference, said annexed report and do find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended, such approval and such amendment to take effect ten (10) days from the date hereof, unless good cause to the contrary is shown to the Administrator before that time and the Administrator issues a subsequent order to that effect.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 17, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act, for an Amendment to the Code of Fair Competition for the Coin-Operated Machine Manufacturing Industry, and submitted by the Code Authority for the said Industry.

The existing provisions of Article IV, Section 6 (d) and Section 8 of the Code for said Industry, are entirely inadequate in view of Executive Order 6678 and Administrative Order X-36, and it is therefore evident that the proposed amendment to Article IV of said Code, the provisions of which follow closely the text of the above mentioned Orders, authorizing the Code Authority to submit an itemized budget and a basis of contribution for my approval, and thereafter to determine and obtain equitable contributions thereunder from all members of the Industry for the support of its activities will overcome the existing inadequate provisions.

FINDINGS

The Deputy Administrator in his final report to me on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of the industries, by avoiding undue restrictions of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof.

(c) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, therefore, I have approved this amendment, such approval and such amendment to take effect in ten (10) days, unless good cause to the contrary is shown to me before that time and I issue a subsequent order to that effect.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 17, 1934.

MODIFICATION TO CODE OF FAIR COMPETITION FOR THE COIN-OPERATED MACHINE MANUFACTURING INDUSTRY

PURPOSE

Pursuant to Article VII of the Code of Fair Competition for the Coin-Operated Machine Manufacturing Industry, duly approved by the Administrator on January 23, 1934, and further to effectuate the policies of Title I of the National Industrial Recovery Act, the following modification is established as a part of said Code of Fair Competition and shall be binding upon every member of the Coin-Operated Machine Manufacturing Industry.

MODIFICATION

Modify Article IV by deleting Section 6 (d), changing the designation of the present Section 6 (e) to Section 6 (d), deleting Section 8 and substituting in lieu thereof a new Section 8 as follows:

SECTION 8. (a) It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized, subject to the approval of the Administrator:

To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purpose of the Code.

To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary, (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry.

After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all such members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(b) Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry complying with the Code and contributing to the expenses of its administration as provided above shall be entitled to participate in the selection of the members of the Code Authority or

to receive the benefits of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(c) The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

Approved Code 228—Amendment No 1.
Registry No. 1334-01.

Approved Code No. 1—Amendment No. 8

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

COTTON TEXTILE INDUSTRY

As Approved on July 17, 1934

ORDER

MODIFICATION OF CODE OF FAIR COMPETITION FOR THE COTTON TEXTILE INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Trade Practices for the Cotton Thread Manufacturing Branch of the Cotton Textile Industry, and hearing having been duly held thereon and the annexed report on said Code containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent purposes of said Title of said Act, and do hereby order that said Code of Fair Trade Practices be and it is hereby approved, and that the previous approval of the Code of Fair Competition for the Cotton Textile Industry is hereby modified to include an approval of said Code in its entirety as modified; provided, however, that the provisions of Section 3 and Section 4 of said Code of Fair Practices in their entirety be and they are hereby stayed pending my further order.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

ROBERT L. HOUSTON,
Division Administrator.

WASHINGTON, D.C.,
July 17, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Trade Practices governing the merchandising of the products of the Cotton Thread Manufacturing Branch of the Cotton Textile Industry, conducted in Washington, D.C., on February 2, 1934.

In accordance with the customary procedure every person who filed a request for appearance was freely heard in public, and all statutory and regulatory requirements were complied with.

The Code which is attached was presented by the duly qualified and authorized representatives of the Industry, the Cotton Textile Industry Committee, which is the Code Authority for the Cotton Textile Industry.

FINDINGS

The Deputy Administrator in his final report to me on said Code having found as herein set forth and on the basis of all proceedings in this matter:

I find that:

(a) The Fair Trade Practices of the Cotton Thread Branch of the Cotton Textile Industry and the Cotton Textile Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required) by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Cotton Textile Code as so amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Cotton Textile Industry Committee is empowered to present the aforesaid Code of Fair Practices on behalf of the Industry as a whole.

(d) The Code of Fair Practices and the Cotton Textile Code as so amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) The Code of Fair Practices and the Cotton Textile Code as so amended are not designed to and will not permit monopolies or monopolistic practices.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Code.

For the above reasons this Code of Fair Practices has been approved by me.

Respectfully,

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

JULY 17, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE COTTON TEXTILE INDUSTRY

FAIR TRADE PRACTICES GOVERNING THE MERCHANDISING OF THE PRODUCTS OF THE COTTON THREAD MANUFACTURING BRANCH

1. *National Industrial Recovery Act.*—Each member of the Industry who is entitled to display the Blue Eagle of the National Recovery Administration shall affix to all invoices, in accordance with regulations of the Code Authority, a stamp stating that the mill where the goods were made is operating under the Cotton Textile Code, which regulations and stamp shall be subject to the approval of the Administrator.

2. *Definitions.*—The following definitions shall apply to this Code of Fair Trade Practices hereinafter set forth.

(a) The term “industry” means the cotton thread manufacturing branch of the Cotton Textile Industry, which is defined as the manufacture of sewing, crocheting, embroidery, and/or darning cotton thread.

(b) Whenever the term “thread” or “threads” is used, it shall refer to cotton thread, which is defined to include all products composed of one or more cotton yarns, single or braided or twisted together, and sold for use in any sewing, crocheting, embroidering, or darning operations, in the natural, white or colored state, with the exception of:

(1) Cotton articles usually defined in the trade as “twine”, “sewing twine”, “bag twine”, “bag closing twine”, “broom twine”, and “tufting twine”, which are made of carded yarns of a yarn count of 20s or coarser.

(2) Cotton looping and seaming yarns used in the hosiery trade.

For the purposes of this Code of Fair Trade Practices certain cotton yarns, commonly and variously known as “schiffli”, “schiffli yarn” and “embroidery yarns”, as made and sold for use only on Schiffli and Swiss hand embroidery machines shall be considered as coming within the foregoing definition of thread.

(c) The term “manufacturers’ threads” refers to those threads generally used in the manufacturing or industrial trades, and the term “household threads” refers to those threads generally used in the home or for domestic purposes.

(d) The term “Sub-Committee on Thread” shall mean the Sub-Committee on Thread of the Code Authority of the Cotton Textile Industry.

(e) Unless otherwise specified, all provisions of this Code of Fair Trade Practices shall apply both to manufacturers’ or industrial threads and household or domestic threads.

3. *Publishing Prices and Terms of Sale.*—(a) Each member of the industry shall furnish to and file with The Thread Institute copies of price lists showing all current prices and quantity discounts to all classes of trade on branded goods. This information shall be kept up to date in the future by furnishing The Thread Institute with all changes in prices and quantity discounts on branded goods on the same day on which they go into effect. All such information filed with The Thread Institute shall be available to all members of the Industry.

(b) Each member of the Industry shall have the right individually to file new prices from time to time not inconsistent with the provisions of the Cotton Textile Code as amended or this Code of Fair Trade Practices.

(c) Members of the Industry shall report to the Cotton-Textile Institute every four weeks, the total of all sales of nonbranded goods made by them during said four weeks' period. The units in which such sales shall be reported, the detail of said reports, and the disposition of same, shall be as designated from time to time by the Sub-Committee on Thread.

(d) The Sub-Committee on Thread shall have power to establish rules and regulations for the orderly administration of the provisions of this Section 3. Such rules and regulations shall be subject to review by the Cotton Textile Industry Committee.

4. *Selling Below Cost.*—(a) The selling of goods by any member of the Industry below cost of production is an unfair trade practice except where the sale is made to meet bona fide competition.

(b) The provisions of paragraph 4 (a) shall not become effective until the definition of cost of production and a method of uniform cost accounting have been approved by the Administrator, and such further period thereafter, not less than three months, as may be fixed by the Sub-Committee on Thread with the approval of the Cotton Textile Industry Committee and of the Administrator.

(c) Nothing herein contained shall prevent the sale of damaged goods, job lots, and discontinued lines below cost of production, provided, such merchandise is clearly invoiced as such, and that a complete record thereof is kept by the seller, open to inspection by The Thread Institute or its authorized agents.

(d) The Thread Institute, through a disinterested agency appointed by its Board of Directors, is designated as an agency to gather all necessary information as to a method of uniform cost accounting. Such agency shall report the results of such investigation to the said Board in statistical form, and said Board is designated as an agency to determine the appropriate method for uniform cost accounting, and to recommend such method and a definition of cost of production through the Sub-Committee on Thread for the action of the Cotton Textile Industry Committee and recommendation to the Administrator. Such recommendation, after such notice and hearing as the Administrator may specify, shall become effective subject to the provisions of paragraph 4 (b) on approval by the Administrator or the President.

5. *Credit Terms*.—(a) Except either as otherwise provided in paragraph (b) of this section, or under emergency conditions¹ found to exist in any particular case, no more favorable credit terms shall be extended by any member of the Industry, in connection with any sale or transactions completed within the continental limits of the United States than the following:

Net 60 days.

2% 10 days E.O.M. (End of Month).

(b) The provisions of paragraph 5 (a) shall not apply to sales of thread for use on Schiffli and Swiss hand embroidery machines, on which sales no more favorable terms shall be extended than—

Net 60 days.

2% 30 days.

3% 10 days.

(c) No extra dating shall be allowed, except that goods shipped from the 25th to the end of the month may be regarded for discount purposes as having been shipped as of the 1st of the following month, and except also that an additional dating of thirty days on the invoice may be allowed for discount purposes on shipments from points east of the Mississippi River to points west of the longitude of Denver, Colorado.

(d) No shipment shall be made on consignment to any person, firm or corporation other than to a bona fide sales agent.

6. *Secret Rebates*.—(a) The payment or allowance of secret rebates, refunds, or unearned discounts, whether in the form of money or otherwise, resulting in discriminations between customers of the same class, is an unfair trade practice.

(b) Nothing in this paragraph shall preclude the payment of a reasonable commission to any jobber for bona fide services in distribution of goods.

7. *Mutuality of Contracts*.—(a) All contracts not for immediate delivery made by members of the Industry for the sale of their products shall be in writing for definite quantities, and duly executed by the respective parties thereto. Forms for such contracts shall be filed with The Thread Institute as soon as effective and shall be available to all members.

(b) All contracts for manufacturers' threads shall stipulate that the delivery specifications calling for the shipments against the contracts shall be distributed fairly and equitably throughout the term of said contract.

(c) All contracts should be performed according to their terms by all the parties thereto, in the absence of a legal or equitable excuse for nonperformance. The willful failure of a member of the Industry to enforce the same is an unfair trade practice. Nothing herein contained shall prevent the use of usual clauses in contracts as to the effect of force majeure, acts of God, and similar events beyond the control of either party.

(d) Predating an order or contract with the intent or effect of giving either buyer or seller any advantage or benefit which would not accrue if such order or contract were correctly dated, is an unfair trade practice.

¹ Any such emergency condition shall be reported at once to The Thread Institute together with the terms allowed to meet said emergency.

(e) "Make and hold" orders for manufacturers' threads shall only be accepted as contracts. Under such contracts the terms must provide that the buyer must accept delivery of the full quantity specified within the contract period.

(f) Wilfully inducing or attempting to induce the breach of any contract between a competitor and his customer or wilfully interfering with or obstructing the performance of the same is an unfair trade practice.

(g) Contracts for manufacturers' threads not for immediate delivery shall be for periods not to exceed three months.

8. *Samples*.—Whereas, the giving of free samples to customers for the purpose of obtaining business is not in itself a trade abuse, it is an unfair trade practice if samples are given as an integral part of a sale or as a means of making a specific sale.

9. *Advertising Allowance*.—No advertising allowance shall be offered or given to induce or consummate a sale. This paragraph shall not be construed so as to prevent proper expenditures or allowances for advertising or displays actually made or furnished.

10. *Group Buying*.—No member of the Industry shall accept orders or contracts from any person, firm, corporation, or association who has combined to pool orders or purchases of sewing threads for the purpose of obtaining the benefit of any discount or other concession allowed on the quantity purchased or agreed to be purchased unless the person, firm, corporation, or association in whose name the sale or contract shall be made actually establishes a sound financial basis for any credit involved and assumes sole financial responsibility. The failure of any member of the Industry to conform to the requirements of this paragraph shall be an unfair trade practice.

11. *False and Misleading Advertising*.—The making or causing or permitting to be made or published any false or deceptive statement by way of advertisement (whether printed, radio, display, or of any other nature) or otherwise concerning the grade, quality, quantity, substance, character, nature, origin, size, or preparation of any product of the Industry which is misleading or inaccurate in any material particular or which may mislead or deceive purchasers or prospective purchasers, or which may injuriously affect the business of competitors, is an unfair trade practice.

12. *Marking Thread*.—(a) No member of the Industry shall sell or offer for sale any thread, put up on spools, tubes, cones, bobbins, or in balls, skeins, or other similar packages, unless there is affixed to or impressed upon a conspicuous part of each such spool, tube, cone, bobbin, ball, skein, or other similar package of such thread a label or stamp which shall be plain and conspicuous, and which shall plainly indicate either its net weight in avoirdupois pounds and ounces or its length in yards; Provided, That when any such spool, tube, cone, bobbin, ball, skein, or other similar package of such thread containing a net weight of less than two avoirdupois ounces is sold or offered for sale, then such label or stamp shall indicate its length in yards; provided further, That where from the shape, size, or character of the spool, tube, cone, bobbin, ball, skein, or other similar package it is impossible so to affix or impress such label or stamp, a label or stamp shall be affixed to the box or other container in which such

packages are put up, stating the number of units contained therein and the net weight or yardage of each, as hereinbefore prescribed.

(b) It shall be an unfair trade practice if any member of the industry shall sell or offer for sale such thread on any such spool, tube, cone, bobbin, or in any such ball, skein or other similar package or box, without a label or stamp specifying the net weight or number of yards of thread contained thereon, as provided in the first paragraph of this section, or if any such member of the industry shall sell or offer for sale such thread on any such spool, tube, cone, bobbin, or in any such ball, skein, or other similar package or box, weighing or measuring more than five per centum less or more than the net weight or number of yards that the label or stamp thereon specifies.

Each member of the industry shall file with The Thread Institute a list of all brands and trade marks used on cotton threads produced by or for him for his own distribution and sale, and also shall keep The Thread Institute informed of all changes and additions.

It shall be an unfair trade practice if any member of the industry shall sell or offer for sale any thread which, in addition to being labeled or stamped with a statement of contents as provided in the first paragraph of this section, does not bear a firm name, brand, or trade mark by which it may be clearly identified by The Thread Institute.

The provisions of the foregoing paragraphs of this section shall not apply to thread sold for use on Schiffli and Swiss hand embroidery machines.

13. *Misbranding and Mislabeling.*—The false marking or false branding of products with the effect of misleading or deceiving purchasers with respect to the quantity, quality, grade, or substance of the products purchased is an unfair trade practice.

14. *False Invoicing.*—Withholding from or inserting in the invoice statements which make the invoice a false record wholly or in part, of the transaction represented on the face thereof, is an unfair trade practice.

15. *Commercial Bribery.*—No member of the Industry shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employers of such employee, the principal of such agent or the represented party. This provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

16. *Substitution of Merchandise.*—(a) Shipping or delivering products which do not conform to the samples submitted, or representations made prior to securing an order and with the effect of deceiving or misleading the purchaser, is an unfair trade practice.

(b) The sale of an inferior quality of product in this industry at a price appropriate for such product, with the understanding that a product of superior quality selling at a higher price will be delivered, is an unfair trade practice. A seller acting in good faith

and because of an actual unforeseen shortage of the product sold, may, in order to service the customer, deliver a product of a quality superior to the product sold.

17. *Imitation of Trade Marks, etc.*—The imitation or simulation by a member of the Industry, of another's trade marks, trade names, slogans, and other marks of identification, including labels and the dress of the goods, so as to deceive purchasers or prospective purchasers, or result in commercial disadvantage to the owner of an already established put-up is an unfair trade practice.

18. *False Disparagement of Competitors.*—The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or other false representations, or the false disparagement of the grade or quality of their goods, is an unfair trade practice.

19. *Use of Competitor's Merchandise.*—No member of the industry shall by purchase or exchange acquire another manufacturer's merchandise from any customer or prospective customer for the purpose of substituting his own merchandise or influencing the sale of merchandise to such customer or prospective customer, Provided however, it shall not be an unfair trade practice to acquire a sample of a competitor's merchandise for the purpose of comparison or analysis.

20. *Aiding or Abetting Another in the Use of Unfair Trade Practices.*—The wilful aiding or abetting of another in the use of unfair trade practices is an unfair trade practice.

21. *Modification.*—(a) The Board of Directors of the Sub-Committee on Thread shall give consideration to any proposed change or changes in this Code of Fair Trade Practices which may be proposed to it either by any member or members of The Thread Institute having collectively not less than twenty-five votes therein, provided, however, that where such proposed change or changes would affect manufacturers supplying thread for use on Schiffler and Swiss hand embroidery machines, such change or changes may be proposed by any member or members of The Thread Institute whose principal business is supplying such thread, having collectively not less than five votes therein.

(b) The provisions of this Code of Fair Trade Practices shall govern all members of the Industry. Any provision of this Code of Fair Trade Practices may be revoked or modified by the Board of Directors or the Sub-Committee on Thread, subject to the approval of the Cotton Textile Industry Committee and the Administrator. This Code of Fair Trade Practices is subject to the right of the President, in accordance with subsection (b) of Section 10 of the National Industrial Recovery Act from time to time to cancel or modify any order, approval, rule, or regulation issued under said act.

22. Nothing in this Code of Fair Trade Practices shall be deemed to constitute any of the members of the Industry partners for any purpose. No member shall be liable in any manner to anyone for any act of any member or agent of the Code Authority lawfully and properly performed pursuant to the provisions of this Code of Fair Trade Practices, nor shall any member or agent be liable

to anyone or in any manner other than as provided in the National Industrial Recovery Act or in the Cotton Textile Code or this Code of Fair Trade Practices for any act performed in accordance with, or for any failure to act required by, the provisions of said Code and Code of Fair Trade Practices.

Approved Code No. 1—Amendment No. 8.
Registry No. 299-25.

Approved Code No. 212—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION
FOR THE
DRAPERY AND UPHOLSTERY TRIMMING
INDUSTRY

As Approved on July 17, 1934

ORDER

APPROVING MODIFICATION OF THE CODE OF FAIR COMPETITION FOR THE
DRAPERY AND UPHOLSTERY TRIMMING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a modification of a Code of Fair Competition for the Drapery and Upholstery Trimming Industry, and an opportunity to file objections thereon having been given and the annexed report on said modification, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise, do hereby incorporate, by reference, said annexed report and do find that said modification and the Code as constituted after being modified comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said modification be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as modified.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

R. L. HOUSTON,
Division Administrator.

WASHINGTON, D.C.,
July 17, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: I have the honor to submit herewith an amendment to the Code of Fair Competition for the Drapery and Upholstery Trimming Industry. The amendment, which is attached, was presented by the Code Authority.

Notice of opportunity to file objections to this amendment was given and no objections were received.

The amendment provides that subsection (c), Section 2, of Article VI shall be omitted and the provision contained in the Executive Order dated April 14, 1934, making the payment of the costs of administering a Code of Fair Competition mandatory upon all members of the Industry, is included.

FINDINGS

The Deputy Administrator in his final report to me on said amendment to said Code having found as herein set forth and on the basis of all proceedings in this matter:

I find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the Industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For the above reasons this amendment has been approved by me.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 17, 1934.

MODIFICATION OF CODE OF FAIR COMPETITION FOR THE DRAPERY AND UPHOLSTERY TRIMMING INDUSTRY

Subsection (c), Section 2 of Article VI shall be amended to read as follows:

“(c) (1) It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

“(I) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

“(II) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary.

“(A) An itemized budget of its estimated expenses for the foregoing purposes, and

“(B) An equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry;

“(III) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

“(2) Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided and subject to the rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration. Failure to contribute to the expenses of the administration of this Code, as provided herein, shall constitute a violation of the Code.

“(3) The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall so approve.”

Approved Code No. 226—Amendment No. 4

AMENDMENT TO CODE OF FAIR COMPETITION
FOR THE
LIGHT SEWING INDUSTRY EXCEPT GARMENTS

As Approved on July 17, 1934

ORDER

APPROVING MODIFICATION OF THE CODE OF FAIR COMPETITION FOR THE
LIGHT SEWING INDUSTRY EXCEPT GARMENTS

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a modification of a Code of Fair Competition for the Light Sewing Industry Except Garments, and an opportunity to file objections thereon having been given and hearings having been duly held thereon and the annexed report on said modification, containing findings with respect thereto; having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said modification and the Code as constituted after being modified comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said modification be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as modified.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

ROBERT L. HOUSTON,
Division Administrator.

WASHINGTON, D.C.,
July 17, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Hearing on an Amendment to the Code of Fair Competition for the Light Sewing Industry Except Garments, held in Room 2062 of the Department of Commerce Building, on June 1, 1934. The Amendment which is attached was presented by the Divisional Committee for the Comfortable Division.

In accordance with the customary procedure every person who had filed a request for an appearance was freely heard in public, and all statutory and regulatory requirements were complied with.

The Amendment permits seasonable datings in the Comfortable Division of the Industry.

Notice of Opportunity to file objections to this Amendment was given on May 2 but so many objections were received that a Hearing was called for June 1. The objections were based on the fact that although seasonable datings were allowed, no anticipation could be granted, and, further it was claimed that granting seasonable datings would work to the disadvantage of the smaller units in the Industry which are not in a position to finance the manufacture of the product some time prior to receiving payment therefor. No objections were presented at the Hearing itself.

The first objection was answered by permitting anticipation at the rate of not more than six percent per year.

In connection with the second objection, it was brought out at the Hearing that the smaller manufacturers produced the novelty items which are sold the year round and which are not sold with seasonable datings. According to the testimony, it is only the larger manufacturers in the Industry who produce the staple items which require that seasonable datings be granted and who sell through wholesalers.

FINDINGS

The Deputy Administrator in his final report to me on said amendment to said Code having found as herein set forth and on the basis of all proceedings in this matter:

I find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating

unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Code empowers the Divisional Committee to present the aforesaid Amendment on behalf of the Division as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For the above reasons this amendment has been approved by me.

HUGH S. JOHNSON,
Administrator.

JULY 17, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR
THE LIGHT SEWING INDUSTRY EXCEPT GARMENTS

Subsection (f), Section 3, Article II of the Supplemental Provisions for the Comfortable Division, Division No. 1, of the Code of Fair Competition for the Light Sewing Industry Except Garments, shall be amended by including the following:

“All goods shipped to retailers after May 1, may be billed as 2/10/60 or 3/10 E.O.M., as of August 1. Anticipation at the rate of six percent (6%) per year may be allowed. After January 1, business may be solicited from wholesalers on a basis of August 1 datings with usual terms.”

Approved Code No. 226—Amendment No. 4.
Registry No. 299-50.

Approved Code No. 234—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

MACARONI INDUSTRY

As Approved on July 17, 1934

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE MACARONI
INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to the Code of Fair Competition for the Macaroni Industry, and opportunity to be heard having been afforded all members of said Industry and any objections filed having been duly considered, and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

Now, therefore, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise, do hereby incorporate, by reference, said annexed report and do find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be, and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

ARMIN W. RILEY,
Division Administrator.

WASHINGTON, D.C.,
July 17, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on an amendment of Section 5 of Article VI of the approved Code of Fair Competition for the Macaroni Industry, number 234. This Code was approved by me on January 29, 1934.

Pursuant to Executive Order No. 6678, dated April 14, 1934, the Code Authority for the Macaroni Industry, in accordance with Section 2 of Article IX of said Code, having found it necessary in order to support the administration of this Code and to maintain standards of fair competition, established by this Code, and to effectuate the policies of the Act, has made application for an amendment of said Code in order to provide for a method of assessment and to support the expense of the administration of this Code.

The Deputy Administrator in his final report to me on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The amendment to said code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of the industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provision of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

In accordance with Executive Order No. 6678, dated April 14, 1934, the amendment of this Code has been approved by me.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 17, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE MACARONI INDUSTRY

Delete Section 5 of Article VI and insert in lieu thereof the following:

1. It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry:

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the industry and to that end, if necessary, to institute legal proceedings therefor in its own name.

2. Each member of the industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the industry complying with the code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contribution, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

3. The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

Approved Code No. 234—Amendment No. 1.
Registry No. 129-1-02.

Approved Code No. 72—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

PACKAGING MACHINERY INDUSTRY AND TRADE

As Approved on July 17, 1934

ORDER

APPROVING MODIFICATION OF CODE OF FAIR COMPETITION FOR THE
PACKAGING MACHINERY INDUSTRY AND TRADE

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a modification to the Code of Fair Competition for the Packaging Machinery Industry and Trade, and notice to file objections having been given and the annexed report on said modification, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said modification and the Code as modified comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said modification be and it is hereby approved, and that previous approval of said Code is hereby modified to include an approval of said Code in its entirety as modified.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 17, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Modification of the Code of Fair Competition for the Packaging Machinery Industry and Trade to include Executive Order No. 6678 of April 14, 1934 relating to collection of expenses of code administration.

This Modification was proposed in accordance with Article XIV of the Code approved October 31, 1933. Notice of Opportunity to File Objections was given from June 2, 1934 to June 15, 1934. No objection has been filed against the proposed Modification of the Code.

FINDINGS

The Deputy Administrator in his final report to me on said Modification of said Code having found as herein set forth and on the basis of all the proceedings in this matter;

I find that:

(a) The Modification of said Code and the Code as modified are well constituted to promote the policies and purposes of Title I of the National Industrial Recovery Act, including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purposes of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as modified complies in all respects with the pertinent provisions of said Title of said Act, including without limitation subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid Modification on behalf of the Industry as a whole.

(d) The Modification and the Code as modified are not designed to and will not permit monopolies or monopolistic practices.

(e) The Modification and the Code as modified are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Modification.

For these reasons, therefore, I have approved this Modification.

HUGH S. JOHNSON,
Administrator.

JULY 17, 1934.

MODIFICATION TO CODE OF FAIR COMPETITION FOR THE PACKAGING MACHINERY INDUSTRY AND TRADE

PURPOSE

Pursuant to Article XV of the Code of Fair Competition for the Packaging Machinery Industry and Trade, duly approved by the President on October 31, 1933 and further to effectuate the policies of Title I of the National Industrial Recovery Act, the following Modification is established as a part of said Code of Fair Competition and shall be binding upon every member of the Packaging Machinery Industry and Trade.

AMENDMENT NO. 1

ARTICLE X—ADMINISTRATION

Article X, Section 3 amended to read as follows:

“Section (3) 1. It being found necessary in order to support the administration of this Code and to maintain the standard of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

“(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

“(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary:

“(1) An itemized budget of its estimated expenses for the foregoing purposes, and

“(2) An equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry and Trade.

“(c) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the Industry and Trade, and to that end, if necessary, to institute legal proceedings therefor in its own name.

“2. Each member of the Industry and Trade shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, shall be entitled to participate in the selection of members

of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

“3. The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget except upon approval of Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.”

Approved Code No. 72—Amendment No. 1.
Registry No. 1399-30.

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

SILK TEXTILE INDUSTRY

As Approved on July 17, 1934

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE SILK
TEXTILE INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Silk Textile Industry, and hearings having been duly held thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title I of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended; provided that Article I, Section 5, as amended, be stayed in so far as it affects winders, warpers, coppers and quillers until such date as the Code of Fair Competition for the Textile Processing Industry shall contain a similar provision, subject to my further order; and provided further that Article VI, Section 4(C) shall read as follows:

“(C) No employer failing to pay assessments as above required, unless duly excepted from paying such assessment, shall participate in the selection of the Members of the Code Authority or receive the benefits of its voluntary activities or make any use of any N.R.A. insignia.”

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

ROBERT L. HOUSTON,
Division Administrator.

WASHINGTON, D.C.,
July 17, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Hearing covering the Amendments to the Code of Fair Competition for the Silk Textile Industry, held in Room A at the Washington Hotel, Washington, D.C., April 18, 1934. The Amendments, which are attached, were presented by duly qualified and authorized representatives of the Industry, complying with statutory requirements and being the Code Authority for the Silk Textile Industry.

In accordance with customary procedure every person who had filed a request for appearance was freely heard in public, and all statutory and regulatory requirements were complied with.

PROVISIONS OF THE AMENDMENTS

There are 16 Amendments as follows:

1. An Amendment providing for a change in the definition of productive machinery.
2. An Amendment defining the term "Outside Crews."
3. An Amendment providing for an increase in the number of members of the Code Authority.
4. An Amendment providing for the collection of assessments from members of the Industry.
5. An Amendment providing for the establishment of a committee to act on a joint committee with representatives of any other Code Authority of a related industry.
6. An Amendment providing for the submission to the Code Authority of reports and other statistical information required.
7. An Amendment providing for the establishment of an accounting system or method of cost finding and the determining of the lowest reasonable cost of any product when an emergency exists in the Industry.
8. An Amendment regarding goods shipped on memorandum.
9. An Amendment regarding the allowances permitted on returned goods.
10. An amendment providing for the use of confirmatory signed contracts.
11. An Amendment regarding the established terms for employers engaged in the selling of Broad Goods, Hat Bands, Special Fabrics, Ribbons and Tie Fabrics.
12. An Amendment regarding false advertising.
13. An Amendment providing for the registration and installation of productive machinery.
14. An Amendment regarding the terms of sale of Tie Fabrics.

15. An Amendment regarding the terms of sale on thrown yarns.
 16. An Amendment regarding terms of sale on linings to retail and wholesale furriers.

FINDINGS

The Deputy Administrator in his final report to me on said amendments to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The amendments to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving the standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid Amendments on behalf of the Industry as a whole.

(d) The amendments and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendments and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendments.

For these reasons these amendments have been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 17, 1934.

MODIFICATION OF CODE OF FAIR COMPETITION FOR THE SILK TEXTILE INDUSTRY

Article I, Section 5, is hereby amended to read as follows:

5. The term "productive machinery" as used herein means all looms, winders, warpers, coppers, or quillers, dressing frames for the spun silk industry, spooling, coning, balling, tubing and skeining for the sewing thread and floss industry.¹

Article III is hereby amended by adding a new section, number 6, to read as follows:

6. "Outside Crews" is understood to mean yard-men, gate-men and men doing work on mill premises in the capacity of laborers. This classification shall not include truck drivers. The hours for outside crews shall be limited to forty (40) hours per week, with a tolerance of 10%. Overtime above forty (40) hours shall be paid at the rate of time and one-third. Any emergency time in any establishment shall be reported monthly through the National Federation of Textiles, Inc., to the Code Authority on the forms prescribed by it.

Article VI, Section 1, is hereby amended to read as follows:

1. To effectuate further the policies of the Act, a General Planning Committee, to be known as the Code Authority, is hereby designated to cooperate with the Administrator as a Planning and Fair Practice Agency for the Industry. The Code Authority shall consist of fifteen representatives of the Industry (or such other number as may be subsequently recommended by the Code Authority and approved by the Administrator), elected by the members of the Association and such other employers as bear their proportionate cost of the administration of this Code. This Code Authority shall be chosen by a fair method of selection, approved by the Administrator, and shall have in addition not more than three members without vote appointed by the Administrator. Such agency may from time to time present to the Administrator recommendations, based on conditions in the Industry as they may develop, which will tend to effectuate the operations of the provisions of this Code and the policy of the Act. Such recommendations, when approved by the Administrator, shall have the same force and effect as any other provisions of this Code.

Article VI, Section 4, is hereby amended to read as follows:

4. (A) In order to effectuate the policy of the Act and to maintain the standards of fair competition established hereunder, the Code Authority is authorized:

(1) To incur such reasonable obligations out of funds which shall be held in trust for the purposes of the Code and raised as hereinafter provided;

¹ See paragraph 2 of order approving this Amendment.

(2) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary;

(a) An itemized budget of its estimated expenses for the foregoing purpose, and together with an itemized account of disbursements to date, covering the formulation and administration of the Code.

(b) Upon approval of such budget and disbursements the Code Authority is authorized, subject to the approval of the Administration, to collect from each employer an assessment based on the percentage of the net volume of business done by each such employer during such annual or semi-annual period as it may determine and during the operation of this Code to make such further assessments or reductions in assessments as may be found necessary upon approval by the Administrator.

(3) To institute legal proceedings to collect such assessments in its own name or in such name as may be necessary to comply with the practice of the court in which such proceedings are instituted.

(B) Each employer shall pay such assessments as hereinabove provided.

(C) No employer failing to pay assessments as above required shall participate in the selection of the Members of the Code Authority or receive the benefits of its voluntary activities or make any use of any N. R. A. insignia.²

Article VI is hereby amended by the addition of a new section, number 5, to read as follows:

5. It shall be the duty of the Code Authority for this Industry to designate representatives to act on a joint committee with representatives of any other Code Authority of a related industry, having reciprocal provisions in its Code of Fair Competition to consider questions regarded by either Code Authority as of common concern with reference to the effectuation of the policies of the Act including questions as to whether the operation of a given concern comes within the jurisdiction of one or more of the respective Codes of Fair Competition and to take such action as they may jointly agree to be appropriate subject to the approval of the Administrator.

Article VII is hereby amended to read as follows:

To obtain from members of the Industry such information and reports as are required for the administration of the Code. In addition to information required to be submitted to the Code Authority, members of the Industry subject to this Code shall furnish such statistical information as the Administrator may deem necessary for the purpose recited in Section 3 (a) of the Act to such Federal and State agencies as he may designate; provided that nothing in this Code shall relieve any member of the Industry of any existing obligations to furnish reports to any Government agency. No individual report shall be disclosed to any other member of the Industry or any other party except to such other Governmental agencies as may be directed by the Administrator.

Each employer shall afford to an impartial agency approved by the Code Authority and such employer access to the books, records and contracts relative to compliance with the terms of this Code to the extent permitted by the Act and such rules and regulations as may be approved by the Code Authority.

² See paragraph 2 of order approving this Amendment.

Article VIII, Section 2, is hereby amended to read as follows:

SECTION 2 (a). The standards of fair competition for the Industry with reference to pricing practices are declared to be as follows:

(1) Wilfully destructive price cutting is an unfair method of competition and is forbidden. Any member of the industry or of any other industry or the customers of either may at any time complain to the Code Authority that any filed price constitutes unfair competition as destructive price cutting, imperiling small enterprise or tending toward monopoly or the impairment of code wages and working conditions. The Code Authority shall within 5 days afford an opportunity to the member filing the price to answer such complaint and shall within 14 days make a ruling or adjustment thereon. If such ruling is not concurred in by either party to the complaint, all papers shall be referred to the Research and Planning Division of N.R.A. which shall render a report and recommendation thereon to the Administrator.

(2) When no declared emergency exists as to any given product, there is to be no fixed minimum basis for prices. It is intended that sound cost estimating methods should be used and that consideration should be given to costs in the determination of pricing policies.

(3) When an emergency exists as to any given product, sale below the stated minimum price of such product, in violation of Section 2(b) hereof, is forbidden.

SECTION 2(b). *Emergency Provisions.*—

(1) If the Administrator, after investigation shall at any time find both (1) that an emergency has arisen within the industry adversely affecting small enterprises or wages or labor conditions, or tending toward monopoly or other acute conditions which tend to defeat the purposes of the Act; and (2) that the determination of the stated minimum price for a specified product within the industry for a limited period is necessary to mitigate the conditions constituting such emergency and to effectuate the purposes of the Act, the Code Authority may cause an impartial agency to investigate costs and to recommend to the Administrator a determination of the stated minimum price of the product affected by the emergency and thereupon the Administrator may proceed to determine such stated minimum price.

(2) When the Administrator shall have determined such stated minimum price for a specified product for a stated period, which price shall be reasonably calculated to mitigate the conditions of such emergency and to effectuate the purpose of the National Industrial Recovery Act, he shall publish such price. Thereafter, during such stated period, no member of the Industry shall sell such specified products at a net realized price below said stated minimum price and any such sale shall be deemed destructive price cutting. From time to time, the Code Authority may recommend review or reconsideration or the Administrator may cause any determinations hereunder to be reviewed or reconsidered and appropriate action taken.

SECTION 2(c). *Cost Finding.*—The Code Authority shall cause to be formulated methods of cost finding and accounting capable of use by all members of the Industry, and shall submit such methods

to the Administrator for review. If approved by the Administrator, full information concerning such methods shall be made available to all members of the Industry. Thereafter, each member of the Industry shall utilize such methods to the extent found practicable. Nothing herein contained shall be construed to permit the Code Authority, any agent thereof, or any member of the Industry to suggest uniform additions, percentages or differentials or other uniform items of cost which are designed to bring about arbitrary uniformity of costs or prices.

Article VIII, Section 3, is hereby amended to read as follows:

3. Where goods are shipped on memorandum, every person engaged in the Industry shall bill them as of the date of shipment, unless the goods are returned within ten days after their receipt.

Article VIII, Section 4, is hereby amended to read as follows:

4. All allowances of claims or returns of goods shall conform to the provisions of this section, except as otherwise expressly provided by Article XI in respect to any specific branch of the Industry.

No allowances on or returns of finished goods shall be permitted by any employer unless the claim has been made in writing within ten days after receipt thereof, provided, however, that claims based on defects not discernible by reasonable inspection at time of delivery shall be made immediately on discovery, but, in no event, more than 60 days after receipt.

No allowances shall be made after such goods have been cut.

Article VIII, Section 6, is hereby amended to read as follows:

6. Every employer shall require confirmatory signed contracts, in the form prescribed by the Code Authority, with the approval of the Administrator, for all sales and processing transactions, except in the case of spun silk, sewing silk and thrown silk transactions, where such contracts shall be required only for transactions in excess of \$300.00. In any case which requires that goods must be shipped prior to the receipt of a confirmatory signed contract, persons engaged in the Industry must, on shipment of such merchandise, mail to the main office of the purchaser, a notice in the form:

**NOTICE TO BE MAILED WITH INVOICE FOR ALL GOODS WHERE NO CONTRACT
HAS BEEN SIGNED PRIOR TO SHIPMENT**

These goods are shipped subject to the Code of Fair Competition of the Silk Textile Industry, and they are delivered to you in response to your telegraphic, telephonic, or mail order, subject to the terms and conditions prescribed in the Uniform Sales Contract, a copy of which is printed on the back of this notice.

If you do not agree to abide by these conditions do not accept these goods, as your acceptance and retention for a period of twenty-four hours is an agreement on your part to be bound by the terms of the Uniform Sales Contract.

Article VIII is hereby amended by adding a new section, number 8, to read as follows:

8. Every employer engaged in selling Broad Goods, Hat Bands, Special Fabrics, Ribbons and Tie Fabrics shall observe the following shipment terms:

(a) All shipments of dyed and finished merchandise shall be f.o.b. point of shipment except that deliveries in the City of New York may be free of charges for trucking, freight or express. On deliveries from sales offices and stock rooms outside of New York City, standard freight charges from the mill to sales office and stock room, shall be added to the invoice.

(b) All shipments of Raw Goods shall be shipped f.o.b. mill.

All reference to shipping points contained in the terms of the various divisions shall be deleted.

Article VIII is hereby amended by the addition of a new section, number 9, to read as follows:

9. No employer shall use advertising, whether printed, radio or display, or of any other kind, and/or labeling and/or selling methods, which tend to deceive or mislead the purchaser or consumer.

The Code Authority may, subject to the approval of the Administrator, issue definitions and standards for accurate advertising and labeling of the various products of the Industry, which upon approval of the Administrator, shall be used by all employers.

Article VIII is hereby amended by the addition of a new section, number 10, to read as follows:

10. Every employer shall register with the Code Authority on its request, an inventory of his productive machinery in operation, in place, in storage, or under contract, in such form as to detail and certification as may be required by said Committee.

Two weeks after the effective date of this amendment, no employer now engaged in the Industry shall install or operate any productive machinery not operated in the Industry, or in operating condition at that time, except for the replacement of productive machinery of substantially the same capacity, without first securing from the Administrator a certificate that such installation will be consistent with effectuating the policy of the Industrial Recovery Act, and no application shall be made or granted for any such certificate without first submitting it to the Code Authority for its recommendation.

Nothing contained in this paragraph shall be construed to prevent the sale of existing machinery heretofore in operation by one employer to another, all such sales to be reported to the Code Authority.

Article XI, Tie Fabrics, is hereby amended to read as follows:

TIE FABRICS

6/10/60 e.o.m. on all goods sold to the men's neckwear trade. Anticipation at the rate of 6% per annum. Interest shall be paid on deferred deliveries at the rate of 6% per annum. Not more than sixty days shall elapse between delivery of samples and delivery of merchandise. No order for sample lengths shall be taken nor sample lengths delivered or loaned without orders for goods for later delivery. No extra dating shall be given on samples. No member of the Tie silk Industry shall ship merchandise on consignment or memorandum except to his duly accredited agent.

Article XI, Thrown Yarns, is hereby amended to read as follows:

THROWN YARNS

All transactions between buyer and seller shall be confirmed by signed contracts and subject to the following terms, only on thrown silk yarns and combination yarns containing silk; To Hosiery Manufacturers, 1/10 e.o.m., net 60 days' trade acceptance from date of shipment; to Weavers, 10 days, 1% net 60 days' trade acceptance

from date of shipment. Interest shall be paid on deferred deliveries at the rate of 6% per annum.

The terms of sale on dyed and/or converted and/or novelty twist yarns made of rayon and/or other synthetic fibres shall be those provided in the Code of Fair Competition for the Textile Processing Industry.

Article XI is hereby amended by the addition of a new provision to read as follows:

LININGS TO FURRIERS

Shipments to retail furriers in February, March, April, May, June and July shall bear maximum terms of either 6/10 October 1st or 5/10 November 1st. No optional terms to be given. Goods shipped in August and September shall bear maximum terms of 6/10 December 1st. Goods shipped in October, November, December and January shall bear maximum terms of 6/10/60.

Shipments to wholesale furriers or fur coat lining jobbers in February, March, April, May, June, July, August and September shall bear maximum terms of 6/10/4 months. Goods shipped in October, November, December and January shall bear maximum terms of 6/10/60.

E.o.m. terms may be given on above shipments to wholesalers or fur coat lining jobbers.

Shipments on memorandum, which are subsequently invoiced regularly, shall be billed as of the date of shipment on memorandum.

No tender of return shall be accepted after thirty days of receipt of merchandise. No anticipation is to be allowed that will bring the total discount above 8 per cent.

Terms and dating must appear on all invoices.

Approved Code No. 48—Amendment No. 1.
Registry No. 263-01.

Approved Code No. 458—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION
FOR THE
WHOLESALE CONFECTIONERS' INDUSTRY

As Approved on July 17, 1934

ORDER

**MODIFICATION OF CODE OF FAIR COMPETITION FOR THE WHOLESALE
CONFECTIONERS' INDUSTRY**

WHEREAS, in the Order dated June 6, 1934 approving Code of Fair Competition for the Wholesale Confectioners Industry the following stay as to the provisions of Article VII, Section 1 was set forth:

“Provided, however, that the provisions of Article VII, Section 1, insofar as they prescribe a waiting period between the filing with the Code Authority (i.e., actual receipt by the Code Authority) and the effective date of revised price lists or revised terms and conditions of sale be and they are hereby stayed pending my further order.”

AND WHEREAS, it was intended that said stay should apply to the waiting period between the filing with the Code Authority (i.e., actual receipt by the Code Authority) and the effective date of price lists and revised price lists, and revised terms and conditions of sale in both Sections 1 and 2 of Article VII.

NOW, THEREFORE, pursuant to authority vested in me, it is hereby ordered that the Order approving the Code of Fair Competition for the Wholesale Confectioners Industry dated June 6, 1934, be modified and amended to read as follows:

“NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Order of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved; provided, however, that the provisions of Article VII, Section 1 insofar as they prescribe a waiting period between the filing with the Code Authority (i.e., actual receipt by the Code Authority) and the effective date of price list be and they are hereby stayed pending my further

order, and provided further that the provisions of Article VII, Section 2, insofar as they prescribe a waiting period between the filing with the Code Authority (i.e., actual receipt by the Code Authority) and the effective date of revised price lists or revised terms and conditions of sale, be and they are hereby stayed pending my further order and provide that the provisions of Article VIII, Rule 17 which prohibit premiums, be and they are hereby stayed pending my further order, and provided further that the provisions of Article VIII, Rule 21 shall not become effective and they are hereby stayed for a period of ten (10) days in order to afford consideration of the objections of any interested parties, and at the expiration of which period the provisions of said Article VIII, Rule 21, shall become effective unless I shall by my further order otherwise determine or extend such stay; and, provided further, that the provisions of Article III, Section 2, are hereby stayed pending my further order."

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

ARMIN W. RILEY,
Division Administrator.

WASHINGTON, D.C.,
July 17, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the modification and amendment of the Order of Approval of the Code of Fair Competition for the Wholesale Confectioners' Industry approved June 6, 1934.

It was intended in the Order of Approval to stay the provisions of Article VII which prescribe a five day waiting period between the original filing of price lists with the Code Authority, and the effective date; and a five day waiting period between the filing of revised price lists and the effective date.

Inadvertently the stay was not applied to Section 2 of Article VII which prescribes a waiting period in the filing of revised price lists. To correct this error and thus properly fulfill the original intention in the Order of Approval, I have approved this Order modifying and amending the Order of Approval.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 17, 1934.

Approved Code No. 458—Amendment No. 1.
Registry No. 114-04.

Approved Code No. 96—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

BUFF AND POLISHING WHEEL INDUSTRY

As Approved on July 18, 1934

ORDER

APPROVING MODIFICATION OF CODE OF FAIR COMPETITION FOR THE
BUFF AND POLISHING WHEEL INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a modification to a Code of Fair Competition for the Buff and Polishing Wheel Industry, and Notice of Opportunity to Be Heard having been given and the annexed report on said modification, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order 6543-A, dated December 30, 1933, and otherwise, do hereby incorporate by reference, said annexed report and do find that said modification and the Code as constituted after being modified comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said modification be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as modified, such approval and such modification to take effect ten (10) days from the date hereof, unless good cause to the contrary is shown to the Administrator before that time and the Administrator issues a subsequent order to that effect.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 18, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Modification of the Code of Fair Competition for the Buff and Polishing Wheel Industry to include Executive Order 6678 of April 14, 1934, relating to collection of expenses of code administration. This Modification was proposed in accordance with Article X of the Code, approved November 4, 1933 and Notice of Opportunity to File Objections was given from May 9 to May 23, 1934.

FINDINGS

The Deputy Administrator in his final report to me on said Modification of said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The modification of said Code and the Code as modified are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as modified complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The modification and the Code as modified are not designed to and will not permit monopolies or monopolistic practices.

(d) The modification and the Code as modified are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said modification.

For these reasons, these Modifications have been approved by me, subject, however, to a ten day waiting period as provided in the Order of approval.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 18, 1934.

MODIFICATION TO CODE OF FAIR COMPETITION FOR THE BUFF AND POLISHING WHEEL INDUSTRY

PURPOSE

Pursuant to Article X of the Code of Fair Competition for the Buff and Polishing Wheel Industry, duly approved by the Administrator on November 3, 1933, and further to effectuate the policies of Title I of the National Industrial Recovery Act, the following modification is established as a part of said Code of Fair Competition and shall be binding upon every member of the Buff and Polishing Wheel Industry.

MODIFICATION

Modify Article VI by deleting Section 1 (b), and substituting in lieu thereof the following:

“(b) (1) It being found necessary in order to support the administration of this code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

“a. To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code:

“b. To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry:

“c. After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

“(2) Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry complying with the code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

“(3) The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.”

Approved Code No. 75—Amendment No. 2

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

CANNING AND PACKING MACHINERY AND
EQUIPMENT INDUSTRY

As Approved on July 18, 1934

ORDER

APPROVING MODIFICATION OF CODE OF FAIR COMPETITION FOR THE
CANNING AND PACKING MACHINERY AND EQUIPMENT INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a modification to the Code of Fair Competition for the Canning and Packing Machinery and Equipment Industry, and notice of opportunity to file objections having been given and the annexed report on said modification, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise, do hereby incorporate, by reference, said annexed report and do find that said modification and the Code as constituted after being modified comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said modification be and it is hereby approved, and that previous approval of said Code is hereby modified to include an approval of said Code in its entirety as modified.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 18, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Modification of the Code of Fair Competition for the Canning and Packing Machinery and Equipment Industry to include Executive Order No. 6678 of April 14, 1934 relating to collection of expenses of code administration.

This Modification was proposed in accordance with Article XIV of the Code approved October 31, 1933. Opportunity to File Objections was given from May 26, 1934 to June 12, 1934, by notice duly published. No objection has been filed against the proposed Modification of the Code.

FINDINGS

The Deputy Administrator in his final report to me on said Modification of said Code having found as herein set forth and on the basis of all the proceedings in this matter;

I find that:

(a) The Modification of said Code and the Code as modified are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, and improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as modified complies in all respects with the pertinent provisions of said Title of said Act, including without limitation subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid Modification on behalf of the Industry as a whole.

(d) The Modification and the Code as modified are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Modification.

For these reasons, this Modification has been approved by me.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 18, 1934.

MODIFICATION TO CODE OF FAIR COMPETITION FOR THE CANNING AND PACKING MACHINERY AND EQUIPMENT INDUSTRY

PURPOSE

Pursuant to Article XIV of the Code of Fair Competition for the Canning and Packing Machinery and Equipment Industry, duly approved by the President on October 31, 1933, and further to effectuate the policies of Title I of the National Industrial Recovery Act, the following Modification is established as a part of said Code of Fair Competition and shall be binding upon every member of the Canning and Packing Machinery and Equipment Industry.

AMENDMENT No. 2

ARTICLE VII—ADMINISTRATION

Article VII, Section (f) modified to read as follows:

“(f) 1. It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary:

(1) An itemized budget of its estimated expenses for the foregoing purposes, and

(2) An equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry;

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

2. Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities

or to make use of any emblem or insignia of the National Recovery Administration.

3. The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget which shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved."

Approved Code No. 75—Amendment No. 2.
Registry No. 1399-35.

Approved Code No. 347 I—Amendment No. 1

**AMENDMENT TO SUPPLEMENTARY CODE OF FAIR
COMPETITION**

FOR THE

**DIAMOND CORE DRILL MANUFACTURING
INDUSTRY**

As Approved on July 18, 1934

ORDER

APPROVING AMENDMENT OF SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE DIAMOND CORE DRILL MANUFACTURING INDUSTRY

A DIVISION OF THE MACHINERY AND ALLIED PRODUCTS INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to the Supplemental Code of Fair Competition for the Diamond Core Drill Manufacturing Subdivision of Machinery and Allied Products Industry, and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order 6543-A, dated December 30, 1933, and otherwise, do hereby incorporate by reference said annexed report and do find that the said amendment and the Supplemental Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Supplemental Code is hereby modified to include an approval of said Supplemental Code in its entirety as amended, such approval and such amendment to take effect fifteen (15) days from the date hereof, unless good cause to the contrary is shown to the Administrator before that time and the Administrator issues a subsequent order to that effect.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 18, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,

The White House.

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act for an amendment of Article V of the Supplemental Code of Fair Competition for the Diamond Core Drill Manufacturing Subdivision of Machinery and Allied Products Industry, by the temporary Code Authority of that Subdivision.

The Code of Fair Competition for the Machinery and Allied Products Industry provides in Article VI, Section (g) as follows:

“A Code Authority is hereby constituted for each Subdivision to administer, supervise and facilitate the enforcement of this Basic Code in the manner and to the extent hereinafter provided in this Article, and of such Supplemental Code as may be submitted hereafter by a Subdivision and approved by the Administrator.

“During the period not to exceed sixty (60) days following the effective date of this Code, the governing body of the trade association (member of the applicant) representing the employers within the Subdivision, shall constitute a temporary Code Authority. The Administrator, in his discretion, may appoint one additional member (without vote and without expense to the industry).

“Within said sixty (60) day period each such temporary Code Authority shall call a meeting, to which all known members in the particular Subdivision concerned shall be invited, at which meeting the following action shall be taken:

“(1) Adoption of procedural rules and regulations for the election, organization and operation of a permanent Code Authority.

“(2) Election of permanent Code Authority.

“Each permanent Code Authority shall consist of not less than three (3) nor more than nine (9) representatives of employers in the Subdivision. The Administrator in his discretion may appoint one additional member (without vote and without expense to the Subdivision).

“Each such Code Authority may adopt such rules for the conduct of the Code activities of the Subdivision as are not inconsistent with the provisions of this Code.

“Action by employers in any Subdivision meeting for the election of Code Authority shall be by vote of the employers entitled to vote as provided in Section (d) hereof, each such employer to have one vote only. Action by employers in any Subdivision meeting for the adoption of procedural rules, submission of a Supplemental Code or revisions or additions thereto, or the transaction of other business in such Subdivision under this Code, shall be by vote of the employers in such Subdivision who are entitled to vote thereat as provided

in Section (d) hereof and are present in person or by proxy duly executed and filed with Code Authority of such Subdivision, cast and computed in the manner provided in Section (d) hereof for voting in the Industry, except that employers in any Subdivision may prescribe such other method of voting as they may determine upon with the approval of the Administrator.

“The foregoing provisions of this Section (g) shall apply to any Subdivision only in the event and so long as there shall be no Supplemental Code for such Subdivision approved by the Administrator or in the event that such approved Supplemental Code shall fail to contain provisions for the creation and operation of a permanent Code Authority.”

A Code Authority for the Diamond Core Drill Manufacturing Subdivision of Machinery and Allied Products Industry was elected in accordance with the Basic Code of Machinery and Allied Products Industry as outlined above, before the Supplemental Code for this Subdivision was approved. Since the Supplemental Code for this Subdivision, approved May 31, 1934, does not contain provisions for recognizing the Code Authority elected in accordance with the provisions of the Basic Code, an application has been made by the temporary Code Authority for this Subdivision for an amendment to said Supplemental Code, which, when approved, will legalize the first permanent Code Authority elected as shown above. For elections after the first, the provisions of this Supplemental Code for the election of a permanent Code Authority shall apply.

The Assistant Deputy Administrator in his final report to me on said amendment to said Supplemental Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The amendment to said Supplemental Code and the Supplemental Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Supplemental Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Diamond Core Drill Manufacturers Association was and is a trade association truly representative of the aforesaid Subdivision and that said association imposed and imposes no inequitable

restrictions on admission to membership therein and has applied for or consents to this amendment.

(d) The amendment and the Supplemental Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Supplemental Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, therefore, I have approved this amendment to become effective fifteen (15) days from the date of the Order unless good cause to the contrary is shown to me before that time and I issue a subsequent order to that effect.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 18, 1934.

AMENDMENT TO SUPPLEMENTARY CODE OF FAIR
COMPETITION FOR THE DIAMOND CORE DRILL MAN-
UFACTURING INDUSTRY

A DIVISION OF MACHINERY AND ALLIED PRODUCTS INDUSTRY

(a) Change caption of Article V, Section (c) to read Article V, Section (c) 1, and insert the following as subsection 1:

“This Subdivision having held an election for a permanent Code Authority under the provisions of the Code of Fair Competition for the Machinery and Allied Products Industry, the Code Authority so elected shall constitute the first permanent Code Authority for this Subdivision, if this election meets with the approval of the Administrator. If this election does not meet with the approval of the Administrator, then the provisions hereinbelow provided, shall apply for the election of the first permanent Code Authority. For elections after the first, the provisions of this Supplemental Code for election of a permanent Code Authority shall apply.”

(b) The present Article V, Section (c), to become Article V, Section (c), Subsection 2.

Approved Code No. 347 I—Amendment No. 1.
Registry No. 1321-01.

Approved Code No. 161—Amendment No. 2

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

FUR DRESSING AND FUR DYEING INDUSTRY

As Approved on July 18, 1934

ORDER

APPROVING MODIFICATION TO CODE OF FAIR COMPETITION FOR THE FUR
DRESSING AND FUR DYEING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of modifications to the Code of Fair Competition for the Fur Dressing and Fur Dyeing Industry, and hearing having been duly held thereon and the annexed report on said modification, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and further pursuant to the provisions of Administrative Order No. 161-16, dated June 30, 1934, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said modification and the Code as constituted after being modified comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said modification be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as modified.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

GEO. L. BERRY,
Division Administrator.

WASHINGTON, D.C.,
July 18, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the modification to the Code of Fair Competition for the Fur Dressing and Fur Dyeing Industry, on which a public hearing was held on April 27, 1934.

This modification provides that no member of this industry will perform services for a member of another industry or trade unless such member displays the Blue Eagle. This is a distinct aid to the Administration and enforcement of both this code and other related codes.

The Deputy Administrator in his final report to me on said modification of said code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The modification of said code and the code as modified are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of trade for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The code as modified complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The modification and the Code as modified are not designed to and will not permit monopolies or monopolistic practices.

(d) The modification and the code as modified are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said modification.

For these reasons this modification has been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 18, 1934.

MODIFICATION TO CODE OF FAIR COMPETITION FOR THE FUR DRESSING AND FUR DYEING INDUSTRY

A new section to be known as Section 2, of Article IX:

(a) No member of this industry shall dress, dye or otherwise process fur skins for any member of another industry or trade operating under a code of fair competition which requires such member to operate under or stamp his goods with an N.R.A. insignia, label, or registry number unless the member of such other industry or trade represents that he is in full compliance with the approved code of fair competition, agreement, or license applicable to the member of such other industry or trade and unless the member of such other industry or trade is duly authorized to use the N.R.A. insignia, or label, or registry number provided for in such code of fair competition.

(b) Delivery of a certificate by the member of such other industry or trade that he, or it, is complying with the code, agreement, or license applicable to such member; the display by such member of the N.R.A. insignia, label, or registry number; the publication in a newspaper or periodical of general circulation of such certificate of compliance or N.R.A. insignia, label, or registry number, shall constitute a good and sufficient representation that such member is complying with the Code of Fair Competition for such other industry or trade.

(c) Upon application, or upon his own motion, the Administrator may grant exceptions or exemptions from the provisions hereof if it shall appear:

(1) That the member of such industry or trade is not subject to a code of fair competition, agreement, or license approved under the Act; or

(2) That compliance herewith would create undue hardship or would not tend to effectuate the purposes of this Code or the policy of the Act.

(d) No member of the industry shall make or cause to be presented or published any such representation which shall be false in any material particular.

Approved Code No. 161—Amendment No. 2.
Registry No. 911-28.

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

RETAIL LUMBER, LUMBER PRODUCTS, BUILDING
MATERIALS AND BUILDING SPECIALTIES
TRADE

As Approved on July 18, 1934

ORDER

APPROVING AMENDMENT TO CODE OF FAIR COMPETITION FOR THE
RETAIL LUMBER, LUMBER PRODUCTS, BUILDING MATERIALS AND
BUILDING SPECIALTIES TRADE

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to the Code of Fair Competition for the Retail Lumber, Lumber Products, Building Materials and Building Specialties Trade, an opportunity to be heard thereon having been duly afforded to all interested parties, and any objections filed having been duly considered, and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order number 6543-A, dated December 30, 1933, and otherwise, do hereby incorporate by reference, said annexed report, and do find that said amendment and the Code as constituted after being amended, comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety, as amended.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 18, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act, for an amendment to the Code of Fair Competition for the Retail Lumber, Lumber Products, Building Materials and Building Specialties Trade, submitted by the Code Authority of the Code of Fair Competition for the Retail Lumber, Lumber Products, Building Materials and Building Specialties Trade.

The purpose and effect of the amendment are to authorize the Code Authority to submit a budget and method of assessment upon which funds shall be contributed by members of the Trade.

FINDINGS

The Deputy Administrator in his final report to me on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of the industries, by avoiding undue restrictions of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Amendment.

For these reasons, therefore, I have approved this Amendment.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 18, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE RETAIL LUMBER, LUMBER PRODUCTS, BUILD- ING MATERIALS AND BUILDING SPECIALTIES TRADE

Strike out paragraphs 4 and 5 of Section 7 of Article VII, and substitute therefor the following:

1. It being found necessary, in order to support the administration of this Code and to maintain the standards of fair competition established by this Code and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code.

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary, (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Trade;

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the Trade, and to that end, if necessary, to institute legal proceedings therefor in its own name;

(d) Each member of the Trade shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Trade complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

2. The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

Approved Code No. 33—Amendment No. 2.
Registry No. 313-04.

Approved Code No. 321—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION
FOR THE
ROCK AND SLAG WOOL MANUFACTURING
INDUSTRY

As Approved on July 18, 1934

ORDER

APPROVING AMENDMENT TO CODE OF FAIR COMPETITION FOR THE ROCK
AND SLAG WOOL MANUFACTURING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Rock and Slag Wool Manufacturing Industry, and hearings having been duly held thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 18, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on an amendment of Section 2 (c) of Article VI of the approved Code of Fair Competition for the Rock and Slag Wool Manufacturing Industry. This Code was approved by me on March 6, 1934.

Pursuant to Executive Order No. 6678, dated April 14, 1934, the Code Authority for the Rock and Slag Wool Manufacturing Industry, in accordance with Section 2 (f) of Article VI of said Code, having found it necessary in order to support the administration of this Code and to maintain standards of fair competition, established by this Code, and to effectuate the policies of the Act, has made application for an amendment of said Code in order to provide for a method of assessment and a budget to support the expense of the administration of this Code.

FINDINGS

The Deputy Administrator in his final report to me on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the Industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, therefore, I have approved this amendment.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 18, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE ROCK AND SLAG WOOL MANUFACTURING INDUSTRY

AMENDMENT I

Amend Article VI by striking out Section 2 (c) and inserting in lieu thereof the following:

It being found necessary in order to support the administration of this code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(1) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code.

(2) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry.

(3) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the industry; and to that end, if necessary, to institute legal proceedings therefor in its own name.

Each member of the industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator first obtained; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

Approved Code No. 321—Amendment No. 1.
Registry No. 1630-07.

Approved Code No. 397—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

SPRAY PAINTING AND FINISHING EQUIPMENT
MANUFACTURING INDUSTRY

As Approved on July 18, 1934

ORDER

APPROVING AMENDMENT TO CODE OF FAIR COMPETITION FOR THE
SPRAY PAINTING AND FINISHING EQUIPMENT MANUFACTURING
INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Spray Painting and Finishing Equipment Manufacturing Industry, and as contained in a published Notice of Opportunity to File Objections, Administrative Order No. 397-2, dated June 20, 1934, and no objections having been filed as provided in said Published Notice, and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President,

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order 6543-A, dated December 30, 1933, and otherwise, do hereby incorporate, by reference, said annexed report and do find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended, such approval and such amendment to take effect ten (10) days from the date hereof, unless good cause to the contrary is shown to me before that time and I issue a subsequent order to that effect.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 18, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act, for an Amendment to the Code of Fair Competition for the Spray Painting and Finishing Equipment Manufacturing Industry, and submitted by the Code Authority for the said Industry.

The existing provisions of Article VI, Section 1 (b) of the Code for said Industry, are entirely inadequate in view of Executive Order 6678 and Administrative Order X-36, and it is therefore evident that the proposed amendment to Article VI of said Code, the provisions of which follow closely the text of the above mentioned Orders, authorizing the Code Authority to submit an itemized budget and a basis of contribution for my approval, and thereafter to determine and obtain equitable contributions thereunder from all members of the Industry for the support of its activities will overcome the existing inadequate provisions.

FINDINGS

The Deputy Administrator in his final report to me on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restrictions of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof.

(c) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, therefore, I have approved this amendment, such approval and such amendment to take effect in ten (10) days, unless good cause to the contrary is shown to me before that time and I issue a subsequent order to that effect.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 18, 1934.

MODIFICATION TO CODE OF FAIR COMPETITION FOR THE SPRAY PAINTING AND FINISHING EQUIPMENT MANUFACTURING INDUSTRY

PURPOSE

Pursuant to Article VI of the Code of Fair Competition for the Spray Painting and Finishing Equipment Manufacturing Industry, duly approved by the Administrator on April 19, 1934, and further to effectuate the policies of Title I of the National Industrial Recovery Act, the following modification is established as a part of said Code of Fair Competition and shall be binding upon every member of the Spray Painting and Finishing Equipment Manufacturing Industry.

MODIFICATION

Modify Article VI by deleting Section 1 (b), and substituting in lieu thereof the following:

(b) 1. It being found necessary in order to support the Administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized, subject to the approval of the Administrator:

2. To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code.

3. To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary, (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry.

4. After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all such members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

5. Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry complying with the Code and contributing to the expenses of its administration as provided above shall be entitled to participate in the selection of the members of the Code Authority or to receive the benefits of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

6. The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

Approved Code No. 397—Amendment No. 1.
Registry No. 1341-02.

Approved Code No. 244D—Amendment No. 1

AMENDMENT TO SUPPLEMENTARY CODE OF
FAIR COMPETITION

FOR THE

CEMENT GUN CONTRACTORS' INDUSTRY

As Approved on July 19, 1934

ORDER

APPROVING MODIFICATION OF SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE CEMENT GUN CONTRACTORS' INDUSTRY

A DIVISION OF THE CONSTRUCTION INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a modification to a Supplementary Code of Fair Competition for the Cement Gun Contractors' Division of the Construction Industry, and due notice and opportunity to be heard having been given thereon and the annexed report on said modification, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said modification and the Code as constituted after being modified comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said modification be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as modified.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

GEO. L. BERRY,
Division Administrator.

WASHINGTON, D.C.,
July 19, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on a modification of the Supplementary Code of Fair Competition for the Cement Gun Contractors' Division of the Construction Industry which was approved by you on March 21, 1934.

The effect of this amendment will enable the Code Authority to submit a budget and basis of assessment and give it the power to institute legal proceedings, if necessary, for the collection of said assessments.

The Deputy Administrator in his final report to me on said modification of said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The modification of said Code and the Code as modified are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as modified complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The modification and the Code as modified are not designed to and will not permit monopolies or monopolistic practices.

(d) The modification and the Code as modified are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said modification.

For these reasons this modification has been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 19, 1934.

AMENDMENT TO SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE CEMENT GUN CONTRACTORS' INDUSTRY

A DIVISION OF THE CONSTRUCTION INDUSTRY

Modify Article III, Section 1, by deleting sub-section (h) and substituting in lieu thereof the following:

ARTICLE III—ADMINISTRATION

SECTION 2. It being found necessary, in order to support the Administration of this Chapter and to maintain the standards of fair competition established by this Code and to effectuate the policy of the Act, the Divisional Code Authority is authorized, subject to the approval of the Administrator:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Chapter.

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary, (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of this Division.

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and secure equitable contributions as above set forth by all such members of this Division, and to that end, if necessary, to institute legal proceedings therefor in its own name.

SECTION 3. Each member of this Division shall pay his or its equitable contribution to the expenses of the maintenance of the Divisional Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Division complying with the Code and contributing to the expenses of its administration as provided in Section 2 of this Article (unless duly exempted from making such contribution), shall be entitled to participate in the selection of the Members of the Divisional Code Authority or to receive the benefits of its activities or to use any emblem or insignia of the National Recovery Administration.

SECTION 4. The Divisional Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimate except those which the Administrator shall have so approved.

Approved Code No. 150—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION
FOR THE
ASPHALT AND MASTIC TILE INDUSTRY

As Approved on July 20, 1934

ORDER

APPROVING MODIFICATION OF CODE OF FAIR COMPETITION FOR THE
ASPHALT AND MASTIC TILE INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a modification to a Code of Fair Competition for the Asphalt and Mastic Tile Industry, an opportunity to be heard having been duly afforded all interested parties and the annexed report on said modification, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said modification and the Code as constituted after being modified comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said modification be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as modified.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 20, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: Under the Code of Fair Competition for the Asphalt and Mastic Tile Industry, as approved on December 7, 1933, the Code Authority has submitted a modification to Article VI, Section 1, paragraph g, designed to empower the Code Authority to collect assessments from all members of the Industry to provide for the expenses of administering the Code. Under this modification, payment of such assessments will not be mandatory until the Code Authority has submitted and has had approved by the Administrator, a budget and plan of assessment. A provision of the modification forbids the Code Authority from making expenditures in excess of their approved budget. These provisions replace the former provisions for supporting the Code Authority through voluntary payments.

FINDINGS

The Deputy Administrator in his final report to me on said modification to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The modification of said Code and the Code as modified are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as modified complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid modification on behalf of the Industry upon approval by a two-thirds vote of the Industry.

(d) The modification and the Code as modified are not designed to and will not permit monopolies or monopolistic practices.

(e) The modification and the Code as modified are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said modification.

For these reasons, therefore, I have approved this modification.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 20, 1934.

MODIFICATION TO CODE OF FAIR COMPETITION FOR THE ASPHALT AND MASTIC TILE INDUSTRY

Modify Article VI, Section 1, by deleting paragraph (g) and substituting in lieu thereof the following:

“g. (1) It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

“a. To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

“b. To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry.

“c. After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

“(2) Each member of the industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

“(3) The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

Approved Code No. 150—Amendment No. 1.
Registry No. 1003—03.

Approved Code No. 50—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION
FOR THE
AUTOMATIC SPRINKLER INDUSTRY

As Approved on July 20, 1934

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE
AUTOMATIC SPRINKLER INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Automatic Sprinkler Industry, and a Notice of Opportunity to be Heard having been duly given thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 20, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report of an amendment to the Code of Fair Competition for the Automatic Sprinkler Industry, in accordance with Administrative Order X-36, of May 26, 1934, relative to collection of Expenses of Code Administration.

This amendment is proposed as a substitution for Article VIII, of the Automatic Sprinkler Code, approved October 9, 1933, as it now reads. An opportunity to be heard has been accorded to all interested parties.

The Assistant Deputy Administrator in his final report to me on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the afore-said amendment on behalf of the industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

Said amendment is accordingly approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 20, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE AUTOMATIC SPRINKLER INDUSTRY

Strike out Article VIII as it now reads and substitute the following:

ARTICLE VIII

1. It being found necessary in order to support the administration of this code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by manufacturers;

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all manufacturers, and to that end, if necessary, to institute legal proceedings therefor in its own name.

2. Each manufacturer shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only the manufacturers complying with the code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of the members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

3. The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

Approved Code No. 50—Amendment No. 1.
Registry No. 1118-01.

Approved Code No. 358—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

CYLINDER MOULD AND DANDY ROLL INDUSTRY

As Approved on July 20, 1934

ORDER

APPROVING AMENDMENT TO CODE OF FAIR COMPETITION FOR THE
CYLINDER MOULD AND DANDY ROLL INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Cylinder Mould and Dandy Roll Industry, and as contained in a Published Notice of Opportunity to be Heard, Administrative Order No. 358-4, dated June 13, 1934, and no objections having been filed as provided in said Published Notice, and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President,

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order 6543-A, dated December 30, 1933, and otherwise, do hereby incorporate, by reference, said annexed report and do find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended, such approval and such amendment to take effect ten (10) days from the date hereof, unless good cause to the contrary is shown to the Administrator before that time and the Administrator issues a subsequent order to that effect.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended.

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 20, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act, for an Amendment to the Code of Fair Competition for the Cylinder Mould and Dandy Roll Industry, submitted by the Code Authority for the said Industry.

The existing provisions of Article VI, Section 2 of the Code for said Industry, are entirely inadequate in view of Executive Order 6678 and Administrative Order X-36, and it is therefore evident that the proposed amendment to Article VI of said Code, the provisions of which follow closely the text of the above mentioned Orders, will overcome the existing inadequate provisions.

FINDINGS

The Deputy Administrator in his final report to me on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of the industries, by avoiding undue restrictions of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof.

(c) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, therefore, I have approved this amendment, such approval and such amendment to take effect in ten (10) days unless good cause to the contrary is shown to me before that time and I issue a subsequent order to that effect.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 20, 1934.

MODIFICATION TO CODE OF FAIR COMPETITION FOR THE CYLINDER MOULD AND DANDY ROLL INDUSTRY

PURPOSE

Pursuant to Article VI of the Code of Fair Competition for the Cylinder Mould and Dandy Roll Industry, duly approved by the Administrator on March 23, 1934, and further to effectuate the policies of Title I of the National Industrial Act, the following modification is established as a part of said Code of Fair Competition and shall be binding upon every member of the Cylinder Mould and Dandy Roll Industry.

MODIFICATION

Modify Article VI, by deleting Section 2 and substituting in lieu thereof the following:

SECTION 2. (a) It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established by this Code and to effectuate the policy of the Act, the Code Authority is authorized, subject to the approval of the Administrator:

(1) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code.

(2) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary, (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry.

(3) After such budget and basis of contribution have been approved by the Administrator, to determine and secure equitable contribution as above set forth by all such members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(b) Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of the members of the Code Authority or to receive the benefits of its voluntary activities or

to make use of any emblem or insignia of the National Recovery Administration.

(c) The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

Approved Code No. 358, Amendment No. 1.
Registry No. 1399-44.

Approved Code No. 381—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

FUR DEALING TRADE

As Approved on July 20, 1934

ORDER

APPROVING MODIFICATION OF THE CODE OF FAIR COMPETITION FOR THE FUR DEALING TRADE

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of modifications to the Code of Fair Competition for the Fur Dealing Trade, and notice of opportunity to be heard having been afforded to all members of said Trade and the annexed report on said modification, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said modification and the Code as constituted after being modified comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said modification be and they are hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as modified.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

GEO. L. BERRY,
Division Administrator.

WASHINGTON, D.C.,
July 20, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the modification to the Code of Fair Competition for the Fur Dealing Trade, which has been submitted in accordance with Executive Order No. 6678.

This modification enables the Code Authority to incur such reasonable obligations as are necessary to support the administration of the code and to maintain the standards of fair competition established by this code. It also enables the Code Authority to submit an itemized budget, and an equitable basis upon which the funds necessary to support such budget shall be contributed by the members of the trade. Such contributions are made mandatory by this modification.

The Deputy Administrator in his final report to me on said modification of said code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The modification of said code and the code as modified are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of trade for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The code as modified complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The modification and the code as modified are not designed to and will not permit monopolies or monopolistic practices.

(d) The modification and the code as modified are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said modification.

For these reasons this modification has been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 20, 1934.

MODIFICATION TO CODE OF FAIR COMPETITION FOR THE FUR DEALING TRADE

The following shall be substituted for Section 9, Article VI, of the Code of Fair Competition for the Fur Dealing Trade.

1. It being found necessary to support the Administration of this Code, in order to effectuate the policy of the Act and to maintain the standards of fair competition established hereunder, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which shall be held in trust for the purposes of the Code and raised as hereinafter provided:

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary—

(1) An itemized budget of its estimated expenses for the foregoing purposes, and

(2) An equitable basis upon which the funds necessary to support such budget shall be contributed by all members of the Trade entitled to the benefits accruing from the maintenance of such standards, and the administration thereof;

(c) After such budget and basis of assessment have been approved by the Administrator, to determine and collect equitable assessments as above set forth, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(d) Each member of the trade shall pay his or its equitable contribution to the expense of the maintenance of the Code Authority determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator.

2. Only members of the trade complying with the code and contributing to the expense of this administration as hereinabove provided (unless duly exempted from making such contribution) shall be entitled to participate in the selection of the members of the Code Authority Board, or to receive the benefits of its activities or to make use of any registry number or emblem or N.R.A. insignia issued pursuant to the provisions of this code. Such registry number, emblem or N.R.A. insignia may be withheld, removed or revoked only in accordance with the rules and regulations promulgated from time to time by the Administrator.

3. The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

The following provisions of the Code are hereby deleted:

Sub-section (f) and (g), Section 11, of Article VI.

Approved Code No. 381—Amendment No. 1.

Registry No. 917-10.

Approved Code No. 145—Amendment No. 3

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

FURNITURE MANUFACTURING INDUSTRY

As Approved on July 20, 1934

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE FURNITURE MANUFACTURING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Furniture Manufacturing Industry, and notice of opportunity to be heard thereon having been issued, and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference said annexed report and do find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 20, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the amendment of the Code of Fair Competition for the Furniture Manufacturing Industry as approved by me December 7, 1933. Application was made under date of April 20, 1934, by the Code Authority for the Furniture Manufacturing Industry, for amendment of the provisions of Article VIII, Section 7 of the Code. Fair notice of opportunity to be heard on this proposed amendment was given to all interested parties.

By the insertion of the phrase, "or ten days after arrival at destination", this amendment would permit the same terms of sale for shipments taking more than thirty days in transit as are now permitted all other shipments, namely, "net sixty days or two per cent cash discount within thirty days".

This amendment does not in any way affect the labor provisions of the Code.

The Assistant Deputy Administrator in his final report to me on said amendment to said Code having found as herein set forth and on the basis of the proceedings in this matter:

I find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provision of said Title of said Act, including without limitation subsection (a) of Section 3, subsection (a) of Section 7, and subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

I believe the amendment to be fair to labor, to the consumer, and to the industry, and for these reasons, therefore, I have approved this amendment.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 20, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR
THE FURNITURE MANUFACTURING INDUSTRY

Article VIII, Section 7, first paragraph of the Code of Fair Competition for the Furniture Manufacturing Industry, shall be and hereby is amended to read as follows:

Terms of Sale.—Selling on more favorable terms than net 60 days or 2% cash discount within 30 days from date of shipment, or 10 days after arrival at destination; provided, that where it is the practice of the buyer to make monthly settlement of all invoices, the manufacturer may allow the deduction of the cash discount if payment is made not later than the 15th of the calendar month following the date of shipment.”

Approval Code No. 145—Amendment No. 3.
Registry No. 312-1-10.

Approved Code No. 363—Amendment No. 4

AMENDMENT TO CODE OF FAIR COMPETITION
FOR THE
MEN'S NECKWEAR INDUSTRY

As Approved on July 20, 1934

ORDER

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE MEN'S NECKWEAR
INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved March 24, 1934, for approval of an amendment to a Code of Fair Competition for the Men's Neckwear Industry, and Notice of Opportunity to Be Heard having been published thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise, do hereby incorporate, by reference, said annexed report and do find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

SOL A. ROSENBLATT,
Division Administrator.

WASHINGTON, D.C.,
July 20, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the procedure followed by the National Recovery Administration in approving an amendment to the Code of Fair Competition for the Men's Neckwear Industry, as approved on March 24, 1934, which empowers the Code Authority to assess members of the Industry in order to obtain funds for purposes of Code Administration. This amendment carries out the terms of your Order of April 14, 1934.

The amendment was submitted by the Men's Neckwear Code Authority on behalf of the Men's Neckwear Industry on June 20, 1934. A Notice of Opportunity to Be Heard to the Amendment, as proposed by the Code Authority, was subsequently issued, and an adequate opportunity was given all interested parties to voice their objections to the approval of this amendment. No objections, however, were filed with the Deputy Administrator.

The Deputy Administrator in his final report to me on this amendment to said Code, having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of Said Act, including without limitation subsection (a) of Section 3, subsection (a) of Section 7 and subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the Industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, this amendment has been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 20, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE MEN'S NECKWEAR INDUSTRY

Section 6 of Article V of the Code and subsections (f) and (g), of Section 8 of Article V shall be deleted.

The following shall be added to Article V to become Section 10 thereof:

10. (a) It being found necessary in order to support the administration of this code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(1) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(2) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry;

(3) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(b) Each member of the industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the industry complying with the code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities.

(c) The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

Approved Code No. 474—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION
FOR THE
NEEDLEWORK INDUSTRY IN PUERTO RICO

As Approved on July 20, 1934

ORDER

MODIFICATION OF CODE OF FAIR COMPETITION FOR THE NEEDLEWORK
INDUSTRY IN PUERTO RICO

AMENDING AND CORRECTING SECTION 2, ARTICLE VII OF THE CODE OF FAIR
COMPETITION FOR THE NEEDLEWORK INDUSTRY IN PUERTO RICO

In order to correct an inadvertence and error and to render Section 2 of Article VII consistent with Section 1 of said Article, which is correct, approving the accompanying report of the Deputy Administrator, I now ORDER, pursuant to authority vested in me under Title I of the National Industrial Recovery Act, that:

Section 2 of Article VII shall be amended to read in part as follows: "three members from those whose chief products are women's and children's dresses;" instead of "two" members as inadvertently provided.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

LINTON M. COLLINS,
Acting Division Administrator.

WASHINGTON, D.C.,
July 20, 1934.

Approved Code No. 474—Amendment No. 1.
Registry No. 231-16.

Approved Code No. 106—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

PRINTERS' ROLLERS INDUSTRY

As Approved on July 20, 1934

ORDER

APPROVING AMENDMENT TO CODE OF FAIR COMPETITION FOR THE PRINTERS' ROLLERS INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Printers' Rollers Industry, and as contained in a Published Notice of Opportunity to Be Heard, Administrative Order No. 106-5, dated June 22, 1934, and no objections having been filed as provided in said Published Notice, and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President,

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order 6543-A, dated December 30, 1933, and otherwise, do hereby incorporate, by reference, said annexed report and do find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended, such approval and such amendment to take effect ten (10) days from the date hereof, unless good cause to the contrary is shown to the Administrator before that time and the Administrator issues a subsequent order to that effect.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 20, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act for an Amendment to the Code of Fair Competition for the Printers' Rollers Industry, submitted by the Code Authority for the said Industry.

The existing provisions of Article VI, paragraph 6 of the Code for said Industry, are entirely inadequate in view of Executive Order 6678 and Administrative Order X-36, and it is therefore evident that the proposed amendment to Article VI of said Code, the provisions of which follow closely the text of the above mentioned Orders, will overcome the existing inadequate provisions.

FINDINGS

The Deputy Administrator in his final report to me on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of the industries, by avoiding undue restrictions of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof.

(c) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, therefore, I have approved this amendment, such approval and such amendment to take effect in ten (10) days unless good cause to the contrary is shown to me before that time and I issue a subsequent order to that effect.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 20, 1934.

MODIFICATION TO CODE OF FAIR COMPETITION FOR THE PRINTERS' ROLLERS INDUSTRY

PURPOSE

Pursuant to Article VI of the Code of Fair Competition for the Printers Rollers Industry, duly approved by the President on November 8, 1933 and further to effectuate the policies of Title I of the National Industrial Act, the following modification is established as a part of said Code of Fair Competition and shall be binding upon every member of the Printers Rollers Industry.

MODIFICATION

Modify Article VI, by deleting Paragraph 6 and substituting in lieu thereof the following:

6. (a) It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established by this Code and to effectuate the policy of the Act, the Code Authority is authorized, subject to the approval of the Administrator:

(1) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code.

(2) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary, (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry.

(3) After such budget and basis of contribution have been approved by the Administrator, to determine and secure equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(b) Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of the members of the Code Authority

or to receive the benefits of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(c) The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

Approved Code No. 106—Amendment No. 1.
Registry No. 1325-03.

Approved Code No. 142—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

RETAIL JEWELRY TRADE

As Approved on July 20, 1934

ORDER

APPROVING AMENDMENTS OF CODE OF FAIR COMPETITION FOR THE RETAIL JEWELRY TRADE

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to the Code of Fair Competition for the Retail Jewelry Trade, and hearings having been duly held thereon and the annexed report on said amendments, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said amendments and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

ROBERT L. HOUSTON,
Division Administrator.

WASHINGTON, D.C.,
July 20, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report of the Hearing on certain amendments to the Code of Fair Competition for the Retail Jewelry Trade, conducted in Room 128 of the Willard Hotel, Washington, D.C., on May 5, 1934. The amendments which are attached were presented by the National Retail Jewelry Trade Council, which is the national retail jewelry code authority, and as such the duly qualified and authorized representative of the Trade.

The first of the annexed amendments enlarges upon the definition of "professional person" as originally set forth in the Code, in order to avoid any misunderstanding as to the meaning of that term in this Code. In the several months during which this Code has been effective, the question has frequently arisen as to the scope of the term "professional person", particularly as applied to skilled craftsmen such as watchmakers, watch repairers, engravers, etc., and it was thus felt to be advisable to set forth this more detailed definition of the term.

The second of the amendments annexed hereto permits employers to allow employees as much as one and one-half hours for lunch in communities where a lunch period longer than one hour has customarily been allowed, provided the approval of the appropriate Local Retail Jewelry Trade Committee, or if there be no such local committee, the National Retail Jewelry Trade Council, is first secured. In communities where such a custom has prevailed, it is sometimes desirable, both from the point of view of the employees and the employers, to establish the longer lunch period permitted under this proposed amendment, in order that employees may go to their homes for lunch, etc.

The third amendment provides that no retail jeweler shall advertise or offer to repair, clean, regulate or adjust watches or clocks or any part or parts thereof, at a minimum, maximum or uniform price. In the several months of operation of this Code, it has been found that a number of jewelers, comprising only a small part of the trade, have engaged in an unfair trade practice which has been harmful to consumers by misleading them, and to other retail jewelers by gaining the business of their customers through other than fair competitive methods. This practice has consisted of advertising to repair watches at a uniform price, which price was often set at a very low amount. Different repairs to watches cost varying amounts, depending on the necessary labor involved and materials which must be used. However, consumers through this advertising have been led to believe that at such shops they can have any repairs made at a low price, regardless of the serious nature of the defect to be corrected. Retail jewelers who have not indulged in this method of

advertising have found it difficult to compete with jewelers who so advertise. Therefore, inasmuch as such advertising misleads the public and is not a fair competitive practice, it is felt that this amendment is a worthy addition.

The fourth amendment modifies this Code by eliminating therefrom Section 3 of Article VIII, relating to "prison-made goods." The nature of the merchandise handled by the Retail Jewelry Trade is such, due to its high intrinsic value, that it is not the subject of manufacture by inmates of penal institutions. It is felt, therefore, that this provision is an unnecessary one in this Code and it has accordingly been eliminated.

The Deputy Administrator in his final report to me on said amendments to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The amendments to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Code empowers the National Retail Jewelry Trade Council to present the aforesaid amendments on behalf of the industry as a whole.

(d) The amendments and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendments and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendments.

For these reasons the amendments have been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 20, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE RETAIL JEWELRY TRADE

Subsection (b) of Article I, Section 6 of the Code of Fair Competition for the Retail Jewelry Trade shall be amended to read as follows: "The term 'professional person' as used herein shall mean lawyers, doctors, nurses, research technicians, advertising specialists and other persons engaged in occupations requiring a special discipline and special attainment, but shall not be applied to skilled craftsmen in the retail jewelry trade, such as watchmakers, watch repairers and engravers."

Article IV, Section 6, shall be amended by adding thereto the following provisions: "However, in communities where there has been an established custom to allow employees an interval of longer than one hour for the midday meal such custom may be continued on the same basis, provided that in no case shall the interval be longer than one and one-half hours; and provided further that the approval of the Local Retail Jewelry Trade Committee within the local area is first secured, or in the event that no such Local Retail Jewelry Trade Committee has been authorized within the local area, that the approval of the National Retail Jewelry Trade Council is first secured."

Article VIII, Section 1, Subsection (o) shall be amended to read as follows: "No retail jeweler shall advertise to repair, clean, regulate or adjust watches or clocks or any part or parts thereof at a minimum, maximum or uniform price, irrespective of the cost of such repairs and/or services."

Article VIII shall be amended by eliminating therefrom Section 3, entitled "Prison-made Goods", and indicating as Section 3 the present Section 4, entitled "Company Scrip."

Approved Code No. 142—Amendment No. 1.
Registry No. 1631-11.

Approved Code No. 114—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

SCIENTIFIC APPARATUS INDUSTRY

As Approved on July 20, 1934

ORDER

APPROVING MODIFICATION OF CODE OF FAIR COMPETITION FOR THE SCIENTIFIC APPARATUS INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a modification to a Code of Fair Competition for the Scientific Apparatus Industry, and notice of opportunity to file objections having been given and the annexed report on said modification, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said modification and the Code as constituted after being modified comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said modification be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as modified, such approval and such modification to take effect fifteen (15) days from date hereof, unless good cause to the contrary is shown to the Administrator before that time and the Administrator issues a subsequent order to that effect.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended.

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 20, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Modification of the Code of Fair Competition for the Scientific Apparatus Industry in accordance with Executive Order No. 6678 of April 14, 1934, relating to expense of Code Administration.

This Modification was proposed in accordance with Article VIII of the Code, approved November 14, 1933. Notice of Opportunity to be Heard was given from June 13, 1934, to June 28, 1934; no objection has been filed against the proposed Modification of the Code.

FINDINGS

The Deputy Administrator in his final report to me on said Modification of said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The Modification of said Code and the Code as modified are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restrictions of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as modified complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Modification and the Code as modified are not designed to and will not permit monopolies or monopolistic practices.

(d) The Modification and the Code as modified are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Modification.

For these reasons, this Modification has been approved by me.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 20, 1934.

MODIFICATION TO THE CODE OF FAIR COMPETITION FOR THE SCIENTIFIC APPARATUS INDUSTRY

PURPOSE

Pursuant to Article VIII of the Code of Fair Competition for the Scientific Apparatus Industry, duly approved by the President on November 14, 1933, and further to effectuate the policies of Title I of the National Industrial Recovery Act, the following modification is established as a part of said Code of Fair Competition and shall be binding upon every member of the Scientific Apparatus Industry:

MODIFICATION

Modify Article VI by adding thereto the following:

SECTION 7. It being found necessary in order to support the Administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry;

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(d) Each member of the industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the industry complying with the code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(e) The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

Approved Code No. 114—Amendment No. 1.
Registry No. 1330-1-01.

Approved Code No. 227—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

WET MOP MANUFACTURING INDUSTRY

As Approved on July 20, 1934

ORDER

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE WET MOP MANUFACTURING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Wet Mop Manufacturing Industry, and an opportunity to be heard having been afforded all members of the Industry and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise: do hereby incorporate, by reference, said annexed report and do find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended, such approval and such amendment to take effect ten (10) days from the date hereof, unless good cause to the contrary is shown to the Administrator before that time and the Administrator issues a subsequent Order to that effect.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

ROBERT L. HOUSTON,
Division Administrator.

WASHINGTON, D.C.,
July 20, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
White House.

SIR: This is a report on an amendment to the Code of Fair Competition for the Wet Mop Manufacturing Industry. Notice of Opportunity to File Objections to this amendment was published on June 4, 1934; no objections were received within the given fifteen (15) day period ending June 19, 1934. The amendment, which is attached, was presented by duly qualified and authorized representatives of the Industry, complying with statutory requirements and being the same agency that originally submitted the Code.

This amendment provides for assessment of the members of the Wet Mop Manufacturing Industry to defray the expenses of the Code Authority as set forth in Executive Order No. 6678, dated April 14, 1934.

The Deputy Administrator in his final report to me on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the Industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons the amendment has been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 20, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE WET MOP MANUFACTURING INDUSTRY

Sub-section (h) of Section 2 of Article VI is hereby amended to read as follows:

“(h) It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

“(1) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

“(2) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry;

“(3) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own.

“(4) Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

“(5) The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approval budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.”

Approved Code No. 227—Amendment No. 1.
Registry No. 1609-08.

Approved Code No. 314—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

WHOLESALE COAL INDUSTRY

As Approved on July 20, 1934

ORDER

AMENDMENT TO THE CODE OF FAIR COMPETITION FOR THE WHOLESALE COAL INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16th, 1933, for approval of an amendment to a Code of Fair Competition for the Wholesale Coal Industry as contained in a published Notice of Opportunity to File Objections, Administrative Order 314-4, dated June 5th, 1934, and no objections having been filed as provided in said Published Notice, and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President.

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to the authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and the purposes of said Title of said Act, and do hereby order that said amendment be and is hereby approved, and that the previous approval of said Code is hereby amended to include approval of said Code in its entirety as amended.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

C. E. ADAMS
Division Administrator.

WASHINGTON, D.C.,
July 20, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act, for an amendment to the Code of Fair Competition for the Wholesale Coal Industry, submitted by the Code Authority for the said Industry.

The existing provision of Article VII, Section 1 of the Code for said Industry, is entirely inadequate in view of Executive Order 6676 and Administrative Order X-36, and it is therefore evident that the proposed amendment to Article VII of said Code, the provisions of which follow closely the text of the above mentioned Orders, will overcome the existing inadequate provisions.

FINDINGS

The Deputy Administrator in his final report to me on the amendment to the Code of Fair Competition for the Wholesale Coal Industry having found as herein set forth and on the basis of all proceedings in this matter:

I find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendments and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

Said amendment is accordingly approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 20, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE WHOLESALE COAL INDUSTRY

ARTICLE VII is amended by adding the following sections:

SECTION 1. It being found necessary, in order to support the administration of this Code and to maintain the standards of fair competition established by this Code and to effectuate the policy of the Act, the Code Authority is authorized, subject to the approval of the Administrator:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary, (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry;

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and secure equitable contribution as above set forth by all such members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

SECTION 2. Each member of the Industry shall contribute his share of the expenses of the administration of this Code as determined in accordance with Section 1 hereof. Failure on the part of a Member of the Industry to make such contribution shall be a violation of this Code. Only members of the Industry complying with the Code and contributing to the expenses of its administration as provided in Section 1 hereof shall be entitled to participate in the selection of the members of the Code Authority or to receive the benefits of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event, exceed the total amount contained in the approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

Approved Code No. 314—Amendment No. 1.
Registry No. 701-32.

Approved Code No. 237—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

ALLOY CASTING INDUSTRY

As Approved on July 22, 1934

ORDER

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE ALLOY
CASTING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I, of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Alloy Casting Industry, and opportunity to be heard thereon having been duly noticed to all interested parties, and no objections to said amendment having been filed, and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President;

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order 6543-A, dated December 30, 1933, and otherwise, do hereby incorporate, by reference, said annexed report and do find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended, such approval and such amendment to take effect fifteen (15) days from the date hereof, unless good cause to the contrary is shown to the Administrator before that time and the Administrator issues a subsequent order to that effect.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 22, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act, for an Amendment to the Code of Fair Competition for the Alloy Casting Industry, submitted by the Code Authority for the said Industry.

The existing provision of Article V, Section 2, of the Code for said Industry, is entirely inadequate in view of Executive Order 6678 and Administrative Order X-36, and it is therefore evident that the amendment to Article V of said Code, the provisions of which follow closely the text of the above mentioned Orders, will overcome the existing inadequate provisions.

FINDINGS

The Deputy Administrator in his final report to me on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof.

(c) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, therefore, I have approved this amendment, such approval and such amendment to take effect in fifteen (15) days, unless good cause to the contrary is shown to me before that time and I issue a subsequent order to that effect.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 22, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE ALLOY CASTING INDUSTRY

Modify Article V, Section 2, by deleting Section 2 and substituting in lieu thereof, the following:

Section 2. It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry;

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(d) Each member of the industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(e) The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator first obtained; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

Approved Code No. 237—Amendment No. 1.
Registry No. 1201-1-02.

Approved Code No. 73—Amendment No. 2

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

HAIR AND JUTE FELT INDUSTRY

As Approved on July 22, 1934

ORDER

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE HAIR
AND JUTE FELT INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Hair and Jute Felt Industry, and hearings having been duly held thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

ROBERT L. HOUSTON,
Division Administrator.

WASHINGTON, D.C.,
July 22, 1934.

(477)

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: The attached amendment was submitted, on behalf of the Industry, by the National Control Committee for the Hair and Jute Felt Industry.

The public hearing was conducted in Washington, D.C. on June 6, 1934. Every person who requested an appearance was freely heard in accordance with statutory and regulatory requirements.

RESUME OF AMENDMENTS

Certain changes have been made in the Administration Article of the Code to bring the powers and duties of the Code Authority in line with more recently approved codes. A section has been added which will give the Code Authority power to assess the Industry for Code administration.

The experience of several months' operation under the Code has shown the necessity for the inclusion of additional fair trade practices and changes in others.

FINDINGS

The Deputy Administrator in his final report to me on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Sub-Section (a) of Section 3, Sub-Section (a) of Section 7, and Sub-Section (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendments.

For these reasons, the amendment has been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 22, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE HAIR AND JUTE FELT INDUSTRY

There shall be added to Article II, the following Section :

“(h) The term ‘wholesaler, distributor, wholesale distributor or jobber of carpet linings and rug cushions’ shall mean a person, firm, corporation, association, partnership or division thereof which by the nature of its operations is definitely organized to render a wholesale distribution service; buys and maintains at its place of business an adequate stock of carpet linings and rug cushions which through salesmen, advertising and/or sales promotion devices is sold to retailers and/or institutional, commercial, and/or industrial outlets and performs a credit function.”

Section (c) of Article VI shall be deleted and the following provisions substituted therefor :

“(c) 1. It being found necessary in order to support the administration of this code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the National Control Committee is authorized :

“(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code ;

“(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry ;

“(c) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

“2. Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the National Control Committee, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly excepted from making such contribution, shall be entitled to participate in the selection of members of the National Control Committee or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

“3. The National Control Committee shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.”

Section (d) of Article VI shall be deleted and the following provision substituted therefor:

“(d) Nothing contained in the By-Laws or Code of Fair Competition shall constitute the members of the National Control Committee partners for any purpose. Nor shall any member of the National Control Committee be liable in any manner to anyone for any act of any other member, officer, agent or employee of the National Control Committee. Nor shall any member of the National Control Committee exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under the By-Laws or Code of Fair Competition, except for his own willful misfeasance or non-misfeasance.”

“(k) If the Administrator shall at any time determine that any action of the National Control Committee or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such National Control Committee or agency pending final action which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty (30) days' notice to him of intention to proceed with such action in its original or modified form.”

In Section (c) Article VII, the word, “approval” shall be deleted, substituting therefor:—“disapproval”.

Section (h) (2) and Section (h) (3) of Article VII shall be deleted and the following provision substituted therefor:

“(h) (2) *Discontinued Lines*.—Any member of the Industry may offer in any calendar year a combined total of discontinued lines and/or seconds of Carpet Linings and Rug Cushions up to one per cent of his previous calendar year's dollar volume of sales at below cost or published prices, but must advise the Secretary of the National Control Committee forty-eight hours in advance, the nature, quantity and price of the merchandise thus offered. The Secretary will notify the members in the Industry.”

There shall be added to Article VII the following sections:

“(j) *Consignments*.—Consigning carpet linings or rug cushions to any customer.

“(k) *Classification of Customers*.—Misclassifying a customer so as to enable said customer to obtain a more favorable price or terms of sale than that to which he is properly entitled.

“(l) *Commercial Bribery*.—Lending, giving, permitting to be given or loaned, or directly offering to loan or give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party; nor shall such member permit such actions through or by his salesmen. This provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.”

LABOR PROVISIONS

Approved Labor Provisions No. LP20

CODE OF LABOR PROVISIONS

FOR THE

ALCOHOLIC BEVERAGE IMPORTING INDUSTRY

As Approved on July 17, 1934

ORDER

**APPROVING CODE OF LABOR PROVISIONS FOR THE ALCOHOLIC BEVERAGE
IMPORTING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Labor Provisions for the Alcoholic Beverage Importing Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Labor Provisions be and it is hereby approved.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

ARMIN W. RILEY,
Division Administrator.

WASHINGTON, D.C.

July 17, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Labor Provisions for the Alcoholic Beverage Importing Industry of the United States. On November 29, 1933, the Agricultural Adjustment Administration held a public hearing on the Proposed Code of Fair Trade Practice Provisions, which was signed by the President on December 2, 1933. The National Recovery Administration held a public hearing on the Proposed Code of Labor Provisions on April 20, 1934.

PROVISIONS OF THE CODE

All labor, clerical and otherwise, is placed on a basis of forty (40) hours per week, eight (8) hours per day and six (6) days in any seven (7) day period, with an exemption in those departments or divisions upon which a seasonal demand places an unusual or temporary burden. In such cases employees shall not be permitted to work in excess of fifty (50) hours per week for a period of not more than five (5) weeks in each calendar year, provided that in all such cases at least time and one-third shall be paid for all hours worked in excess of forty-four (44) hours in any week, and/or eight (8) hours in any one day.

Exceptions are made for executive, supervisory, technical and administrative employees receiving regularly thirty-five dollars (\$35.00) per week or more, outside salesmen and outside collectors.

The maximum hours for watchmen are fifty-six (56) hours per week, provided such employees shall not be permitted to work more than thirteen (13) days in any fourteen (14) day period, and shall be paid at the rate of not less than eighteen dollars (\$18.00) per week.

Chauffeurs and deliverymen shall not be permitted to work more than forty-eight (48) hours in any week or more than six (6) days in any seven (7) day period.

Office employees are placed on a basis of sixteen dollars (\$16.00) per week with a minimum of fourteen dollars (\$14.00) per week for office boys and/or office girls and messengers, provided, however, that where more than one such employee is compensated at the minimum rate, not more than ten per cent (10%) of the total number of office employees shall be so classified and compensated.

No employee other than clerical or office employees or watchmen shall be paid at the rate of less than forty-five cents (45¢) per hour, and in no case shall full time weekly wages be reduced as a result of the adoption of this Code.

No geographic wage differential is written into this Code.

Administration for the Code of Labor Provisions is provided for through a Code Authority to be elected pursuant to a plan to be submitted by members of the industry within fifteen (15) days after the approval of this Code, the plan to be approved by the Administrator. There will be additional members not to exceed three (3) who may be appointed by the Administrator, to serve without vote, to be known as administration members, to serve for such terms as he may specify.

THE INDUSTRY

Owing to the passage of the 21st Amendment the Alcoholic Beverage Importing Industry has been resuscitated, having been dormant for the past fourteen (14) years. The importation of alcoholic beverages, prior to prohibition, was approximately forty million dollars (\$40,000,000) per year. It is estimated that the 1934 valuation of this industry's imports will amount to approximately the same.

This industry is in the process of reorganization. At this time seventeen-hundred (1,700) firms have been granted license to import alcoholic beverages, and it is estimated that there are not more than fifty-five hundred (5,500) persons employed therein.

The Deputy Administrator in his final report to me on said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

“(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purposes of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

“(b) Said Industry normally employs not more than 50,000 employees, and is not classified by me as a major industry; and that

“(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant group is an industrial group truly representative of the aforesaid industry; and that said group imposes no inequitable restrictions on admission to membership therein.

“(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

“(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

“(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Code.”

For these reasons, therefore, I have approved this Code.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 17, 1934.

CODE OF LABOR PROVISIONS FOR THE ALCOHOLIC BEVERAGE IMPORTING INDUSTRY

ARTICLE I

SECTION 1. To effectuate the policies of Title I of the National Industrial Recovery Act, this Code of Labor Provisions is established as a Code of Fair Competition for the Alcoholic Beverage Importing Industry, and upon approval its provisions shall be binding upon every member thereof.

SECTION 2. This Code shall not affect the Code of Fair Competition for the Alcoholic Beverage Importing Industry approved December 2, 1933.

ARTICLE II—DEFINITIONS

SECTION 1. As used in this Code:

(a) The terms "President", "Administrator", and "Act" mean, respectively, the President of the United States, the Administrator for Industrial Recovery, and Title I of the National Industrial Recovery Act.

(b) The terms "alcoholic beverages importing industry" and "Industry" mean (a) the importing or bringing of alcoholic beverages into the United States (except in customs bond for transshipment to a foreign country) for sale or any other commercial purpose, or (b) the bottling, warehousing, or other handling or distribution of alcoholic beverages so imported or brought in, or the sale or other disposition thereof, except at retail, by an importer or an affiliate or subsidiary thereof.

(c) The term "alcoholic beverages" means any liquor for beverage use containing more than one-half of one per cent of alcohol by volume.

(d) The term "beverage use" means beverage, medicinal, culinary, or any other use, except use for industrial purposes.

(e) The term "member of the industry" as used herein includes, but without limitation, any individual, partnership, association, corporation or other form of enterprise engaged in the industry, either as an employer or on his or its own behalf.

(f) The term "Code Authority" means the industry authority pursuant to Article VI of this Code of Labor Provisions.

(g) The term "employee" as used herein includes any and all persons engaged in the industry, however compensated, except a member of the industry.

(h) The term "employer" as used herein includes anyone by whom such employee is compensated or employed.

(i) The term "outside salesmen" as used herein shall mean only employees ninety per cent (90%) of whose time is spent in selling outside of the establishment and who do not deliver merchandise.

(j) The term "outside collector" means a collector of accounts who is engaged not less than sixty per cent (60%) of his working hours outside the establishment, or any branch thereof, by which he is employed.

(k) The term "watchmen" as used herein shall mean employees who spend ninety per cent (90%) of their working time in watching and guarding the premises of a member of the industry.

ARTICLE III—HOURS

SECTION 1. No employee shall be permitted to work in excess of forty (40) hours in any one week or eight (8) hours in any one day or six (6) days in any seven (7) day period, with the following exceptions;

(a) Executive, supervisory, technical and administrative employees, provided that they receive regularly thirty-five dollars (\$35.00) per week or more, outside salesmen and outside collectors.

(b) Watchmen, provided however, that they shall not be permitted to work more than fifty-six (56) hours in any week, and that such employees shall not be permitted to work more than thirteen (13) days in any fourteen (14) day period.

(c) Chauffeurs and deliverymen, provided however, that they shall not be permitted to work more than forty-eight (48) hours in any week nor more than six (6) days in any seven (7) day period.

SECTION 2. The maximum hours established shall not apply to those departments or divisions of the Alcoholic Beverage Importing Industry in which peak or seasonal demand places an unusual or temporary burden on such departments and divisions, but in such cases employees shall not be permitted to work in excess of fifty (50) hours per week for not more than five (5) weeks in each calendar year, and in all such cases at least time and one third shall be paid for all hours worked in excess of forty-four (44) hours in any week and/or eight (8) hours in any day.

SECTION 3. For inventory purposes employees may be permitted to work, during one week in each six months' period, eight (8) hours in excess of the maximum hours prescribed in this Article, but in each such case at least time and one-third shall be paid for all hours worked in excess of eight hours in any one day.

SECTION 4. The maximum hours fixed in the foregoing sections shall not apply to employees on emergency repair work or removal and/or reconditioning necessary to prevent spoilage, provided that any such employees working in excess of forty-four (44) hours in any week or eight (8) hours in any day shall be paid at the rate of at least time and one-third for such overtime.

SECTION 5. All hours worked in excess of the stipulated maxima under the provisions of Sections 2, 3 and 4 above shall be reported to the Code Authority upon its request.

SECTION 6. No employer shall knowingly permit any employees to work for a total number of hours in excess of the number of hours prescribed for each week and day, whether employed by one or more employers.

ARTICLE IV—WAGES

SECTION 1. No clerical, accounting or other office employee shall be paid less than at a rate of sixteen dollars (\$16.00) per week. Office boys and/or office girls and messengers may be employed at not less than fourteen dollars (\$14.00) per week, provided however, that where more than one such employee is compensated at the minimum rate not more than ten per cent (10%) of the total number of office employees shall be so classified and compensated.

SECTION 2. No watchman shall be paid less than at a rate of eighteen dollars (\$18.00) per week.

SECTION 3. No employee other than those covered in Sections 1 and 2 of this Article shall be paid less than at a rate of forty-five cents (45¢) per hour.

SECTION 4. It is agreed that this Code guarantees a minimum rate of pay regardless of whether the employee is compensated on the basis of time-rate or piecework performance or any other basis.

SECTION 5. Whenever the adoption of the minimum rates of this Code results in lessening the differential between unskilled labor and skilled occupations, wages above the minimum shall be equitably adjusted so as to maintain fair differentials. On the demand of the Administrator or the Code Authority a report shall be made by each member of the Industry to the Administrator, setting forth the schedule of his rate adjustments. In no case shall full-time weekly wages be reduced as a result of the adoption of this Code.

SECTION 6. A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage below the minimum established by this Code if the employer obtains from the State authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Each employer shall file monthly with the Code Authority a list of all such persons employed by him; showing the wages paid to, and the maximum hours of work for such employee.

ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or other mutual aid or protection.

SECTION 2. No employee and no one seeking employment shall be required, as a condition of employment, to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing; and

SECTION 3. Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

SECTION 4. On and after the effective date of this Code, no person under eighteen (18) years of age shall be permitted to work in the industry.

SECTION 5. Every employer shall provide for the safety and health of employees during the hours and at the places of their employment. Standards for safety and health shall be submitted by the Code Authority to the Administrator within three (3) months after the effective date of the Code.

SECTION 6. No provision in this Code shall supersede any State or Federal Law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions, or insurance, or fire protection, than are imposed by this Code.

SECTION 7. Employers shall not change the method of payment of compensation, or reclassify employees or duties of occupations performed by employees, or discharge employees to reemploy them at lower rates, or engage in any subterfuge, so as to defeat the purpose of the Act or the provisions of this Code.

SECTION 8. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

SECTION 9. After the effective date of this Code, wages shall be exempt from any charges and/or deductions except with the written consent of the employee or pursuant to court order or unless required by law.

SECTION 10. All employers shall post and keep posted copies of this Code in conspicuous places accessible to all employees. Every member of the industry shall comply with all rules and regulations relative to the posting of provisions of Codes of Labor Provisions which may from time to time be prescribed by the Administrator.

ARTICLE VI—ORGANIZATION, POWERS AND DUTIES OF THE CODE AUTHORITY

ORGANIZATION AND CONSTITUTION

SECTION 1. A Code Authority shall be forthwith elected according to a plan to be submitted within fifteen (15) days after the approval of this Code by members of the Industry to the Administrator for his approval.

(a) The plan shall set forth the names of a voluntary group and/or agency to conduct the election. Such group and/or agency is referred to hereinafter as the Election Committee.

(b) The Election Committee shall certify to the Administrator the names of the members of the Code Authority and the fact that the election had been held pursuant to the plan of election approved by the Administrator.

SECTION 2. In addition to membership as above provided, there may be three (3) members, without vote, to be known as Administration members, to be appointed by the Administrator to serve for such terms as he may specify.

SECTION 3. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of association, by-laws, regulations, and any amendments when made

thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

SECTION 4. In order that the Code Authority shall at all times be truly representative of the industry and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification of the method of selection of the Code Authority.

SECTION 5. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent or employee of the Code Authority. Nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own wilful malfeasance or non-feasance.

SECTION 6. If the Administrator shall at any time determine that any action of a Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty (30) days' notice to him of intention to proceed with such action in its original or modified form.

POWERS AND DUTIES

SECTION 7. Subject to such rules and regulations as may be issued by the Administrator, the Code Authority shall have the following powers and duties, in addition to those authorized by other provisions of this Code.

(a) To insure the execution of the provisions of this Code and to provide for the compliance of the industry with the provisions of the Act.

(b) To adopt by-laws and rules and regulations for its procedure.

(c) To obtain from members of the industry such information and reports as are required for the administration of the Code. In addition to information required to be submitted to the Code Authority, members of the industry subject to this Code shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as he may designate; provided that nothing in this Code shall relieve any member of the industry of any existing obligations to furnish reports to any Government agency. No individual report shall be disclosed to any other member of the industry or any other party except to such other Governmental agencies as may be directed by the Administrator.

(d) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for

herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(e) To make recommendations to the Administrator for the coordination of the administration of this Code with such other codes, if any, as may be related to or affect members of the industry.

(f) 1. It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry;

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

2. Each member of the industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator, and failure to pay such approved equitable assessment shall be deemed a violation of this Code. Only members of the industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

3. The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

(g) To recommend to the Administrator any action or measures deemed advisable to govern members of the industry in their relations with each other or with other industries; measures for industrial planning, and stabilization of employment; and including modifications of this Code which shall become effective as part hereof upon approval by the Administrator after such notice and hearing as he may specify.

(h) To provide appropriate facilities for arbitration, and subject to the approval of the Administrator, to prescribe rules of procedure and rules to effect compliance with awards and determinations.

SECTION 8. There shall be established an Industrial Relations Committee for the industry, which shall consist of an equal number of representatives of employers and employees and an impartial chairman. The Administrator shall appoint such impartial chairman upon the failure of the Committee to select one by agreement. If no truly representative labor organization exists, the employee members of such Committee may be nominated by the Labor Advisory Board of the National Recovery Administration and appointed by the Administrator. The Industrial Relations Committee may establish such divisional, regional, and local industrial adjustment agencies as it may deem desirable, each of which shall be constituted in like manner as the Industrial Relations Committee.

ARTICLE VII—MODIFICATION

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of Subsection (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under said Act.

SECTION 2. This Code, except as to the provisions required by the Act, may be modified on the basis of experience or changes in circumstances, such modifications to be based upon application to the Administrator and such notice and hearing as he shall specify, and to become effective on approval of the President.

ARTICLE VIII—MONOPOLIES, ETC.

No provisions of this Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

ARTICLE IX—EFFECTIVE DATE

This Code shall become effective on the first Monday following the tenth day after its approval by the President.

Approved Labor Provisions No. LP 20.
Registry No. 102-20.

SUPPLEMENTS

Approved Code No. 84—Supplement No. 40

SUPPLEMENTARY CODE OF FAIR COMPETITION

FOR THE

CUT TACK, WIRE TACK, AND SMALL STAPLE MANUFACTURING INDUSTRY

As Approved on July 6, 1934

ORDER

APPROVING SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE CUT TACK, WIRE TACK, AND SMALL STAPLE MANUFACTURING INDUSTRY

A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND
METAL FINISHING AND METAL COATING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, and in accordance with the provisions of Section 1 of Article VI of the Basic Code for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, approved November 2, 1933, for approval of a Supplementary Code of Fair Competition for the Cut Tack, Wire Tack, and Small Staple Manufacturing Industry, and hearing having been duly held thereon; and the annexed report on said Supplementary Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Supplementary Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Supplementary Code of Fair Competition be and it is hereby approved; provided, however, that the provisions of Article VII, Section 1, insofar as they prescribe a waiting period between the filing with the Supplementary Code Authority (or such agency as may be designated in the Supplementary Code) and the effective date of price lists, as originally filed and/or revised price lists or revised terms and

conditions of sale, be and they hereby are stayed pending my further Order.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 6, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Supplementary Code of Fair Competition for the Cut Tack, Wire Tack, and Small Staple Manufacturing Industry, a division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, the hearing having been conducted thereon in Washington, D.C., February 6, 1934, in accordance with the provisions of Title I of the National Industrial Recovery Act.

GENERAL STATEMENT

The Cut Tack, Wire Tack, and Small Staple Manufacturing Industry being truly representative of this division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, has elected to avail itself of the option of submitting a Supplementary Code of Fair Competition, as provided for in Section 1 of Article VI of the Basic Code, for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry approved by you on the second day of November, 1933.

RÉSUMÉ OF THE CODE

Article I states the purpose of the Supplementary Code.

Article II accurately defines specific terms employed in the Supplementary Code.

Article III. This Industry is a division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry and the labor provisions of its Basic Code, as approved November 2, 1933, are the labor provisions of this Supplementary Code.

Article IV establishes a Supplementary Code Authority consisting of five (5) members to be elected by the members of the Industry at a meeting called by the Temporary Supplementary Code Authority, and gives the Administrator the authority to appoint one additional member without vote and provides machinery for obtaining statistics and the administration of the Supplementary Code.

Article V provides for an accounting system and methods of cost finding and/or estimating.

Article VI covers the selling below cost provisions but does not prohibit sales below cost to meet competition.

Article VII provides for the filing of price lists and discount sheets with the Supplementary Code Authority.

Article VIII sets forth the fair trade practices of this Supplementary Code which has been especially designed to effect fair competition in this division of the Industry.

Article IX provides against monopolies and monopolistic practices.

Article X contains the mandatory provisions contained in Section 10 (b) and also provides for the submission of proposed amendments to the Supplementary Code.

Article XI recognizes that price increases be limited to actual additional increases in the seller's costs.

Article XII states the effective date and duration of this Supplementary Code.

FINDINGS

The Assistant Deputy Administrator in his final report to me on said Supplementary Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) Said Supplementary Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by prompting the organization of industry for the purposes of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees: and is not classified by me as a major industry.

(c) The Supplementary Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Supplementary Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Supplementary Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Supplementary Code.

For these reasons, therefore, I have approved this Supplementary Code, provided, however, that the provisions of Article VII, Section

tion 1, insofar as they prescribe a waiting period between the filing with the Supplementary Code Authority (or such agency as may be designated in the Supplementary Code) and the effective date of price lists, as originally filed and/or revised price lists or revised terms and conditions of sale, be and they hereby are stayed pending my further Order.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 6, 1934.

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE CUT TACK, WIRE TACK, AND SMALL STAPLE MANUFACTURING INDUSTRY

A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND
METAL FINISHING AND METAL COATING INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policy of Title I of the National Industrial Recovery Act, the following provisions are established as a supplementary Code of Fair Competition for the Cut Tack, Wire Tack and Small Staple Manufacturing Industry, pursuant to Article VI of the Basic Code of Fair Competition for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry approved by the President of the United States on the 2nd day of November, 1933, and the provisions of this Supplementary Code shall be the standards of fair competition of such Industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

SECTION 1. The term "Cut Tack, Wire Tack and Small Staple Manufacturing Industry", hereafter referred to as the Industry, is defined to mean the manufacture for sale of Cut Tacks, Wire Tacks, Double Pointed Tacks and Small Staples, manufactured from ferrous and/or non-ferrous metals or alloys.

SECTION 2. The term "employee", as used herein, includes anyone engaged in the Industry and all persons however compensated, except a member of this Industry.

SECTION 3. The term "employer", as used herein, includes anyone by whom any such employee is compensated or employed.

SECTION 4. The term "member of the Industry", as used herein, includes, but without limitation, any individual, partnership, association, corporation, or other form of enterprise engaged in the Industry either as an employer or on his or its own behalf.

SECTION 5. The terms "President", "Act", and "Administrator", as used herein, shall mean respectively the President of the United States, Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

SECTION 6. The term "Basic Code", as used herein, is defined to mean the Basic Code of Fair Competition for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, as approved by the President on the 2nd day of November, 1933.

SECTION 7. The term "Supplementary Code Authority", as used herein, means the agency which is to administer this Supplementary Code as hereinafter provided.

SECTION 8. The term "Institute", as used herein, is defined to mean the American Institute of Tack Manufacturers, or its successor.

SECTION 9. The term "Federation", as used herein, is defined to mean the Fabricated Metal Products Federation, or its successor.

SECTION 10. The term "Confidential Agent" as used herein, is defined to mean the impartial agency designated by the Supplementary Code Authority.

SECTION 11. The term "Supplementary Code Committee" as used herein, is defined to mean the committee authorized to present this Supplementary Code.

ARTICLE III—EMPLOYMENT PROVISIONS

This Industry is a division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry and without limitation the wage, hour, and labor provisions in Article III of its Basic Code as approved by the President, November 2, 1933, including Section 1 of said Article III by which the provisions of subsections (1), (2) and (3) of Section 7 (a) of Title I of the Act are made conditions of this Code, are specifically incorporated herein and made a part hereof as the wage, hour, and labor provisions of this Supplementary Code.

ARTICLE IV—ORGANIZATION AND ADMINISTRATION

SECTION 1. During the period not to exceed sixty (60) days following the effective date of this Supplementary Code, the Supplementary Code Committee of the Industry who are presenting this Supplementary Code shall constitute a Temporary Supplementary Code Authority until the Supplementary Code Authority is elected. There shall be constituted within the sixty-day period a Supplementary Code Authority consisting of five members to be elected by the members of the Industry, at a meeting called by the Temporary Supplementary Code Authority, upon ten days' notice sent by mail to all members of the Industry whose names may be ascertained after diligent search, who may vote either in person or by proxy. The members of the Supplementary Code Authority first elected shall serve until the following annual meeting of the Institute, and thereafter, members of the Supplementary Code Authority shall be elected by the members of the Industry at a meeting of the Industry to be held at the time and place of each annual meeting of the Institute to serve until the following annual meeting. The members of the Supplementary Code Authority shall be elected in the following manner:

(a) Two members, who shall be members of the Institute and members of the Industry by a majority vote of all the members of the Institute who assent to this Supplementary Code present in person or by proxy, each member to have one vote.

(b) One member, who shall be elected from the non-members of the Institute, by a majority vote of the non-members of the Institute who assent to this Supplementary Code, present in person or by proxy, each non-member to have one vote.

In the event that the non-members fail to elect such non-member of the Supplementary Code Authority, then the Administrator may appoint such non-member from a list of four non-members submitted to him by the Supplementary Code Authority as it is then constituted.

(c) Two members, who shall be members of the Institute, by 51% vote of the members of the Institute who assent to this Supplementary Code, present in person or by proxy, weighted on a basis of one vote for each 100 tons of actual sales of products of the Industry made during the preceding calendar year, reported to the Supplementary Code Authority, provided, however no one member may cast more than 25% of the total number of votes cast.

A vacancy in the membership of the Supplementary Code Authority may be filled by majority vote of the remaining members of the Supplementary Code Authority, provided, however, that the member of the Supplementary Code Authority who is chosen to fill such vacancy shall be selected from the class of membership that was originally represented by the vacating member.

In addition thereto the Administrator may appoint a member of the Supplementary Code Authority who without vote shall serve without expense to the Industry, unless the Supplementary Code Authority agrees to pay such expense. The representative who may be appointed by the Administrator shall be given reasonable notice of and may sit at all meetings of the Supplementary Code Authority.

SECTION 2. Each trade association directly or indirectly participating in the selection or activities of the Supplementary Code Authority shall (1) impose no inequitable restrictions on membership, and (2) shall submit to the Administrator true copies of its Articles of Association, By-Laws, Regulations and any amendments when made thereto, together with such other information as to membership, organization, and activities as is necessary to effectuate the purposes of the Act.

SECTION 3. In order that the Supplementary Code Authority shall, at all times be truly representative of the Industry and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and, thereafter, if he shall find that the Supplementary Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification of the Supplementary Code Authority.

SECTION 4. It being found necessary in order to support the administration of this Supplementary Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Supplementary Code Authority is authorized;

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Supplementary Code:

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing

purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry.

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

Each member of the Industry shall pay his or its equitable contribution to the expenses and maintenance of the Supplementary Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry complying with the Supplementary Code shall be entitled to participate in the selection of members of the Supplementary Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

The Supplementary Code Authority shall neither incur nor pay any obligations in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator first obtained; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

SECTION 5. Nothing contained in this Supplementary Code shall constitute the members of the Supplementary Code Authority partners for any purpose. Nor shall any member of the Supplementary Code Authority be liable in any manner to anyone for any act of any other member, officer, agent or employee of the Supplementary Code Authority. Nor shall any member of the Supplementary Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Supplementary Code, except for his own willful malfeasance or non-feasance.

SECTION 6. The Supplementary Code Authority shall also from time to time furnish to the Basic Code Authority, designated in said Basic Code, such information as may be required to be furnished under terms of said Basic Code.

SECTION 7. The Supplementary Code Authority shall have all the powers and duties which shall be necessary and proper to enable it to fully administer this Supplementary Code and to effectuate its purposes.

Without limitation to the foregoing or any other powers or duties provided for in this Supplementary Code, this Supplementary Code Authority shall have the following specific duties:

(a) To adopt By-Laws and Rules and Regulations for its procedure and for the administration of the Supplementary Code.

(b) To obtain from the members of the Industry through its Confidential Agent, such information and reports as required for the administration of this Supplementary Code. In addition to information required to be submitted to the Supplementary Code Authority, the members of the Industry, subject to this Supplementary Code, shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3(a) of the Act,

to such Federal and State agencies as he may designate provided that nothing in this Supplementary Code shall relieve any member of the Industry of any existing obligation to furnish reports to any Government agent. No individual report shall be disclosed to any other member of the Industry or any other party except to such other Governmental agency as may be directed by the Administrator.

(c) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided that nothing herein shall relieve the Supplementary Code Authority of its duties or responsibilities under this Supplementary Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(d) To make recommendations to the Administrator for the coordination of the administration of this Supplementary Code with such other codes, if any, as may be related to the Industry.

(e) To appoint a Trade Practice Committee which shall meet with the trade practice committees appointed under such other codes as may be related to the Industry for the purpose of formulating fair trade practices to govern the relationships between employers under this Supplementary Code and under such others to the end that such fair trade practices may be proposed to the Administrator as amendments to this Supplementary Code and such other codes.

(f) To recommend to the Administrator any action or measures deemed advisable including further fair trade practice provisions to govern members of the Industry in their relations with each other or with other industries; measures for industrial planning and stabilization of employment; including modifications of this Supplementary Code which shall become effective as part hereof upon approval by the Administrator after such notice and hearing as he may specify.

SECTION 8. If the Administrator believes that any action of the Supplementary Code Authority or any agency thereof, may be unfair or unjust or contrary to public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action. Further action by such Supplementary Code Authority or agency regarding the matter complained of, may be taken if approved by the Administrator but shall not be taken if disapproved by the Administrator within thirty (30) days of notice to him of intention to proceed with such action.

SECTION 9. Pursuant to the provisions of the Act, the Supplementary Code Authority shall have the power to investigate all complaints filed with it by one member of the Industry against another member of the Industry.

SECTION 10. Every employer shall provide for the safety and health of employees during the hours and at the places of their employment. Standards for safety and health shall be submitted by the Supplementary Code Authority to the Administrator within three months after the effective date of the Supplementary Code.

ARTICLE V—ACCOUNTING AND COSTING

SECTION 1. With respect to that portion of his product which is within the Industry, every member of the Industry shall use an

accounting system for determining his allowable cost which conforms to the principles of, and is at least as detailed and complete as, the uniform method of accounting, and the uniform method of costing, to be formulated or approved by the Supplementary Code Authority and the Administrator with such variations therefrom as may be required by the individual conditions affecting any member of the Industry or group of employers, and as may be approved by the Administrator after consultation with the Supplementary Code Authority.

SECTION 2. When the Supplementary Code Authority determines that an emergency exists in this Industry and that the cause thereof is destructive price-cutting such as to render ineffective or seriously endanger the maintenance of the provisions of this Supplementary Code, the Supplementary Code Authority may cause to be determined the lowest reasonable cost of the products of this Industry, such determination to be subject to such notice and hearing as the Administrator may require. The Administrator may approve, disapprove, or modify the determination. Thereafter, during the period of the emergency, it shall be an unfair trade practice for any member of the Industry to sell or offer to sell any products of the Industry for which the lowest reasonable cost has been determined at such prices or upon such terms or conditions of sale that the buyer will pay less therefor than the lowest reasonable cost of such products.

When it appears that conditions have changed, the Supplementary Code Authority, upon its own initiative or upon the request of any interested party, shall cause the determination to be reviewed.

ARTICLE VI—SELLING BELOW COST

No member of this Industry shall sell or exchange any of the products of this Industry, at a price, or upon terms and conditions, which will result in the purchaser paying for the goods received, less than the allowable cost thereof to the seller, determined in accordance with a uniform method of costing above described in Article V; provided, however, that dropped lines, or seconds, or inventories which must be converted into cash to meet emergency needs may be disposed of by any member of this Industry, at any price and on any terms and conditions, but only if such member of this Industry, not less than two weeks before such disposal, has filed with the Supplementary Code Authority or its Confidential Agent, a statement in writing, setting forth the fact of, and reasons for, such proposed disposal, and provided further, that any member of this Industry may sell below his costs in order to meet competitive prices which do not violate this Supplementary Code, and which are filed in accordance with the provisions of Article VII of this Supplementary Code, or to meet competition from products of equivalent design, character, quality, or specifications, manufactured outside the United States, provided that he has first so reported to the Supplementary Code Authority and in such report has cited the competition which caused him to take such action.

ARTICLE VII—PRICE LISTS

SECTION 1. If the Supplementary Code Authority determines that in any branch of the Industry it has been the generally recognized

practice to sell specific products on the basis of net price lists, and/or price lists and discount sheets, and/or a schedule of net differentials and base prices, each member of the Industry shall within ten (10) days after the effective date of this Supplementary Code file with the Supplementary Code Authority a net price list, and/or price lists and discount sheets, and/or a schedule of net differentials and base prices, as the case may be, individually prepared by him, and in such form and for such products as the Supplementary Code Authority may prescribe, showing his current prices, or prices and discounts, and terms of sale and payment, and the Supplementary Code Authority shall immediately send copies thereof to all manufacturers of such specified product whose names may be ascertained after a diligent search. Such prices shall be available to all interested parties at the office of the Confidential Agent.

Revised price lists and/or discount sheets and/or schedule of net differentials and base prices, and/or all other conditions of sale, may be filed from time to time thereafter with the Supplementary Code Authority by any manufacturer of such product to become effective ten (10) business days after actual receipt by the Supplementary Code Authority through its Confidential Agent. Copies of such revised price lists and/or schedule of net differentials and base prices, and/or all other conditions of sale, with notice of effective date specified, shall be immediately sent to all manufacturers of such products whose names may be ascertained after a diligent search, and shall be available to all interested parties at the office of the Confidential Agent.¹

SECTION 2. If and when the Supplementary Code Authority shall determine that in any branch or subdivision of the Industry not now selling its product on the basis of price lists, with or without discount sheets, and/or schedule of net differentials and base prices, with fixed terms of sale and payment, the distribution or marketing conditions in said branch or subdivision are the same as, or similar to, the distribution and marketing conditions in a branch or subdivision of the Industry where the use of price lists, with or without discount sheets, and/or schedule of net differentials and base prices, and other fixed conditions of sale, is well recognized, and that where the use of price lists, with or without discount sheets, and/or schedule of net differentials and base prices, with other fixed conditions of sale should be put into effect in such branch or subdivision, then each manufacturer of the product or products of such branch or subdivision shall, within twenty (20) days after notice of such determination, file with the Supplementary Code Authority net price lists or price lists and discount sheets, or schedule of net differentials and base prices, containing all other fixed conditions of sale, and such price lists and/or discount sheets, and/or schedules of net differentials and base prices, and/or other fixed conditions of sale may be thereafter revised in the manner herein above provided; provided, however, that the Supplementary Code Authority shall make no determination to place any product of the Industry (not now on a price list basis) on a price list basis, or (not now on a basis of net differentials and base price) on a basis of net differentials and base

¹ See paragraph 2 of order approving this Code.

price, as provided in this Section 2 of Article VII unless two-thirds of the members who are at that time engaged in manufacturing such product, shall affirmatively consent that such determination be made.

SECTION 3. To the extent permitted by the Act and subject to such rules and regulations as the Administrator may prescribe, any or all information furnished to the Supplementary Code Authority by any member of this Industry pursuant to the provisions of this Supplementary Code shall be subject to verification by an impartial agency agreed upon by the Supplementary Code Authority, and the member of the Industry in question, and, failing such agreement such Impartial Agency shall be selected by the Administrator, which Impartial Agency may check so much of the pertinent books, accounts and records of such members of the Industry as may be required to verify the accuracy of the information so furnished.

SECTION 4. Each member of the Industry shall furnish the Supplementary Code Authority for distribution with such number of copies of his price lists and/or discount sheets, and/or schedule of net differentials and base prices, as the Supplementary Code Authority may prescribe. Such price lists shall be available to all interested parties at the office of the Confidential Agent.

SECTION 5. No member of the Industry shall sell, directly or indirectly, by any means whatsoever, any product of the Industry covered by provisions of this Article VII at a price or at discounts, or on other conditions of sale more favorable to the purchaser than those provided in his own current net price lists, or price lists and discount sheets, or schedule of net differentials and base prices, except in accordance with the provisions set forth in Article VI.

ARTICLE VIII—UNFAIR TRADE PRACTICES

In addition to the unfair trade practices covered by Article V of the Basic Code, except Section A, and for all purposes of this Supplementary Code, the following described acts shall constitute unfair practices. Any member of the Industry who shall directly, or indirectly through any officer, employee, agent or representative, use or employ any of such unfair practices shall be guilty of a violation of this Supplementary Code.

RULE 1. Making or giving to any purchaser of any product any guarantee or protection in any form against decline in the invoice price of such product after date of shipment thereof.

RULE 2. Combination Sales. For the purpose of influencing a sale no member of the Industry shall sell or offer to sell commodities other than products of this Industry at a price below the invoice price plus all incidental costs of such products. If and when the products of this Industry are sold in combination with products of other industries, the invoice, must clearly show the unit price of all articles listed.

RULE 3. The splitting of commissions or other compensation received by an employee or agent of the seller with the buyer.

RULE 4. Attempting to induce the breach of a contract between a competitor and his customer, or source of supply, or interfering with, or obstructing the performance of such contractual duties or services.

RULE 5. Standardization of Products. The Supplementary Code Authority shall make studies for the establishment of classification,

dimensional standards and count per pound for the products of the Industry, in cooperation with some Federal Government agency, preferably the Bureau of Standards of the United States Department of Commerce, with the view to their recommendation for adoption by the Industry and such standards when approved by a majority vote of the members of the Industry shall become the standards of this Industry, subject to the approval of the Administrator; and thereafter all members of the Industry shall follow such standards. Failure to follow the standards so established and approved will be an unfair method of competition and a violation of this Supplementary Code. Provided, however, that exemptions from such standards may be granted by the Administrator after consultation with the Supplementary Code Authority.

ARTICLE IX—MONOPOLIES

No provision of this Supplementary Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress or discriminate against small enterprises.

ARTICLE X—MODIFICATIONS

SECTION 1. As provided in sub-section (b) of Section 10 of the Act, the President may from time to time cancel or modify any order, approval, license, rule or regulation issued under Title I of said Act.

SECTION 2. This Supplementary Code, except as to provisions required by the Act, may be modified or amended on the basis of experience or changes in circumstances, such modifications or amendments to be based upon application by the Supplementary Code Authority or other representative group within the Industry to the Administrator and such notice and hearing as he shall specify and to become effective and be a part of this Supplementary Code on approval by the Administrator.

ARTICLE XI—PRICE INCREASES

Whereas the policy of the Act to increase real purchasing power will be made more difficult of consummation if prices of goods and services increase as rapidly as wages, it is recognized that price increases except such as may be required to meet individual costs should be delayed, and when made, such increases should, so far as possible, be limited to actual additional increases in the seller's costs.

ARTICLE XII—EFFECTIVE DATE AND DURATION

This Supplementary Code shall become effective at 12:01 o'clock A.M. Eastern Standard Time on the tenth day after it is approved by the President and shall continue in effect until June 16, 1935, or the earliest date prior thereto on which the President shall, by proclamation, or the Congress shall, by joint resolution declare that the emergency recognized by Title I of the National Industrial Recovery Act has ended.

Approved Code No. 84—Supplement No. 40.
Registry No. 1114-14.

Approved Code No. 347—Supplement No. 25

SUPPLEMENTARY CODE OF FAIR COMPETITION

FOR THE

POWER TRANSMISSION INDUSTRY

As Approved on July 6, 1934

ORDER

SUPPLEMENTAL CODE OF FAIR COMPETITION FOR THE POWER TRANSMISSION INDUSTRY

A DIVISION OF THE MACHINERY AND ALLIED PRODUCTS INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Supplemental Code of Fair Competition for the Power Transmission Subdivision of Machinery and Allied Products Industry, and hearings having been duly held thereon and the annexed report on said Supplemental Code containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Supplemental Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Supplemental Code of Fair Competition be and it is hereby approved, subject to the following condition: that the provisions of Article VIII, Section (a), insofar as they prescribe a waiting period between the filing with the Code Authority (or such agency as may be designated in the Supplemental Code) and the effective date of price lists, as originally filed and/or revised price lists or revised terms and conditions of sale, be and they hereby are stayed pending my further order.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 6, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Supplementary Code of Fair Competition for the Power Transmission Subdivision of Machinery and Allied Products Industry, a Public Hearing on which was held in Washington, D.C., on December 21, 1933. The Hearing was conducted in full accordance with the provisions of Title I of the National Industrial Recovery Act.

GENERAL STATEMENT

The Power Transmission Subdivision being truly representative of the manufacturers of the products defined in Article II of the Supplemental Code, has elected to formulate and submit a Supplemental Code of Fair Competition as provided in the second paragraph of Article I of the Code of Fair Competition for the Machinery and Allied Products Industry, approved by you on the seventeenth day of March, 1934.

The Power Transmission Subdivision means the manufacture for the sale of flat belt pulleys, rope sheaves, couplings, collars, hangers, pillow blocks, journal boxes, clutches and other incidental machinery and appliances used in the transmission of power, but exclusive of shafting, multiple V-belt drives, belting, cut gears, cut tooth and cast tooth sprockets, chains, speed reducers, and automotive parts, and parts thereof, and includes all those engaged in such manufacture for sale. Employers otherwise engaged in the Farm Equipment Industry may manufacture for sale and sell power takeoff equipment used in connection with tractors and gear reduction devices for power takeoff for farming machinery, under the provisions of the Code of the Farm Equipment Industry and not under the provisions of this Code.

ECONOMIC EFFECT

This Subdivision has been severely affected by the recent depression. This is evidenced by the steady decline in annual sales after 1929 from \$11,560,000 to \$2,868,000 in 1933, or 75 per cent. Invested capital and production capacity have declined 21 per cent and 7 per cent respectively since 1929.

In 1929 the Subdivision employed approximately 2,287 factory workers, which total declined to 958 in the second quarter of 1933 or 58 percent. Since then employment increased to 1,171 workers as of November 15, 1933.

Estimated man hours per week declined from 108,175 in 1929 to a minimum of 31,355 in June, 1933, or 71 percent, and increased thereafter to 36,420 in November, 1933.

Average weekly earnings declined from \$27.58 in 1929 to a minimum of \$10.69 in the first quarter of 1933. Since then weekly earnings increased to \$16.72 as of November 15, 1933.

Based on the distribution as of June 15, 1933 and the specified percentages of the number of wage earners receiving less than the designated rates the adoption of the proposed minimum hourly rates will cause an increase in hourly factory pay rolls of this Industry.

The wage provisions for the Subdivision, which is operating under the Code of the Machinery and Allied Products Industry, provide that employees engaged in plant operations shall be paid as follows: (1) in cities of more than 50,000 population and their immediate vicinity, 40 cents per hour; (2) in cities of more than 10,000 but not more than 50,000 population and their immediate vicinity, which cities are not in the immediate vicinity of a city of more than 50,000 population, 38 cents per hour; (3) in cities of 10,000 population or less and their immediate vicinity, which cities are not in the immediate vicinity of a city of more than 10,000 population, 36 cents per hour, except that employees engaged in plant operations in all localities in the states of Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Texas, and Oklahoma, shall be paid not less than 32 cents per hour.

When females do substantially the same work as males or replace males, they shall receive the same pay. However, no female employee shall be paid less than 87½% of the proper rate for the locality in which employed.

Office boys and girls and apprentices shall be paid not less than 80% of the minimum wage.

Employees other than those engaged in plant operations shall receive not less than \$15.00 per week.

This Supplemental Code provides that no person under sixteen years of age shall be employed in this Subdivision.

RÉSUMÉ OF SUPPLEMENTAL CODE

Article I states the purpose of the Supplemental Code.

Article II accurately defines specific terms applicable to the Subdivision as used in this Supplemental Code.

Article III provides for the adoption of the employment provisions of the Code of Fair Competition for the Machinery and Allied Products Industry as approved by you and as from time to time amended.

Article IV provides for the adoption of Articles II, VI, VIII, and IX of the Code of Fair Competition for the Machinery and Allied Products Industry in accordance with the conditions of this Article governing their adoption.

Article V provides for the establishment of the Code Authority and defines its powers and duties.

Article VI provides for an accounting system and methods of cost finding and/or estimating.

Article VII provides that no products shall be sold or exchanged below a reasonable cost when the Code Authority determines that an emergency exists.

Article VIII provides for methods of setting up, revising, and filing price lists and discount sheets and terms of sale and payment.

Article IX sets forth trade practices for the Subdivision.

Article X establishes that no provision of this Supplemental Code relating to pricing and marketing shall apply to direct export sales or to any product destined ultimately for export.

Article XI. This Supplemental Code and all the provisions thereof are expressly made subject to the right of the President in accordance with subsection (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule or regulation issued under said Act. Provision is also made that modifications may be submitted by the Code Authority.

Article XII provides means for withdrawal of this Subdivision from the Basic Code and its continuance as an autonomous Code.

Article XIII establishes that no provision of this Supplemental Code shall be so applied as to permit monopolies or monopolistic practices or to eliminate, oppress, or discriminate against small enterprises.

Article XIV states the effective date of this Supplemental Code.

FINDINGS

The Assistant Deputy Administrator in his final report to me on said Supplemental Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) Said Supplemental Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Subdivision normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Supplemental Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Subdivision; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Supplemental Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Supplemental Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Supplemental Code.

For these reasons, therefore, I have approved this Supplemental Code, provided that certain provisions relating to price publication are stayed, as stated in the Order.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 6, 1934.

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR POWER TRANSMISSION INDUSTRY

A DIVISION OF THE MACHINERY AND ALLIED PRODUCTS INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policy of Title I of the National Industrial Recovery Act, the following provisions are established as a Supplemental Code of Fair Competition for the Power Transmission Subdivision of the Machinery and Allied Products Industry, and, together with the Code of Fair Competition for the Machinery and Allied Products Industry, shall be the standard of fair competition for this Subdivision, and shall be binding on each employer therein.

ARTICLE II—DEFINITIONS

“*Applicant*” means the Power Transmission Association, a trade organization, all members of which are engaged in the manufacture and sale of the products of the Power Transmission Subdivision of Machinery and Allied Products Industry.

“*Industry*” means the Machinery and Allied Products Industry, as defined in its Code of Fair Competition as approved by the President, and as such definition may from time to time be amended.

“*Subdivision*” means the Power Transmission Subdivision of the Machinery and Allied Products Industry as defined and set forth in paragraph 21, Article II of the Code of Fair Competition for the Machinery and Allied Products Industry, as follows:

“Power Transmission Subdivision means the manufacture for sale of flat belt pulleys, rope sheaves, couplings, collars, hangers, pillow blocks, journal boxes, clutches, and other incidental machinery and appliances used in the transmission of power, but exclusive of shafting, multiple V-belt drives, belting, cut gears, cut-tooth and cast-tooth sprockets, chains, speed reducers, and automotive parts, and parts thereof, and includes all those engaged in such manufacture for sale.

“Employers otherwise engaged in the Farm Equipment Industry may manufacture for sale and sell power take-off equipment used in connection with tractors and gear reduction devices for power take-off for farming machinery, under the provisions of the Code of the Farm Equipment Industry and not under the provisions of this Code.”

“*Code*” means the Code of Fair Competition for the Machinery and Allied Products Industry, as approved by the President, March 17, 1934, and as from time to time amended.

“*Person*” means a natural person, a partnership, a corporation, an association, a trust, a trustee, a trustee in bankruptcy, a receiver or other entity.

“*Employer*” means any person engaged in this Subdivision of the Industry, either on his own behalf or as an employer of labor.

“*Employee*” means any one who is employed in this Subdivision by any such employer.

“*The Act*” means Title I of the National Industrial Recovery Act.

“*The President*” means the President of the United States.

“*Administrator*” means the Administrator for Industrial Recovery.

“*Basic Code Authority*” means the Code Authority for the Machinery and Allied Products Industry as constituted by the Code.

“*Code Authority*” means the Code Authority constituted for this Subdivision as provided by the Code and by this Supplemental Code.

“*Group Code Authority*” means the Code Authority for any Group or product classification within this Subdivision, constituted under the authority of Article V of this Supplemental Code.

“*Method of Pricing*” means net price lists and terms of sale and payment, or price lists with discount sheets and terms of sale and payment.

“*Publish*” means to make available to all interested parties.

ARTICLE III—EMPLOYMENT PROVISIONS

The following Articles of the Code, viz: Article III, “Working Hours”; Article IV, “Wages”; and Article V, “General Labor Provisions” are hereby made a part of this Supplemental Code, with the same effect as if they were written into this Supplemental Code.

ARTICLE IV—ADOPTION OF OTHER PROVISIONS OF CODE

The following Articles of the Code, viz: Article II, “Definitions”; Article VI, “Administration”, to the extent that they will be applicable to this Supplemental Code as such or as it may hereafter be administered as an autonomous Code; and Article VIII, “Modifications and Terminations”, are hereby adopted and make a part of this Supplemental Code, with the same effect as if they were written into this Supplemental Code.

ARTICLE V—ADMINISTRATION

During the period not to exceed sixty days, following the effective date of this Supplemental Code, the code committee of the Applicant shall constitute a temporary Code Authority. This committee shall consist of not less than 3 and not more than 8 members, and the Administrator, in his discretion, may appoint one additional member (without vote and without expense to this Subdivision).

(a) To permit representation of employers who are not members of Applicant, the Applicant shall, within sixty days after this Supplemental Code becomes effective, set up a permanent Code Authority to succeed the temporary Code Authority to administer and supervise and to facilitate the enforcement of this Supplemental Code.

(b) This Subdivision, having held an election for permanent Code Authority under the provisions of the Code of Fair Competition for the Machinery and Allied Products Industry, the Code Authority so elected shall constitute the first permanent Code Authority for this Subdivision if this method of election meets with the approval of the Administrator. If this method of election does not meet with the approval of the Administrator, then the provisions hereinbelow provided shall apply for the election of the first permanent Code Authority. For elections after the first, the provisions of this Supplemental Code for election of a permanent Code Authority shall apply.

(c) If the permanent Code Authority above mentioned is not approved, the permanent Code Authority shall be elected at a meeting called for this purpose, to which all known employers in this Subdivision shall be invited by letter sent by registered mail, with the right to vote either in person or by proxy. This permanent Code Authority shall consist of not less than 5 and not more than 9 members, and, in addition thereto, the representative of the Administrator as referred to in the paragraph above. Of the elective members of permanent Code Authority, one member may be chosen by the employers (if any) who are not members of the Applicant, provided such representation shall be desired by such employers. In the election of the remaining members of permanent Code Authority, each member of the Applicant shall have one vote, and a majority vote of members of the Applicant shall elect. Members of the permanent Code Authority so elected shall hold office for terms provided for in the permanent Code Authority Constitution and By-Laws.

Any employer in this Subdivision shall be entitled to vote at the election of, and share in the benefits of, the Code Authority, and participate in any endeavors of the Code Authority in the preparation of any revisions of, or additions or supplements to, this Supplemental Code, by paying his proper pro rata share of the reasonable cost of administering it, as determined by the Code Authority.

Assessments for defraying the expense of administering the Code, as determined by the Code Authority, shall be pro rated among employers at such times and in such amounts as may be determined by a majority vote of the employers entitled to vote; such assessments to be pro rated upon the basis of gross sales of the products of the Subdivision, f.o.b. cars at point of manufacture, for the preceding calendar year.

For the purpose of computing such assessments, each employer shall submit, upon request of the Code Authority, an accurate statement covering the sales made during the above stated period.

The Code Authority shall have no activities not related to the provisions of this Supplemental Code or the Code. Any employer in the Subdivision shall be eligible for membership in the Applicant Association.

In order that the Code Authority shall, at all times, be truly representative of the Subdivision and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and, thereafter, if he shall find that the Code Authority is not truly representative or does not in other

respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Code Authority.

(d) For the purpose of administering and facilitating the enforcement of the provisions of this Supplemental Code, Code Authority, by its duly authorized representatives (who shall not be an employer or in the employ of any employer affected by this Supplemental Code), shall have access to any and all statistics, data and information filed in accordance with the provisions of the Code and this Supplemental Code. All individual statistics, data and information of individual employers, as filed in accordance with the provisions of the Code and this Supplemental Code, shall be kept confidential, except with the consent of such employer pertaining to his own statistics, and providing that nothing herein shall prevent publication of general summaries of such statistics of this Subdivision.

(e) For administrative purposes, employers may be grouped by Code Authority to bring into working association employers having common interests and problems that are not common to all employers. Each such group shall designate from among its members a Group Code Authority, and may adopt such rules for the conduct of the business of the Group as are not inconsistent with the provisions of this Supplemental Code and the Code; provided, however, that provisions of this Article V shall control the making of all examinations or audits and the use to be made of information so obtained with respect to any employer.

(f) Except as otherwise provided in this Supplemental Code, the Code Authority or a Group Code Authority shall have power to hear all matters pertaining to the provisions of this Supplemental Code which may be submitted to it by any employer in its Group, having relation to the employers in said Group, or any of them, and to that end, to the extent permitted by the Act, may investigate and ascertain the facts through such examination or audit as such Group Code Authority may deem necessary. All matters pertaining to a particular group shall be referred in the first instance to the Group Code Authority for that Group, if any has been established.

Any decision of the Group Code Authority shall be final unless appeal is taken to the Code Authority or such decision involves matters requiring to be reported to the Code Authority, in which case pertinent information, papers and data in the possession of the Group Code Authority shall be turned over by it to the Code Authority, and the Code Authority shall pass on the merits of the case and make final decision or report thereon to the Basic Code Authority or the Administrator.

(g) The Code Authority or a Group Code Authority may act, within its powers, on the affirmative vote of a majority of its elected members; provided that any proposal receiving less than a majority vote shall be submitted, upon the request of any member of the Code Authority or Group Code Authority having jurisdiction, to a vote of all employers entitled to vote under this Supplemental Code or of all the employers entitled to vote comprising the Group effected respectively, and the Code Authority or Group Code Authority

having jurisdiction shall act as determined by the majority of the number of votes so cast.

(h) If any employer in this Subdivision is also an employer in any other Subdivision of the Industry, or in any other Industry, the provisions of this Supplemental Code, and the jurisdiction of the Code Authority hereunder, shall apply to and affect only that part of his business and product which is included in this Subdivision.

(i) An appeal from any action taken, or any rule or regulation established affecting the right of any employer or employee in this Subdivision, may be taken to the Basic Code Authority and thereafter to the Administrator.

(j) Nothing contained in this Supplemental Code shall constitute the members of the Code Authority or any Group Code Authority as partners for any purpose. Nor shall any member of the Code Authority or of any Group Code Authority be or become liable in any manner to anyone for any act of any other member, officer, agent or employee of the Code Authority or any Group Code Authority exercising reasonable diligence in the conduct of his duties hereunder, nor be or become liable to anyone for any action or omission to act under this Supplemental Code and the Code, except for his own willful misfeasance or non-feasance.

(k) The Code Authority may appoint a trade practice committee which shall meet with the trade practice committees appointed under such other codes as may be related to the Subdivision for the purpose of formulating fair trade practices to govern the relationships between production and distribution employers under this code and under such others to the end that such fair trade practices may be proposed to the Administrator as amendments to this code and such other codes.

ARTICLE VI—ACCOUNTING AND COSTING

The Code Authority shall cause to be formulated an accounting system and methods of cost finding and/or estimating capable of use by all employers of the Subdivision. After such system and methods have been formulated, full details concerning them shall be made available to all employers. Upon approval by 66 $\frac{2}{3}$ % of the employers, such accounting system and methods of cost finding and/or estimating shall become effective and thereafter all employers shall determine and/or estimate costs in accordance with the principles of such methods.

ARTICLE VII—SELLING BELOW REASONABLE COST

When the Code Authority determines that an emergency exists in this Subdivision, and that the cause thereof is destructive price-cutting such as to render ineffective or seriously endanger the maintenance of the provisions of this Supplemental Code, the Code Authority may cause to be determined the lowest reasonable cost of the product or products of this Subdivision, such determination to be subject to such notice and hearing as the Administrator may require. The Administrator may approve, disapprove, or modify the determination. Thereafter, during the period of the emergency, it shall be an unfair trade practice for any employer of the Subdivi-

sion to sell or offer to sell any product or products of the Subdivision for which the lowest reasonable cost has been determined at such prices or upon such terms or conditions of sale that the buyer will pay less therefor than the lowest reasonable cost of such product or products.

When it appears that conditions have changed, the Code Authority upon its own initiative or upon the request of any interested party, shall cause the determination to be reviewed.

For the purpose of gathering statistical data for the determination or revision of a lowest reasonable cost, the Administrator may require each employer to furnish such information concerning the cost of manufacturing and selling as the Administrator shall deem necessary or proper for such purpose.

ARTICLE VIII—METHODS OF PRICING AND TERMS OF PAYMENT

(a) If and when the Code Authority determines that in any branch or group of the Subdivision it has been the generally recognized practice of at least two-thirds of such branch or group of the Subdivision to sell a specified product on the basis of net price lists, or price lists with discount sheets and terms of sale and payment, each employer manufacturing such product shall, within ten days after notice of such determination, file with the proper Group Code Authority (or with Code Authority if there is no Group Code Authority having jurisdiction) net price lists or price lists with discount sheets and terms of sale and payment, individually prepared by him, showing his current method of pricing, and the Group Code Authority or Code Authority shall immediately publish and send copies thereof to the employers of this Subdivision cooperating under this Code, as described in Article V (c), and who manufacture like products. Revisions of the method of pricing and terms of sale and payment may be filed in like manner, from time to time thereafter, with the proper Group Code Authority or Code Authority by any manufacturer of such products, each such revision to become operative upon the date specified therein, but such revised method of pricing shall be filed with the proper Group Code Authority or Code Authority 10 days in advance of operative date. Copies thereof, with notice of the operative date specified, shall be immediately published and sent to all employers manufacturing such product or products cooperating under this Supplemental Code, as described in Article V (c), any of whom may file, if he so desires, revisions of his methods of pricing, which shall become effective upon the date when the revised method of pricing first filed shall go into effect.¹

(b) If and when a Group Code Authority or Code Authority shall determine that in any branch or group of the Subdivision not now selling its products on the basis of price lists, with or without discount sheets, with terms of sale and payment, the distribution or marketing conditions in said branch or group are the same as, or similar to, the distribution or marketing conditions in a branch or group of the Subdivision where the use of price lists, with or without discount sheets, is well recognized, and that a system of selling on net price lists, or price lists with discount sheets and terms of sale

¹ See paragraph 2 of order approving this Code.

and payment, should be put into effect in such branch or group, then each manufacturer of the product or products of such branch or group shall, within twenty (20) days after notice of such determination, file with Group Code Authority or Code Authority net price lists or price lists with discount sheets with terms of sale and payment, showing his method of pricing, and such method of pricing may be thereafter revised in the manner hereinabove provided. Provided that Group Code Authority or Code Authority shall make no determination to place any product of the Subdivision (not now on a price list basis) on a price list basis, as provided in this paragraph (b) of Article VIII, unless two-thirds of the employers cooperating under this Supplemental Code as described in Article V (c), who are at that time engaged in manufacturing such product, shall affirmatively consent that such determination be made.

(c) No employer shall sell directly or indirectly, by any means whatsoever, any product of this Subdivision at a price or at discounts or on terms of sale and payment different from those provided in his own current method of pricing and terms of sale and payment, as covered by the provisions of this Article VIII and proceedings thereunder.

ARTICLE IX—TRADE PRACTICES

Each of the following acts and practices is deemed to be inimical to the best interests of the Subdivision and of the public, and each is, therefore, hereby declared to be, and to constitute, an unfair method of competition, viz:

(1) *Inaccurate advertising*.—No employer shall publish advertising (whether printed, radio, display or of any other nature), which is misleading or inaccurate in any material particular, nor shall any employer in any way misrepresent any goods (including but without limitation, its use, trademark, grade, quality, quantity, origin, size, substance, character, nature, finish, material, content or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted.

(2) *False Billing*.—No employer shall knowingly withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any material particular.

(3) *Inaccurate Labelling*.—No employer shall brand or mark or pack any goods in any manner which is intended to or does deceive or mislead purchasers with respect to the brand, grade, quality, quantity, origin, size, substance, character, nature, finish, material content or preparation of such goods.

(4) *Defamation*.—No employer shall defame a competitor by falsely imputing to him dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representation, or by falsely disparaging the grade or quality of his goods.

(5) *Destructive Price Cutting*.—No employer shall indulge in destructive price cutting.

(6) *Threats of Law Suits*.—No employer shall publish or circulate unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harassing competitors or intimidating their customers.

(7) *Secret Rebates*.—No employer shall secretly offer or make any payment or allowance of a rebate, refund, commission credit, unearned discount or excess allowance, whether in the form of money or otherwise, nor shall an employer secretly offer or extend to any customer any special service or privilege not extended to all customers of the same class, for the purpose of influencing a sale.

(8) *Bribing Employees*.—No employer shall give, permit to be given, or offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal or party. This provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

(9) *Inducing Breach of Existing Contracts*.—No employer shall wilfully induce or attempt to induce the breach of existing commercial contracts between competitors and their customers by any false or deceptive means, or interfere with or obstruct the performance of any such contractual duties or services by any such means, with the purpose and effect of hampering, injuring or embarrassing competitors in their business.

(10) *Procuring Confidential Information*.—No employer shall procure, otherwise than with the consent of any other employer, any information concerning the business of such other employer which is properly regarded by such other employer as a trade secret or confidential within his or its organization other than information relating to a violation of any provision of the Code.

(11) *Discounts*.—No employer shall sell on the basis of a dollar volume discount. This shall not prohibit quoting of quantity discounts on published price list.

(12) *Consignments*.—No employer shall consign any product to anyone or any class of trade, except in trading areas where existing competing stocks are now maintained by an employer; provided, however, that the following practices are permitted:

(a) The transfer of an existing consignment from one consignee to another consignee in the same trading area;

(b) The conversion of a bona fide sale into a consignment for the purpose of protecting the seller when the purchaser is financially embarrassed.

(c) The conducting of field tests or demonstrations of newly designed product or of a new application of a product by any employer, without compensation.

(13) *Guaranties*.—No employer shall guarantee any product beyond the guaranty as specified in the terms and conditions of sale on file with the Code Authority and in effect at the time of the sale of such product; this does not apply to performance or capacity guaranty.

ARTICLE X—SALES FOR EXPORT

The provisions of this Supplemental Code concerning pricing and marketing shall not apply to direct export sales of any product, or to sales of any product destined ultimately for export. The term

“export” shall include all shipments to all places without the several states of the United States and the District of Columbia; provided, however, that no shipment to any territory or possession of the United States shall be considered as export when any employer is engaged in the Subdivision in such territory or possession.

ARTICLE XI—MODIFICATIONS

(a) As provided by Section 10 (b) of the Act, the President may from time to time cancel or modify any order, approval, license, rule or regulation issued under Title I of the Act.

(b) As study of the needs of the Subdivision is continued after the effective date, amendments, additions, or revisions to this Supplemental Code may be proposed, which, upon being assented to in writing by two-thirds vote of employers co-operating under this Supplemental Code, shall be in full force and effect from and after approval thereof by the President.

ARTICLE XII—WITHDRAWAL

Upon thirty days notice to the Basic Code Authority and to the Administrator, this Subdivision may, upon the concurring affirmative vote of employers within the said Subdivision entitled to cast two-thirds or more of all the votes that might be cast by all employers within the subdivision entitled to vote thereon, withdraw from the jurisdiction of the Basic Code Authority. The eligibility of voters and the method and effect of such voting shall be in accordance with the provisions of Article V hereof. After and in the event such withdrawal is accomplished, this Supplemental Code, together with the provisions of the Code, shall become and be the sole code governing this Subdivision, and the Code Authority shall, for this Subdivision, become and be the sole Code Authority and shall perform all the functions with respect thereto.

ARTICLE III—MONOPOLIES

Applicant imposes and shall impose no inequitable restrictions on membership therein. The Supplemental Code presented by it is not designed to promote monopoly, and shall not be so construed or applied as to oppress or eliminate small enterprises or discriminate against them, and is designed to effectuate the policy of the Act.

ARTICLE XIV—EFFECTIVE DATE

This Supplemental Code shall become effective and binding on all employers in the Subdivision on the eleventh day after its approval.

Approved Code No. 347—Supplement No. 25.
Registry No. 1399-63.

SUPPLEMENTARY CODE OF FAIR COMPETITION

FOR THE

CASTER AND FLOOR TRUCK MANUFACTURING
INDUSTRY

As Approved on July 7, 1934

ORDER

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE CASTER AND
FLOOR TRUCK MANUFACTURING INDUSTRY

A DIVISION OF THE MACHINERY AND ALLIED PRODUCTS INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Supplemental Code of Fair Competition for the Caster and Floor Truck Manufacturing Subdivision of Machinery and Allied Products Industry, and hearings having been duly held thereon and the annexed report on said Supplemental Code containing findings with respect thereto, having been made and directed to the President;

NOW THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Supplemental Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Supplemental Code of Fair Competition be and it is hereby approved, subject to the following condition: that the provisions of Article VIII, Section (a), insofar as they prescribe a waiting period between the filing with the Code Authority (or such agency as may be designated in the Supplemental Code) and the effective date of price lists, as originally filed and/or revised price lists or revised terms and conditions of sale, be and they are hereby stayed pending my further order.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 7, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Supplemental Code of Fair Competition for the Caster and Floor Truck Manufacturing Subdivision of Machinery and Allied Products Industry, a Public Hearing on which was held in Washington, D.C., on December 21, 1933. The Hearing was conducted in full accordance with the provisions of Title I of the National Industrial Recovery Act.

GENERAL STATEMENT

The Caster and Floor Truck Manufacturing Subdivision, being truly representative of the manufacturers of the products defined in Article II of the Supplemental Code, has elected to formulate and submit a Supplemental Code of Fair Competition as provided in Article I of the Code of Fair Competition for the Machinery and Allied Products Industry, approved by you on the seventeenth day of March, 1934.

The Caster and Floor Truck Manufacturing Subdivision means the manufacture for sale of casters of all descriptions, including furniture, metal bed, washing machine, hospital, truck casters, and miscellaneous casters, and floor protective devices, commonly called glides, slides and rests; hand propelled floor trucks of all descriptions, trailers (other than highway trailers), barrel skids and parts of all the foregoing products, and all articles and devices kindred or incident to the caster and/or floor truck business, and includes all those engaged in such manufacture for sale.

ECONOMIC EFFECT

This Subdivision has been severely affected by the recent depression. This is evidenced by the steady decline in annual sales since 1929. Volume declined from \$12,400,000 in 1929 to \$4,300,000 in 1932, or 65%. Sales for the first six months of 1933, however, were estimated at \$3,100,000.

Estimates of approximate employment indicate that the number of factory workers in 1929, 2,206, declined to 1,097 in 1932, or 50%. In November, 1933, employment had sufficiently improved to bring the number up to 1,619.

Estimated average man-hours per week declined from 111,624 in June, 1929, to 46,451, or 58%, in June, 1933, and thereafter increased to 59,579 in November, 1933, or 28%.

Average weekly wages paid to factory employees amounted to \$23.39 in June, 1929, and decreased to \$14.55 in June, 1933, and to \$14.31 in November, 1933, a decline of 39% from June, 1929.

The wage provisions for the Subdivision, which is operating under the Code of the Machinery and Allied Products Industry, provide

that employees engaged in plant operations shall be paid as follows: (1) in cities of more than 50,000 population and their immediate vicinity, 40 cents per hour; (2) in cities of more than 10,000 but not more than 50,000 population and their immediate vicinity, which cities are not in the immediate vicinity of a city of more than 50,000 population, 38 cents per hour; (3) in cities of 10,000 population or less and their immediate vicinity, which cities are not in the immediate vicinity of a city of more than 10,000 population, 36 cents per hour, except that employees engaged in plant operations in all localities in the states of Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Texas, and Oklahoma, shall be paid not less than 32 cents per hour.

When females do substantially the same work as males or replace males, they shall receive the same pay. However, no female employee shall be paid less than 87½% of the proper rate for the locality in which employed.

Office boys and girls and apprentices shall be paid not less than 80% of the minimum wage.

Employees other than those engaged in plant operations shall receive not less than \$15.00 per week.

This Supplemental Code provides that no person under sixteen years of age shall be employed in this Subdivision.

RÉSUMÉ OF SUPPLEMENTAL CODE

Article I states the purpose of the Supplemental Code.

Article II accurately defines specific terms applicable to the Subdivision as used in this Supplemental Code.

Article III provides for the adoption of the employment provisions of the Code of Fair Competition for the Machinery and Allied Products Industry as approved by you on the seventeenth day of March, 1934, and as from time to time amended.

Article IV provides for the adoption of Articles II, VI, VIII, and IX of the Code of Fair Competition for the Machinery and Allied Products Industry in accordance with the conditions of this Article governing their adoption.

Article V provides for the establishment of the Code Authority and defines its powers and duties.

Article VI provides for an accounting system and methods of cost finding and/or estimating.

Article VII provides that no products shall be sold or exchanged below a reasonable cost when the Code Authority determines that an emergency exists.

Article VIII provides for methods of setting up, revising, and filing price lists and discount sheets and terms of sale and payment.

Article IX sets forth trade practices for the Subdivision.

Article X establishes that no provision of this Supplemental Code relating to pricing and marketing shall apply to export trade.

Article XI. This Supplemental Code and all the provisions thereof are expressly made subject to the right of the President in accordance with subsection (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule or regulation issued under said Act. Provision is also made that modifications may be submitted by the Code Authority.

Article XII provides means for withdrawal of this Subdivision from the Basic Code and its continuance as an autonomous Code.

Article XIII establishes that no provision of this Supplemental Code shall be so applied as to permit monopolies and monopolistic practices or to eliminate, oppress, or discriminate against small enterprises.

Article XIV states the effective date of this Supplemental Code.

FINDINGS

The Assistant Deputy Administrator in his final report to me on said Supplemental Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Subdivision normally employs not more than 50,000 employees; and is not clasified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant group is an industrial association truly representative of the aforesaid Subdivision; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Codes is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Supplemental Code.

For these reasons, therefore, I have approved this Supplemental Code, provided that certain provisions relating to price publication are stayed.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 7, 1934.

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR CASTER AND FLOOR TRUCK MANUFACTURING INDUSTRY

A DIVISION OF THE MACHINERY AND ALLIED PRODUCTS INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policy of Title I of the National Industrial Recovery Act, the following provisions are established as a Supplemental Code for the Caster and Floor Truck Manufacturing Subdivision of the Machinery and Allied Products Industry, and together with the Code of Fair Competition for Machinery and Allied Products Industry shall be the standard of fair competition for this Subdivision, and shall be binding on each employer therein.

ARTICLE II—DEFINITIONS

“Applicant” means the Caster and Floor Truck Manufacturers Association, a trade organization, all members of which are engaged in the manufacture for sale of the products of the Caster and Floor Truck Manufacturing Subdivision of the Machinery and Allied Products Industry.

“Industry” means the Machinery and Allied Products Industry, as defined in its Code of Fair Competition as approved by the President, and as such definition may from time to time be amended.

“Subdivision” means the Caster and Floor Truck Manufacturing Subdivision of the Machinery and Allied Products Industry as defined and set forth in Paragraph 4 of Article II of the Code of Fair Competition for the Machinery and Allied Products Industry as follows:

“Caster and Floor Truck Manufacturing Subdivision means the manufacture for sale of casters of all descriptions, including furniture, metal bed, washing machine, hospital, truck casters and miscellaneous casters, and floor protective devices, commonly called glides, slides and rests; hand-propelled floor trucks of all descriptions, trailers (other than highway trailers), barrel skids and parts of all the foregoing products, and all articles and devices kindred or incident to the caster and/or floor truck business, and includes all those engaged in such manufacture for sale.”

“Code” means the Code of Fair Competition for the Machinery and Allied Products Industry, as approved by the President, and as from time to time amended.

“Person” means a natural person, a partnership, a corporation, an association, a trust, a trustee, a trustee in bankruptcy, a receiver or other entity.

“Employer” means any person engaged in this Subdivision either on his own behalf or as an employer of labor.

“The Act” means Title I of the National Industrial Recovery Act.

“The President” means the President of the United States.

“The Administrator” means the Administrator for Industrial Recovery.

“Basic Code Authority” means the Code Authority for the Machinery and Allied Products Industry as constituted by the Code.

“Code Authority” means the Code Authority constituted for this Subdivision as provided by the Code and by this Supplemental Code.

“Group Code Authority” means the Code Authority for any group or product classification within this Subdivision.

“Publish” means to make available to the public.

ARTICLE III—EMPLOYMENT PROVISIONS

The following Articles of the Code, viz: Article III, “Working Hours”; Article IV, “Wages”; and Article V, “General Labor Provisions”, are hereby made a part of this Supplemental Code, with the same effect as if they were written into this Supplemental Code.

ARTICLE IV—ADOPTION OF OTHER PROVISIONS OF CODE

The following Articles of the Code, viz: Article II, “Definitions”; Article VI, “Administration”; to the extent that they shall be applicable to this Supplemental Code as such or as it may hereafter be administered as an autonomous code; and Article VIII, “Modifications and Termination”; are hereby adopted and made a part of this Supplemental Code, with the same effect as if they were written into this Supplemental Code.

ARTICLE V—ADMINISTRATION

(a) A Code Authority for this Subdivision is hereby constituted to administer, supervise and facilitate the enforcement of the Code and of this Supplemental Code in the manner and to the extent provided in the Code and in this Supplemental Code.

(b) During a period not to exceed sixty (60) days following the effective date and pending the election of the permanent Code Authority, the board of directors of the Applicant shall constitute a temporary Code Authority.

(c) This Subdivision, having held an election for permanent Code Authority under the provisions of the Code of Fair Competition for the Machinery and Allied Products Industry, the Code Authority so elected shall constitute the first permanent Code Authority for this Subdivision if this election meets with the approval of the Administrator. If this election does not meet with the approval of the Administrator then the provisions hereinbelow provided shall apply for the election of the first permanent Code Authority. For elections after the first, the provisions of this Code for election of a permanent Code Authority shall apply.

(d) The Applicant shall, by written notice mailed (registered) to all employers known to the Applicant, call a meeting of em-

ployers to be held within sixty (60) days after the effective date for the purpose of adopting procedural rules and regulations for the election, organization and operation of the permanent Code Authority and electing a permanent Code Authority which shall consist of nine members. The Administrator may, in his discretion, appoint one additional member (without vote and without expense to the Subdivision). The permanent Code Authority so elected and appointed shall succeed the temporary Code Authority.

(e) Any employer shall be entitled to vote at the election of the permanent Code Authority and at other meetings of employers and share in the benefits of the activities of Code Authority and participate in any endeavors of Code Authority in the preparation of any amendments or revisions of, or additions or supplements to this Supplemental Code by paying or agreeing to pay, as and when assessed, his proper pro rata share of the reasonable cost of administering this Supplemental Code as determined by Code Authority. The assessments shall be pro rata on the basis of employer's total sales averaged over the two preceding years and the total sales of the Subdivision averaged over those same two years, or on any other equitable basis.

(f) Action by employers in any Subdivision meeting for the election of Code Authority shall be by vote of the employers entitled to vote as provided in Section (e) of this Article V, each such employer to have one vote only. Action by employers in any Subdivision meeting for the adoption of procedural rules, revisions or additions to this Supplemental Code, or the transaction of other business of the Subdivision under this Supplemental Code, shall be by vote of the employers in the Subdivision who are entitled to vote thereat as provided in Section (e), Article V of the Supplemental Code and are present in person or by proxy duly executed and filed with Code Authority; cast and computed in the manner provided in Section (d), Article VI of the Code. All questions as to the number of votes which each employer shall be entitled to cast at any meeting of employers other than the meeting held to vote for the election of the permanent Code Authority shall be determined by Code Authority in accordance with Section (d) Article VI of the Code.

(g) In order that the Code Authority shall at all times be truly representative of the Subdivision and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Code Authority.

(h) Employers in this Subdivision having a common interest and common problems may be grouped by Code Authority for administrative purposes. There shall be a Group Code Authority approved or appointed by Code Authority for each such group.

(i) If formal complaint is made to Code Authority that provisions of this Supplemental Code have been violated by any employer, Code Authority or the proper Group Code Authority may to the extent permitted by the Act, cause such investigation or audit to be made as may be deemed necessary. If such investigation is made by

Group Code Authority it shall report the result of such investigation or audit to Code Authority for action.

(j) The Code Authority may appoint a Trade Practice Committee which shall meet with the Trade Practice Committees appointed under such other Codes as may be related to the Subdivision for the purpose of formulating fair trade practices to govern the relationships between production and distribution employers under this Supplemental Code and under such others to the end that such fair trade practices may be proposed to the Administrator as amendments to this Supplemental Code and such other codes.

ARTICLE VI—ACCOUNTING AND COSTING

The Code Authority shall cause to be formulated an accounting system and methods of cost finding and/or estimating capable of use by all employers of the Subdivision. After such system and methods have been formulated, full details concerning them shall be made available to all employers. Thereafter all employers shall determine and/or estimate costs in accordance with the principles of such methods.

ARTICLE VII—SELLING BELOW REASONABLE COST

SECTION 1. When the Code Authority determines that an emergency exists in this Subdivision and that the cause thereof is destructive price-cutting such as to render ineffective or seriously endanger the maintenance of the provisions of this Supplemental Code, the Code Authority may cause to be determined the lowest reasonable cost of the products of this Subdivision, such determination to be subject to such notice and hearing as the Administrator may require. The Administrator may approve, disapprove, or modify the determination. Thereafter, during the period of the emergency, it shall be an unfair trade practice for any employer of the Subdivision to sell or offer to sell any products of the Subdivision for which the lowest reasonable cost has been determined at such prices or upon such terms or conditions of sale that the buyer will pay less therefor than the lowest reasonable cost of such products.

When it appears that conditions have changed, the Code Authority, upon its own initiative or upon the request of any interested party, shall cause the determination to be reviewed.

SECTION 2. The foregoing Section 1 shall not apply to (a) dropped lines, or (b) seconds, or (c) inventories which must be converted into cash to meet emergency needs, all of which may be disposed of by any employer at any price and on any terms or conditions, but only if such employer, not less than two weeks before such proposed disposal, has filed with Code Authority a statement in writing setting forth the facts of, and reasons for, such proposed disposal and the price and terms and conditions of sale, and Code Authority has not, (with the approval of the Administrator), before the termination of such two week period, in writing, disapproved the proposed disposal. Notice of such disposal, if not disapproved, shall be sent immediately to all employers manufacturing

products of equivalent design, character, quality or specifications, who may sell (a) dropped lines, or (b) seconds, or (c) inventories which must be converted into cash to meet emergency needs, at prices and on terms and conditions as favorable as those stipulated in the proposed disposal.

SECTION 3. The foregoing Section 1 shall not apply to a sale made in order to meet competition on products manufactured outside the United States. For such disposal, any employer may sell, at prices and on terms and conditions as favorable as those of the competing foreign product, but only if he has first reported to the Code Authority his intention so to sell, and the facts as to the competition which justifies such action.

ARTICLE VIII—PRICE LISTS

(a) If and when Code Authority determines that in any group of the Subdivision it has been the generally recognized practice to sell a specified product on the basis of net price lists, or price lists with discount sheets, and fixed terms of sale and payment, each employer engaged in the manufacture of such product shall, within ten (10) days after notice of such determination, file with Code Authority a net price list, or a price list with discount sheet, as the case may be, individually prepared by him, showing his current prices, or prices and discounts, and terms of sale and payment for such specified product, and Code Authority shall immediately publish and send copies thereof to all known employers who are cooperating under this Supplemental Code as described in Article V (d) and engaged in the manufacture of such specified products.

Revised price lists and/or discount sheets and/or terms of sale and payment may be filed from time to time thereafter with the Code Authority by any such employer, to become operative upon the date specified therein, but such revised price lists and/or discount sheets and/or terms of sale and payment shall be filed with a Code Authority ten (10) days in advance of the operative date. The Code Authority or the Group Code Authority may establish a shorter period at any time provided no revisions waiting operative date shall be affected thereby. Copies thereof, with notice of the operative date specified, shall be immediately published and sent to all employers cooperating under this Supplemental Code as described in Article V (d), any of whom may file, if he so desires, revisions of his price lists and/or discount sheets and/or terms of sale and payment, which shall become effective upon the date when the revised price list and/or discount sheet and/or terms of sale and payment first filed shall go into effect.¹

(b) If and when Code Authority shall determine that in any group of the Subdivision not now selling its product on the basis of price lists, with or without discount sheets, with fixed terms of sale and payment, the distribution or marketing conditions in the group are the same as, or similar to, the distribution or marketing conditions in a group where the use of price lists, with or without discount sheets and fixed terms of sale and payment is well recognized, and

¹ See paragraph 2 of order approving this Code.

that a system of selling on net price lists or price lists and discount sheets with fixed terms of sale and payment for such specified product should be put into effect in such group, then each employer in such group shall within twenty (20) days after notice of such determination, file with Code Authority net price lists or price lists and discount sheets, with fixed terms of sale and payment, showing his prices and discounts and terms of sale and payment, and such price lists and/or discount sheets and/or terms of sale and payment may be thereafter revised in the manner hereinbefore provided. Provided that Code Authority shall make no determination to place any product of the Subdivision (not now on a price list basis) on a price list basis, as provided in this Section unless affirmative consent to such determination is given by a 66 $\frac{2}{3}$ % vote of employers who are at that time cooperating under this Supplemental Code as described in Article V (e), and are engaged in manufacturing such product. The eligibility requirements, methods, and effect of such voting shall be the same as is provided by Article V.

(c) No employer shall sell directly or indirectly by any means whatsoever, any product of the Subdivision covered by provisions of this Article VIII at a price or at discounts or on terms of sale and payment, different from those provided in his own current net price lists, or price lists and discount sheets, and terms of sale and payment, except as provided in Article VII, Sections 2 and 3.

ARTICLE IX—TRADE PRACTICES

1. No employer shall indulge in destructive price cutting.

2. No employer shall secretly, directly or indirectly, offer to make any payment or allowance of a rebate, refund, commission, credit, unearned discount, or excess allowance, whether in the form of money or otherwise, nor shall an employer secretly offer or extend to any customer any special service or privilege not extended to all customers of the same class, for the purpose of influencing a sale.

3. No employer shall publish advertising (whether printed, radio, display or of any other nature), which is misleading or inaccurate, in any material particular, nor shall any employer in any way misrepresent any goods (including, but without limitation, its use, trade mark, grade, quality, quantity, origin, size, substance, character, nature, finish, material, content, or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted.

4. No employer shall publish or circulate unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harassing competitors or intimidating their customers.

5. No employer shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal or party. This provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

ARTICLE X—EXPORT TRADE

No provision of this Code relating to prices or terms of selling, shipping or marketing, shall apply to export trade or sales or shipments for export trade. "Export Trade" shall be as defined in the Export Trade Act adopted April 10, 1918.

ARTICLE XI—MODIFICATIONS

(a) As provided by Section 10 (b) of the Act, the President may from time to time cancel or modify any order, approval, license, rule or regulation issued under Title I of the Act.

(b) Any amendments, additions, revisions, or supplements of this Supplemental Code, proposed by Code Authority, and authorized by the affirmative vote of 66 $\frac{2}{3}$ % of the employers shall be in full force and effect upon approval by the President. The eligibility requirements, method and effect of such voting shall be the same as provided by Article V hereof.

(c) This Supplemental Code shall terminate June 16, 1935, or on such date prior thereto when the Act shall be repealed or the President shall, by proclamation, or the Congress shall, by joint resolution, direct that the emergency recognized by Section I of the Act has ended.

ARTICLE XII—WITHDRAWAL

Upon thirty days notice to the Basic Code Authority and to the Administrator, this Subdivision may, upon the concurring affirmative vote of employers within the said Subdivision entitled to cast two-thirds or more of all the votes that might be cast by all employers within the Subdivision entitled to vote thereon, withdraw from the jurisdiction of the Basic Code Authority. The eligibility of voters and the method and effect of such voting shall be in accordance with the provisions of Article V hereof. After and in the event such withdrawal is accomplished, this Supplemental Code together with the provisions of the Code shall become and be the sole Code governing this Subdivision and the Code Authority shall, for this Subdivision, become and be the sole Code Authority and shall perform all the functions with respect thereto.

ARTICLE XIII—MONOPOLIES

Applicant imposes and shall impose no inequitable restrictions on membership therein. The Supplemental Code presented by it is not designed to promote monopoly, and shall not be so construed or applied as to oppress or eliminate small enterprises or discriminate against them, and is designed to effectuate the policy of the Act.

ARTICLE XIV—EFFECTIVE DATE

This Supplemental Code shall become effective and binding on all persons engaged in the Subdivision on the eleventh day after its approval.

SUPPLEMENTARY CODE OF FAIR COMPETITION
FOR THE
MECHANICAL PRESS MANUFACTURING
INDUSTRY

As Approved on July 9, 1934

ORDER

APPROVING SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE
MECHANICAL PRESS MANUFACTURING INDUSTRY

A DIVISION OF THE MACHINERY AND ALLIED PRODUCTS INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Supplemental Code of Fair Competition for the Mechanical Press Manufacturing Subdivision of Machinery and Allied Products Industry, and a hearing having been duly held thereon and the annexed report on said Supplemental Code containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Supplemental Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Supplemental Code of Fair Competition be and it is hereby approved subject to the condition that the provisions of Article VIII, insofar as they prescribe a waiting period between the filing with the Code Authority (or such agency as may be designated in the Supplemental Code) and the effective date of price lists, as originally filed and/or revised price lists or revised terms and conditions of sale, be and they hereby are stayed pending my further order.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 9, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Supplemental Code of Fair Competition for the Mechanical Press Manufacturing Subdivision of the Machinery and Allied Products Industry, public hearing having been conducted thereon in Washington, D.C., May 10, 1934, in accordance with the provisions of Title I of the National Industrial Recovery Act. Every person who filed a request for an appearance was freely heard in public and all statutory and regulatory requirements were complied with.

GENERAL STATEMENT

The Mechanical Press Builders' Association, being truly representative of this Subdivision of the Machinery and Allied Products Industry, has elected to avail itself of the option of submitting a Supplemental Code of Fair Competition, as provided in Article I of the Basic Code for the Machinery and Allied Products Industry approved by you on the seventeenth day of March 1934.

This Subdivision represents a part of the capital goods industry, manufacturing and selling mechanically power-driven presses with reciprocating slide or slides, and machinery (except machinery within the scope of another code) used for the purpose of shearing, blanking, punching, stamping, embossing, forming and drawing metal, hot or cold, and accessories, attachments, and parts thereof.

ECONOMIC EFFECT

It is estimated that this Subdivision in 1929 employed approximately 5,800 persons. This estimate is based on data contained in the National Recovery Administration questionnaires returned by 16 members of the Subdivision.

According to a summary of the questionnaire returns by 16 members of the Subdivision, factory employment in the second quarter of 1933 declined 89.2 per cent from 1929. An increase in employment of 106.4 per cent was noted from June 1933 to November 1933. Employment in November 1933 was 63.8 per cent below the 1929 level.

Annual sales of the Subdivision, based on estimates furnished in the code application by the Mechanical Press Builders' Association declined from \$25,370,000 in 1929 to \$2,461,000 in 1932, or 90.3 per cent, and increased thereafter to \$3,068,000 in 1933, or 24.7 per cent over the previous year.

Approximately 54.3 per cent of the workers were employed more than 40 hours per week during a representative week of June, 1933. The average work-week declined from 54.9 hours in June 1929 to 29.0 hours in June, 1933, then increased to 37.7 hours in November 1933.

Man-hours per week for a representative sample of the Subdivision declined 90.6 percent from June, 1929 to June, 1933 and in November, 1933 showed an increase of more than 150 per cent over June, 1933.

Man-hour requirements for November, 1933 were 74.8 per cent below the level of 1929. Due to the fact that the Subdivision in November 1933 was operating on an average of 37.7 hours per week, little increase in employment may be expected as a result of the adoption of a 40-hour week.

Approximately 10.9 per cent of the factory workers employed in June, 1933 were receiving less than 40 cents per hour; 9.5 per cent were receiving less than 38 cents per hour; 8.1 per cent were receiving less than 36 cents per hour, and 4.0 per cent were receiving less than 32 cents per hour. Based on the distribution of hourly rates for June, 1933, the adoption of the minimum wage rates provided by the code will effect a concomitant increase in total payrolls of approximately one per cent, assuming upward adjustment in the brackets below the 40-cent minimum only and no change in man-hour requirements.

RÉSUMÉ OF THE SUPPLEMENTAL CODE

Article I states the purpose of the Supplemental Code.

Article II accurately defines specific terms employed in this Supplemental Code.

Article III: The labor provisions of the Basic Code for the Machinery and Allied Products Industry, as approved March 17, 1934, are incorporated by reference as the labor provisions of this Supplemental Code.

Article IV adopts the relevant portions of Article II "Definitions", Article VI "Administration", and Article VIII, "Modifications and Termination", of the Basic Code for the Machinery and Allied Products Industry, as approved March 17, 1934.

Article V establishes a code authority consisting of not less than six (6) nor more than nine (9) members, two of whom may be elected by vote of employers who are not members of the Applicant Association. The Administrator may, in his discretion, appoint one additional member, without vote and without expense to the Subdivision. Together with the applicable provisions of the Basic Code, mechanism is provided for the administration of this Supplemental Code.

Article VI provides for an accounting system and methods of cost finding and/or estimating.

Article VII provides that during an emergency, the lowest reasonable cost of products of the Subdivision may be determined, and that during said emergency, it shall be an unfair trade practice to sell at less than the determined reasonable cost.

Article VIII provides for methods of setting up, revising and filing price lists and discount sheets and terms of sale and payment.

Article IX sets forth the trade practices which have been especially designed to offset unfair competition in this Subdivision.

Article X stipulates that no provision of this Supplemental Code relating to price or terms of selling, shipping or marketing, shall apply to export trade or sales or shipments for export trade. "Export trade" shall be as defined in the Export Trade Act adopted April 10, 1918.

Article XI contains the mandatory provisions contained in Section 10 (b) of the Act, and also provides for the submission of proposed amendments to the Supplemental Code.

Article XII provides for the withdrawal of this Subdivision from the jurisdiction of the Basic Code Authority and for the continued functioning of this Subdivision as an individual industry under its own Code.

Article XIII stipulates that there shall be no inequitable restrictions and provides against monopolies.

Article XIV gives the effective date of this Supplemental Code.

FINDINGS

The Deputy Administrator in his final report to me on said Supplemental Code, having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) Said Supplemental Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Subdivision normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Supplemental Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association, truly representative of the aforesaid Subdivision; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Supplemental Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Supplemental Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Supplemental Code.

For these reasons, therefore, I have approved this Supplemental Code, on the condition that the provisions of Article VIII be stayed, as stated in the Order.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 9, 1934.

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE MECHANICAL PRESS MANUFACTURING IN- DUSTRY

A DIVISION OF THE MACHINERY AND ALLIED PRODUCTS INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policy of Title I of the National Industrial Recovery Act, the following provisions are established as a Supplemental Code for the Mechanical Press Manufacturing Subdivision of the Machinery and Allied Products Industry, and together with the Code of Fair Competition of Machinery and Allied Products Industry, shall be the standard of fair competition for this Subdivision, and shall be binding on every employer therein.

ARTICLE II—DEFINITIONS

“Applicant” means the Mechanical Press Builders’ Association, a trade organization, all members of which are engaged in the manufacture for sale of the products of the Mechanical Press Manufacturing Subdivision of the Machinery and Allied Products Industry.

“Industry” means the Machinery and Allied Products Industry, as defined in its Code of Fair Competition, as approved by the President, and as such definition may from time to time be amended.

“Subdivision” means the Mechanical Press Manufacturing Subdivision of the Machinery and Allied Products Industry as defined and set forth in paragraph 44, Article II, of the Code of Fair Competition of the Machinery and Allied Products Industry as amended as follows:

“Mechanical Press Manufacturing Subdivision means the manufacture for sale of mechanically power-driven presses with reciprocating slide or slides, and machinery (except machinery within the scope of another code) used for the purpose of shearing, blanking, punching, stamping, embossing, forming, and drawing metal, hot or cold, and accessories, attachments, and parts thereof produced by the manufacturers of the completed products of the Subdivision.”

“Code” means the Code of Fair Competition of the Machinery and Allied Products Industry as approved by the President, March 17, 1934, and as from time to time amended.

“Person” means a natural person, a partnership, a corporation, an association, a trust, a trustee, a trustee in bankruptcy, a receiver, or other entity.

“Employer” means any person engaged in this Subdivision either on his own behalf or as an employer of labor.

“Employee” means anyone who is employed in the Subdivision by any such employer.

“The Act” means Title I of the National Industrial Recovery Act.

“The President” means the President of the United States.

“The Administrator” means the Administrator for Industrial Recovery.

“Basic Code Authority” means the Code Authority for the Machinery and Allied Products Industry as constituted by the Code.

“Code Authority” means the Code Authority constituted for this Subdivision as provided by the Code and by this Supplemental Code.

“Group Code Authority” means the Code Authority for any group or product classification within this Subdivision.

“Publish” means to make available to the public.

ARTICLE III—EMPLOYMENT PROVISIONS

The following Articles of the Code, viz: Article III, “Working Hours”; Article IV, “Wages”; and Article V, “General Labor Provisions”, are hereby made a part of this Supplemental Code, with the same effect as if they were written into this Supplemental Code.

ARTICLE IV—ADOPTION OF OTHER PROVISIONS OF CODE

The following Articles of the Code, viz: Article II, “Definitions”, Article VI, “Administration”, to the extent that they shall be applicable to this Supplemental Code as such or as it may hereafter be administered as an autonomous Code; and Article VIII, “Modifications and Termination”, are hereby made a part of this Supplemental Code, with the same effect as if they were written into this Supplemental Code.

ARTICLE V—ADMINISTRATION

(a) A Code Authority for this Subdivision is hereby constituted to administer and supervise, and to facilitate the enforcement of the Code, and of this Supplemental Code in the manner and to the extent provided in the Code and in this Supplemental Code.

(b) During a period not to exceed sixty (60) days following the effective date and pending the election of the permanent Code Authority, the executive committee of the Applicant shall constitute a temporary Code Authority. The Administrator, in his discretion, may appoint one additional member (without vote and without expense to the Subdivision).

(c) The Applicant shall, by at least ten (10) days' notice sent by registered mail to all employers whose names the Applicant has ascertained after reasonably diligent search, call a meeting of employers to be held within sixty (60) days after the effective date for the purpose of adopting procedural rules and regulations for the election, organization, and operation of the permanent Code Authority, and electing a permanent Code Authority which shall consist of not less than six (6) nor more than nine (9) representatives of employers entitled to participate as provided in Section (d) of this Article V, two (2) of whom may be elected by a vote of the employers

not members of Applicant. The Administrator in his discretion may appoint one additional member (without vote and without expense to the Subdivision). The permanent Code Authority so elected and appointed shall succeed the temporary Code Authority.

Any vacancy on the Code Authority due to death, resignation or because a member thereof has ceased to be connected with the Subdivision shall be filled at a meeting of employers called by the Code Authority on at least ten days' notice sent by registered mail to all employers in this Subdivision, and by a vote similar to the vote by which the retired member was originally selected.

(d) Any employer shall be entitled to vote at the election of the permanent Code Authority and at other meetings of employers and share in the benefits of the activities of Code Authority and may participate in any endeavors of Code Authority in the preparation of any amendments or revisions of, or additions or supplements to, this Supplemental Code by paying or agreeing to pay, as and when assessed, his proper pro rata share of the reasonable cost of administering this Supplemental Code as determined by Code Authority, and approved by the Administrator.

(e) Action by employers in any Subdivision meeting for the election of Code Authority as provided in Subsection (c) of this Article V, shall be by vote of the employers entitled to vote as provided in Section (d) of this Article V, and who are present in person or by proxy, each such employer to have one vote only. Action by employers in any Subdivision meeting for the adoption of procedural rules, revisions, or additions to the Supplemental Code, or the transaction of other business of the Subdivision under this Supplemental Code, shall be by vote of the employers in the Subdivision who are entitled to vote thereat as provided in Section (d), Article V of the Supplemental Code and are present in person or by proxy duly executed and filed with Code Authority; cast and computed in the manner provided in Section (d), Article VI of the Code. All questions as to the number of votes which each employer shall be entitled to cast at any meeting of employers other than the meeting held to vote for the election of the permanent Code Authority shall be determined by Code Authority in accordance with Section (d), Article VI of the Code.

(f) Employers in this Subdivision having a common interest and common problems may be grouped by Code Authority for administrative purposes. There may be a Group Code Authority approved or appointed by Code Authority for each such Group.

(g) If formal complaint is made to Code Authority that provisions of this Supplemental Code have been violated by any employer, Code Authority, or the proper Group Code Authority may, to the extent permitted by the Act, cause such investigation or audit to be made as may be deemed necessary. If such investigation is made by Group Code Authority, it shall report the result of such investigation or audit to the Code Authority for action.

(h) The Code Authority may appoint a Trade Practice Committee which shall meet with the Trade Practice Committees appointed under such other Codes as may be related to the Subdivision for the purpose of formulating fair trade practices to govern the relationships between production and distribution employers under

this Supplemental Code and under such others to the extent that such fair trade practices may be proposed to the Administrator as amendments to this Supplemental Code and such other codes.

ARTICLE VI—ACCOUNTING AND COSTING

The Code Authority shall cause to be formulated an accounting system and methods of cost finding and/or estimating capable of use by all employers of the Subdivision. After such system and methods have been formulated, full details concerning them shall be made available to all employers. Thereafter, all employers shall determine and/or estimate costs in accordance with the principles of such methods.

ARTICLE VII—SELLING BELOW REASONABLE COST

When the Code Authority determines that an emergency exists in this Subdivision and that the cause thereof is destructive price-cutting such as to render ineffective or seriously endanger the maintenance of the provisions of this Supplemental Code, the Code Authority may cause to be determined the lowest reasonable cost of the products of this Subdivision, such determination to be subject to such notice and hearing as the Administrator may require. The Administrator may approve, disapprove, or modify the determination. Thereafter, during the period of the emergency, it shall be an unfair trade practice for any employer of the Subdivision to sell or offer to sell any products of the Subdivision for which the lowest reasonable cost has been determined, at such prices or upon such terms or conditions of sale that the buyer will pay less therefor than the lowest reasonable cost of such products.

When it appears that conditions have changed, the Code Authority, upon its own initiative or upon the request of any interested party, shall cause the determination to be reviewed.

ARTICLE VIII—PRICE LISTS ¹

(a) Each employer shall establish his own prices for his standard products, accessories, and/or attachments, which he manufactures or intends to manufacture. Such prices shall be filed with Code Authority, who shall immediately publish and send copies thereof to all known employers who are cooperating under this Supplemental Code, as described in Article V (d), and such prices shall then be the list or published prices to be quoted to all customers. These list prices shall remain in effect and no deviation may be made from them until changes are made as provided in the following paragraph (b) of this Article VIII.

(b) In order to effect changes in list or published prices, at least ten (10) days before new prices are intended to become effective, the employer shall file a notice of change, including a schedule of new prices, with Code Authority who shall immediately publish and send copies thereof to all known employers within the Subdivision who are cooperating under this Supplemental Code, as described in

¹ See paragraph 2 of order approving this Code.

Article V (d), and who are engaged in the manufacture of such specified products. During the above-mentioned ten (10) days period, any employer shall have the privilege of establishing and publishing, through Code Authority, new prices to become effective on the same date.

(c) No change shall be made by any employer in the Subdivision in prices quoted on special presses not included in the above-mentioned list or published prices until after ten (10) days' notice has been filed with Code Authority, who shall immediately notify all known employers within the Subdivision who are engaged in the manufacture of such specified products and such employers may revise their own quotations to become effective on the effective date of the first changed quotations.

(d) All quotations for domestic destination shall be made f.o.b. cars at point of manufacture, or if delivered price is quoted, actual transportation costs shall be quoted as a separate item.

ARTICLE IX—TRADE PRACTICES

Each of the following acts or practices is deemed to be inimical to the best interests of the Subdivision and of the public, and each is, therefore, hereby declared to be and to constitute an unfair method of competition and is prohibited; viz:

(a) *False Marking or Branding*.—The false marking or branding of any product of the Subdivision which has the tendency to mislead or deceive customers or prospective customers, whether as to the grade, quality, quantity, substance, character, nature, origin, size, finish, or preparation of any product of the Subdivision or otherwise.

(b) *Misrepresentation or False or Misleading Advertising*.—The making or causing or knowingly permitting to be made or published any false, materially inaccurate, or deceptive statement by way of advertisement or otherwise, whether concerning the grade, quality, quantity, substance, character, nature, origin, size, finish or preparation of any product of the Subdivision, or the credit terms, values, policies, or services of any employer of the Subdivision, or otherwise, having the tendency or capacity to mislead or deceive customers or prospective customers.

(c) *Commercial Bribery*.—The payment, or promise to pay, to any agent, fiduciary, or representative, of money or valuable thing, with or without the knowledge of his principal, for the purpose of influencing any sale to his principal. This provision shall **not be** construed to prohibit free and general distribution of articles commonly used for advertising, except so far as such articles are actually used for commercial bribery as hereinabove defined.

(d) *Interference with Contractual Relations*.—Maliciously inducing or attempting to induce the breach of an existing contract between a competitor and his customer or source of supply, or interfering with or obstructing the performance of any such contractual duties or services.

(e) *Secret Rebates*.—The secretly offering or making of any payment or allowance of a rebate, refund, commission, credit, unearned discount or excess allowance, whether in the form of money or otherwise, or the secretly offering or extending to any customer

of any special service or privilege not extended to all customers of the same class, for the purpose of influencing a sale.

(f) *Giving of Prizes, Premiums, or Gifts.*—The offering or giving of prizes, premiums, or gifts in connection with the sale of products, or as an inducement thereto, by any scheme which involves misrepresentation or fraud.

(g) *Defamation.*—The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations or by the false disparagement of the grade or quality of their goods.

(h) *Threats of Litigation.*—The publishing or circulating of threats or suits for infringement of patents or trade-marks or of any other legal proceedings not in good faith, with the tendency or effect of harassing competitors or of intimidating their customers.

(i) *Destructive Price-Cutting.*—The engaging in destructive price-cutting by any employer in the Subdivision.

(j) *Other Unfair Practices.*—Nothing in this Supplemental Code shall limit the effect of any adjudication by the courts or holding by the Federal Trade Commission on complaint, finding, and order, that any practice or method not outlined above is unfair.

ARTICLE X—SALES FOR EXPORT

No provision of this Supplemental Code relating to price or terms of selling, shipping or marketing, shall apply to export trade or sales or shipments for export trade. "Export Trade" shall be as defined in the Export Trade Act adopted April 10, 1918.

ARTICLE XI—MODIFICATIONS

(a) As provided by Section 10 (b) of the Act, the President may from time to time cancel or modify any order, approval, license, rule or regulation issued under Title I of the Act.

(b) Any amendments, additions, revisions, or supplements of this Supplemental Code, proposed by Code Authority, and authorized by the affirmative vote of two-thirds or more of the employers shall be in full force and effect upon approval by the President. The eligibility requirements, method, and effect of such voting shall be the same as provided by Article V hereof.

ARTICLE XII—WITHDRAWAL

Upon thirty days' notice to the Basic Code Authority and to the Administrator, this Subdivision may, upon the concurring affirmative vote of employers within the said Subdivision entitled to cast two-thirds or more of all the votes that might be cast by all employers within the Subdivision entitled to vote thereon, withdraw from the jurisdiction of the Basic Code Authority. The eligibility of voters and the method and effect of such voting shall be in accordance with the provisions of Article V hereof. After and in the event such withdrawal is accomplished, this Supplemental Code, together with the provisions of the Code, shall become and be the sole code governing this Subdivision, and the Code Authority shall, for this Sub-

division, become and be the sole Code Authority and shall perform all the functions with respect thereto.

ARTICLE XIII—MONOPOLIES

Applicant imposes and shall impose no inequitable restrictions on membership therein. The Supplemental Code presented by it is not designed to promote monopoly, and shall not be so construed or applied as to oppress or eliminate small enterprises or discriminate against them, and is designed to effectuate the policy of the Act.

ARTICLE XIV—EFFECTIVE DATE

This Supplemental Code shall become effective and binding on all persons engaged in the Subdivision on the eleventh day after its approval.

Approved Code No. 347—Supplement No. 27.
Registry No. 1399-68.

SUPPLEMENTARY CODE OF FAIR COMPETITION

FOR THE

WATER SOFTENER AND FILTER INDUSTRY

As Approved on July 9, 1934

ORDER

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE WATER SOFTENER
AND FILTER INDUSTRY

A DIVISION OF THE MACHINERY AND ALLIED PRODUCTS INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Supplemental Code of Fair Competition for the Water Softener and Filter Subdivision of Machinery and Allied Products Industry, and hearings having been duly held thereon and the annexed report on said Supplemental Code containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Supplemental Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Supplemental Code of Fair Competition be and it is hereby approved, subject to the following condition: that the provisions of Article VIII, Section (a), insofar as they prescribe a waiting period between the filing with the Code Authority (or such agency as may be designated in the Supplemental Code) and the effective date of price lists, as originally filed and/or revised price lists or revised terms and conditions of sale, be and they hereby are stayed pending my further order.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 9, 1934.

REPORT TO THE PRESIDENT

THE PRESIDENT,
The White House.

SIR: This is a report on the Supplemental Code of Fair Competition for the Water Softener and Filter Subdivision of the Machinery and Allied Products Industry, a Public Hearing on which was held in Washington, D.C. on December 21, 1933. The Hearing was conducted in full accordance with the provisions of Title I of the National Industrial Recovery Act.

GENERAL STATEMENT

The Water Softener and Filter Subdivision being truly representative of the manufacturers of the products defined in Article II of the Supplemental Code, has elected to formulate and submit a Supplemental Code of Fair Competition as provided in the second paragraph of Article I of the Code of Fair Competition for the Machinery and Allied Products Industry, approved by you on the 17th day of March, 1934.

The Water Softener and Filter Subdivision means the manufacture or assembly for sale of zeolite water softeners, lime-soda water softeners, water filters, and products allied thereto, including the zeolite used therein, and parts thereof, and includes all those engaged in such manufacture or assembly for sale.

ECONOMIC EFFECT

This Subdivision has been severely affected by the depression. This is evidenced by the steady decline in annual sales since 1929, 62% from 1929 to 1932. Research and Planning Division report an estimated further decline of 3% for 1933 below the 1932 level.

In 1929 the total number of persons employed in the Subdivision was estimated at 1,000. Based on questionnaire returns employment as of June 15, 1933 represented 55.3% of the 1929 level.

Approximately 50% of the workers in June 1933 were working more than 40 hours per week; but the average work week in October, 1933 was 35.9 hours. With production remaining at present levels, no increase in employment may be expected with the adoption of the 40 hour week.

Approximately 22% of the workers in June, 1933 were receiving less than 40 cents per hour. The minimum wage in October, 1933 ranged between 20 and 25 cents per hour. The adoption of the minimum wage of 40 cents per hour, as provided by the Code, is expected to be accompanied by an increase in pay rolls.

The wage provisions for the Subdivision, which is operating under the Code of the Machinery and Allied Products Industry, provide that employees engaged in plant operations shall be paid as follows: (1) in cities of more than 50,000 population and their immediate

vicinity, 40 cents per hour; (2) in cities of more than 10,000 but not more than 50,000 population and their immediate vicinity, which cities are not in the immediate vicinity of a city of more than 50,000 population, 38 cents per hour; (3) in cities of 10,000 population or less and their immediate vicinity, which cities are not in the immediate vicinity of a city of more than 10,000 population, 36 cents per hour, except that employees engaged in plant operations in all localities in the states of Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Texas, and Oklahoma, shall be paid not less than 32 cents per hour.

When females do substantially the same work as males or replace males, they shall receive the same pay. However, no female employee shall be paid less than 87½% of the proper rate for the locality in which employed.

Office boys and girls and apprentices shall be paid not less than 80% of the minimum wage.

Employees other than those engaged in plant operations shall receive not less than \$15.00 per week.

The Code requires that no person under sixteen (16) years of age shall be employed in this Subdivision.

RÉSUMÉ OF SUPPLEMENTAL CODE

Article I states the purpose of the Supplemental Code.

Article II accurately defines specific terms applicable to the Subdivision as used in this Supplemental Code.

Article III provides for the adoption of the employment provisions of the National Industrial Recovery Code of the Machinery and Allied Products Industry, as approved by you, and as from time to time amended.

Article IV provides for the adoption of Articles II, VI, VIII, and IX of the Code of Fair Competition for the Machinery and Allied Products Industry, in accordance with the conditions of this Article governing their adoption.

Article V provides for the establishment of a Code Authority and defines its powers and duties.

Article VI provides for an accounting system and methods of cost finding and/or estimating.

Article VII provides that no products shall be sold or exchanged below a reasonable cost when the Code Authority determines that an emergency exists.

Article VIII provides for methods of setting up, revising, and filing price lists and discount sheets and terms of sale and payment.

Article IX sets forth trade practices for the Subdivision.

Article X establishes that no provision of this Supplemental Code relating to pricing and marketing shall apply to export trade or to sales or shipments for export trade.

Article XI. This Supplemental Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with Subsection (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule or regulation issued under said Act. Provision is also made that modifica-

tions may be submitted by the Code Authority to the Administrator for approval.

Article XII provides means for withdrawal of this Subdivision from the Basic Code and its continuance as an autonomous Code.

Article XIII. No provision of this Supplemental Code shall be so applied as to permit monopolies, or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

Article XIV states the effective date of this Supplemental Code.

FINDINGS

The Assistant Deputy Administrator in his final report to me on said Supplemental Code having found as herein set forth and on the basis of all the proceedings in this matter :

I find that :

(a) Said Supplemental Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Subdivision normally employs not more than 50,000 employees, and is not classified by me as a major industry.

(c) The Supplemental Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant institute is an industrial group representative of the aforesaid Subdivision; and that said institute imposes no inequitable restrictions on admission to membership therein.

(d) The Supplemental Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Supplemental Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Supplemental Code.

For these reasons, therefore, I have approved this Supplemental Code, provided that certain provisions relating to price publication are stayed as stated in the Order.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 9, 1934.

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE WATER SOFTENER AND FILTER INDUSTRY

A DIVISION OF THE MACHINERY AND ALLIED PRODUCTS INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policy of Title I of the National Industrial Recovery Act, the following provisions are established as a Supplemental Code of Fair Competition for the Water Softener and Filter Subdivision of the Machinery and Allied Products Industry, and together with the Code of Fair Competition for Machinery and Allied Products Industry, shall be the standard of fair competition for this subdivision and shall be binding on every employer therein.

ARTICLE II—DEFINITIONS

“Applicant” means the Water Softener and Filter Institute, a trade organization, all members of which are engaged in the manufacture or assembly for sale of the products of the Water Softener and Filter Subdivision of the Machinery and Allied Products Industry.

“Industry” means the Machinery and Allied Products Industry, as defined in its Code of Fair Competition as approved by the President, and as such definition may from time to time be amended.

“Subdivision” means the Water Softener and Filter Subdivision of the Machinery and Allied Products Industry as defined and set forth in paragraph 37 Article II of the Code of Fair Competition for the Machinery and Allied Products Industry.

“Water Softener and Filter Subdivision” means the manufacture or assembly for sale of zeolite water softeners, lime-soda water softeners, water filters, and products allied thereto, including the zeolite used therein and parts thereof, and includes all those engaged in such manufacture or assembly for sale.”

“Code” means the Code of Fair Competition for the Machinery and Allied Products Industry as approved by the President, March 17, 1934, and as from time to time amended.

“Person” means a natural person, a partnership, a corporation, an association, a trust, a trustee, a trustee in bankruptcy, a receiver or other entity.

“Employer” means any person engaged in this Subdivision either on his own behalf or as an employer of labor.

“The Act” means Title I of the National Industrial Recovery Act.

“The President” means the President of the United States.

“The Administrator” means the Administrator for Industrial Recovery.

“Basic Code Authority” means the Code Authority for the Machinery and Allied Products Industry as constituted by the Code.

“Code Authority” means the Code Authority constituted for this Subdivision as provided by the Code and by this Supplemental Code.

“Group Code Authority” means the Code Authority for any group or products classification within this Subdivision.

“Publish” means to make available to the public.

ARTICLE III—EMPLOYMENT PROVISIONS

The following Articles of the Code, viz: Article III, “Working Hours”; Article IV, “Wages”; and Article V, “General Labor Provisions” are hereby made a part of this Supplemental Code, with the same effect as if they were written into this Supplemental Code.

ARTICLE IV—ADOPTION OF OTHER PROVISIONS OF CODE

The following Articles of the Code, viz: Article II, “Definitions”; Article VI, “Administration”, to the extent that they shall be applicable to this Supplemental Code as such or as it may hereafter be administered as an autonomous Code; Article VIII, “Modifications and Termination”; and Article IX, “Withdrawal”, are hereby adopted and made a part of this Supplemental Code, with the same effect as if they were written into this Supplemental Code.

ARTICLE V—ADMINISTRATION

(a) A Code Authority for this Subdivision is hereby constituted to administer and supervise and to facilitate the enforcement of the Code and of this Supplemental Code in the manner and to the extent provided in the Code and in this Supplemental Code.

(b) During a period not to exceed sixty (60) days following the effective date and pending the election of the permanent Code Authority, the Code committee of the Applicant shall constitute a temporary Code Authority.

(c) The Applicant shall, by written notice mailed (registered) to all employers known to the Applicant, call a meeting of employers to be held within sixty (60) days after the effective date for the purpose of adopting procedural rules and regulations for the election, organization and operation of the permanent Code Authority and electing a permanent Code Authority which shall consist of five members. The Administrator may, in his discretion, appoint one additional member (without vote and without expense to the Industry). The permanent Code Authority so elected and appointed shall succeed the temporary Code Authority.

(d) 1. It being found necessary in order to support the administration of this code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter

provided and which shall be held in trust for the purposes of the Code;

- (b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by employers of the Subdivision;
- (c) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all employers of the Subdivision, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(2) Each employer of the Subdivision shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only employers of the Subdivision complying with the code shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

3. The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budgets estimates except those which the Administrator shall have so approved.

(e) Action by employers in any Subdivision meeting for the election of Code Authority shall be by vote of the employers entitled to vote as provided in Section (d) of this Article V, each such employer to have one vote only. Action by employers in any Subdivision meeting for the adoption of procedural rules, revisions or additions to the Supplemental Code, or the transaction of other business of the Subdivision under this Supplemental Code, shall be by vote of the employers in the Subdivision who are entitled to vote thereat as provided in Section (d), Article V of the Supplemental Code and are present in person or by proxy duly executed and filed with Code Authority; cast and computed in the manner provided in Section (d), Article VI of the Code. All questions as to the number of votes which each employer shall be entitled to cast at any meeting of employers other than the meeting held to vote for the election of the permanent Code Authority shall be determined by Code Authority in accordance with Section (d), Article VI of the Code.

(f) In order that the Code Authority or Group Code Authority shall, at all times, be truly representative of the Subdivision and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and, thereafter, if he shall find that the Code Authority or Group Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an ap-

appropriate modification in the method of selection of the Code Authority or Group Code Authority.

(g) Employers in this Subdivision having a common interest and common problems may be grouped by Code Authority for administrative purposes. There shall be a Group Code Authority approved or appointed by Code Authority for each such group.

(h) If formal complaint is made to Code Authority that provisions of this Supplemental Code have been violated by any employer, Code Authority or the proper Group Code Authority shall investigate the complaint and to that end, may to the extent permitted by the Act, cause such investigation, examination or audit to be made, as may be deemed necessary. If such investigation is made by Group Code Authority it shall report the result of such investigation, examination or audit to Code Authority for action.

(i) The Code Authority may appoint a Trade Practice Committee which shall meet with the Trade Practice Committees appointed under such other Codes as may be related to the Subdivision for the purpose of formulating fair trade practices to govern the relationships between production and distribution employers under this Supplemental Code and under such others to the end that such fair trade practices may be proposed to the Administrator as amendments to this Supplemental Code and such other codes.

ARTICLE VI—ACCOUNTING AND COSTING

The Code Authority shall cause to be formulated an accounting system and methods of cost finding and/or estimating capable of use by all employers of the Subdivision. After such system and methods have been formulated, full details concerning them shall be made available to all employers. Thereafter all employers shall determine and/or estimate costs in accordance with the principles of such methods.

ARTICLE VII—SELLING BELOW REASONABLE COST

SECTION 1. When the Code Authority determines that an emergency exists in this Subdivision and that the cause thereof is destructive price-cutting such as to render ineffective or seriously endanger the maintenance of the provisions of this Supplemental Code, the Code Authority may cause to be determined the lowest reasonable cost of the products of this Subdivision, such determination to be subject to such notice and hearing as the Administrator may require. The Administrator may approve, disapprove, or modify the determination. Thereafter, during the period of the emergency, it shall be an unfair trade practice for any employer of the Subdivision to sell or offer to sell any products of the Subdivision for which the lowest reasonable cost has been determined at such prices or upon such terms or conditions of sale that the buyer will pay less therefor than the lowest reasonable cost of such products.

When it appears that conditions have changed, the Code Authority, upon its own initiative or upon the request of any interested party, shall cause the determination to be reviewed.

SECTION 2. The foregoing Section 1 shall not apply to (a) dropped lines, or (b) seconds, or (c) inventories which must be con-

verted into cash to meet emergency needs, all of which may be disposed of by any employer at any price and on any terms or conditions, but only if such employer, not less than two weeks before such proposed disposal, has filed with Code Authority a statement in writing setting forth the facts of, and reasons for, such proposed disposal and the price and terms and conditions of sale, and Code Authority has not, (with the approval of the Administrator), before the termination of such two week period, in writing, disapproved the proposed disposal. Notice of such disposal, if not disapproved, shall be sent immediately to all employers manufacturing products of equivalent design, character, quality or specifications, who may sell (a) dropped lines, or (b) seconds, or (c) inventories which must be converted into cash to meet emergency needs, at prices and on terms and conditions as favorable as those stipulated in the proposed disposal.

SECTION 3. The foregoing Section 1 shall not apply to a sale made in order to meet competition on products manufactured outside the United States. For such disposal, any employer may sell, at prices and on terms and conditions as favorable as those of the competing foreign product, but only if he has first reported to the Code Authority his intention so to sell, and the facts as to the competition which justifies such action.

ARTICLE VIII—PRICE LISTS

(a) If and when Code Authority determines that in any group of the Subdivision it has been the generally recognized practice to sell a specified product on the basis of net price lists, or price lists with discount sheets, and terms of sale and payment, each employer engaged in the manufacture or sale of such product shall, within ten (10) days after notice of such determination, file with Code Authority a net price list, or a price list with discount sheet, as the case may be, individually prepared by him, showing his current prices, or prices and discounts, and terms of sale and payment for such specified product, and Code Authority shall immediately publish and send copies thereof to all known employers who are cooperating under this Supplemental Code as described in Article V, (d) and engaged in the manufacture or sale of such specified products.

Revised price lists and/or discount sheets and/or terms of sale and payment may be filed from time to time thereafter with the Code Authority by any such employer, to become operative upon the date specified therein, but such revised price lists and/or discount sheets and/or terms of sale and payment shall be filed with the Code Authority ten (10) days in advance of the operative date. Copies thereof, with notice of the operative date specified, shall be immediately published and sent to all employers cooperating under this Supplemental Code as described in Article V, (d), any of whom may file, if he so desires, revisions of his price lists and/or discount sheets and/or terms of sale and payment, which shall become effective upon the date when the revised price list and/or discount sheet and/or terms of sale and payment first filed shall go into effect.¹

(b) If and when the Code Authority shall determine that in any group of the Subdivision not now selling its product on the basis of

¹ See paragraph 2 of order approving this Code.

price lists, with or without discount sheets, with terms of sale and payment, the distribution or marketing conditions in the group are the same as, or similar to, the distribution or marketing conditions in a group where the use of price lists, with or without discount sheets and terms of sale and payment is well recognized, and that a system of selling on net price lists or price lists and discount sheets with terms of sale and payment for such specified product should be put into effect in such group, then each employer in such group shall within twenty (20) days after notice of such determination, file with Code Authority net price lists or price lists and discount sheets, with terms of sale and payment, showing his prices and discounts and terms of sale and payment, and such price lists and/or discount sheets and/or terms of sale and payment may be thereafter revised in the manner hereinbefore provided. Provided that Code Authority shall make no determination, to place any product of the Subdivision (not now on a price list basis) on a price list basis, as provided in this Section unless affirmative consent to such determination is given by a 66 $\frac{2}{3}$ % vote of employers who are at that time cooperating under this Supplemental Code as described in Article V, (d), and are engaged in manufacturing such product. The eligibility requirements, method, and effect of such voting shall be the same as is provided by Article V.

(c) No employer shall sell directly or indirectly by any means whatsoever, any product of the Subdivision covered by provisions of this Article VIII at a price or at discounts or on terms of sale and payment, different from those provided in his own current net price lists, or price lists and discount sheets, and terms of sale and payment.

ARTICLE IX—TRADE PRACTICES

1. No employer shall secretly, directly or indirectly, offer or make any payment or allowance of a rebate, refund, commission, credit, unearned discount or excess allowance, whether in the form of money or otherwise, nor shall any employer secretly offer or extend to any customer any special service or privilege not extended to all customers of the same class, for the purpose of influencing a sale.

2. No employer shall publish advertising (whether printed, radio, display or any other nature), which is misleading or inaccurate in any material particular, nor shall any employer in any way misrepresent any goods (including but without limitation its use, trademark, grade, quality, quantity, capacity, origin, size, substance, character, nature, finish, material, content or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted.

3. No employer shall publish or circulate unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harassing competitors or intimidating their customers.

4. No employer shall indulge in destructive price-cutting.

5. No employer shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal or party. This provision shall not be

construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

ARTICLE X—EXPORT TRADE

No provision of this Code relating to prices or terms of selling, shipping or marketing, shall apply to export trade or sales or shipments for export trade. "Export Trade" shall be as defined in the Export Trade Act adopted April 10, 1918.

ARTICLE XI—MODIFICATIONS

(a) As provided by Section 10 (b) of the Act the President may from time to time cancel or modify any order, approval, license, rule or regulation issued under Title I of the Act.

(b) Any amendments, additions, revisions, or supplements of this Supplemental Code, proposed by Code Authority, and authorized by the affirmative vote of 66 $\frac{2}{3}$ % of the employers shall be in full force and effect upon approval by the Administrator. The eligible requirements, method and effect of such voting shall be the same as provided by Article V hereof.

ARTICLE XII—WITHDRAWAL

Upon thirty days' notice to the Basic Code Authority and to the Administrator, this Subdivision may, upon the concurring affirmative vote of employers, within the said Subdivision entitled to cast two-thirds or more of all the votes that might be cast by all employers within the Subdivision entitled to vote thereon, withdraw from the jurisdiction of the Basic Code Authority. The eligibility of voters and the method and effect of such voting shall be in accordance with the provisions of Article V hereof. After and in the event such withdrawal is accomplished this Supplemental Code, together with the provisions of the Code shall become and be the sole code governing this Subdivision, and the Code Authority shall for this Subdivision, become and be the sole Code Authority and shall perform all the functions with respect thereto.

ARTICLE XIII—MONOPOLIES

Applicant imposes and shall impose no inequitable restrictions on membership therein. The Supplemental Code presented by it is not designed to promote monopoly, and shall not be so construed or applied as to oppress or eliminate small enterprise or discriminate against them, and is designed to effectuate the policy of the Act.

ARTICLE XIV—EFFECTIVE DATE

This Supplemental Code shall become effective and binding on all persons engaged in the Subdivision on the eleventh day after its approval.

Approved Code No. 84—Supplement No. 41

SUPPLEMENTARY CODE OF FAIR COMPETITION

FOR THE

**OPEN STEEL FLOORING (GRATING)
MANUFACTURING INDUSTRY**

As Approved on July 11, 1934

ORDER

**APPROVING SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE OPEN
STEEL FLOORING (GRATING) MANUFACTURING INDUSTRY**

**A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND
METAL FINISHING AND METAL COATING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, and in accordance with the provisions of Section 1 of Article VI of the Basic Code for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, approved November 2, 1933, for approval of a Supplementary Code of Fair Competition for the Open Steel Flooring (Grating) Manufacturing Industry; and hearing having been duly held thereon; and the annexed report on said Supplementary Code containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Supplementary Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said Supplementary Code of Fair Competition be and it is hereby approved; provided, however, that the provisions of Article VII, Section (a), insofar as they prescribe a waiting period between the filing with the Supplementary Code Authority (or such agency as may be designated in the Supplementary Code) and the effective date of

price lists, as originally filed and/or revised price lists or revised terms and conditions of sale, be and they hereby are stayed pending my further Order.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 11, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Supplementary Code of Fair Competition for the Open Steel Flooring (Grating) Manufacturing Industry, a division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, the hearing having been conducted thereon in Washington, D.C., January 8, 1934, in accordance with the provisions of Title I of the National Industrial Recovery Act.

GENERAL STATEMENT

The Open Steel Flooring (Grating) Manufacturing Industry, being truly representative of this division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, has elected to avail itself of the option of submitting a Supplementary Code of fair practice, as provided for in Section 1 of Article VI of the Basic Code, for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry approved by you on the second day of November, 1933.

RÉSUMÉ OF THE CODE

Article I states the purpose of the Supplementary Code.

Article II accurately defines specific terms employed in the Supplementary Code.

Article III. This Industry is a division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry and the labor provisions of its Basic Code, as approved November 2, 1933, are the labor provisions of this Supplementary Code.

Article IV establishes a Supplementary Code Authority consisting of seven (7) members elected by the members of the Industry at a meeting called by the Supplementary Code Authority, one of whom shall be chosen from non-members of the Open Steel Flooring Association or its successor and gives the Administrator the authority to appoint one additional member without vote and provides machinery for obtaining statistics and the administration of the Supplementary Code.

Article V sets forth the cost accounting procedure to be used by the Industry upon the approval of the Administrator.

Article VI provides against selling products at less than cost to the seller.

Article VII provides for the filing of price lists and discount sheets with the Supplementary Code Authority.

Article VIII sets forth the unfair trade practices of this Supplementary Codes which has been especially designed to offset unfair competition in this division of the Industry.

Article IX provides against monopolies and monopolistic practices.

Article X contains the mandatory provisions contained in Section 10 (b) and also provides for the submission of proposed amendments to the Supplementary Code.

Article XI, recognizes that price increases be limited to actual additional increases in the seller's cost.

Article XII states the effective date and duration of this Supplementary Code.

FINDINGS

The Assistant Deputy Administrator in his final report to me on said Supplementary Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) Said Supplementary Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Supplementary Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant Institute is an industrial Institute truly representative of the aforesaid Industry; and that said Institute imposes no inequitable restrictions on admission to membership therein.

(d) The Supplementary Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Supplementary Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Supplementary Code.

For these reasons, therefore, I have approved this Supplementary Code; provided, however, that the provisions of Article VII, Sec-

(a), insofar as they prescribe a waiting period between the filing with the Supplementary Code Authority (or such agency as may be designated in the Supplementary Code) and the effective date of price lists, as originally filed and/or revised price lists or revised terms and conditions of sale, be and they hereby are stayed pending my further Order.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 11, 1934.

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE OPEN STEEL FLOORING (GRATING) MANUFACTURING INDUSTRY

A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND
METAL FINISHING AND METAL COATING INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policy of Title I of the National Industrial Recovery Act, the following provisions are established as a Supplementary Code of Fair Competition for the Open Steel Flooring (Grating) Manufacturing Industry, pursuant to Article VI of the Basic Code of Fair Competition for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry approved by the President of the United States on the second day of November, 1933, and the provisions of the Supplementary Code shall be the standards of fair competition for this Industry and shall be binding upon every member of the Industry.

ARTICLE II—DEFINITIONS

The term "Open Steel Flooring (Grating) Manufacturing Industry" is defined to mean the manufacture for sale of Open Steel Flooring (Grating), a structure consisting of metal strips, bars and/or shapes placed on edge and held solidly in place equi-distant from each other by means of cross bars or crimped bars secured to the bearing bars by riveting, interlocking or welding; except, however, such open steel flooring (grating) platforms considered an integral part of assembled machinery.

The term "employee" as used herein includes anyone engaged in the Industry in any capacity receiving compensation for his services, irrespective of the nature or method of payment of such compensation.

The term "employer" as used herein includes anyone by whom any such employee is compensated or employed.

The term "member of the Industry" as used herein includes, but without limitation, any individual, partnership, association, corporation or other form of enterprise engaged in the Industry either as an employer or on his own or its own behalf.

The terms "President", "Act", and "Administrator" as used herein shall mean, respectively, the President of the United States, Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

The term "Basic Code," as used herein, is defined to mean the Basic Code of Fair Competition for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, as approved by the President on the 2nd day of November, 1933.

The term "Supplementary Code Authority" as used herein means the agency which is to administer this Supplementary Code as hereinafter provided.

The term "Association" as used herein, is defined to mean the Open Steel Flooring Association or its successor.

The term "Supplementary Code Committee" is defined to mean the Executive Committee of the Association.

The term "Secretary" is defined to mean the Secretary of the Supplementary Code Authority.

The term "Federation" as used herein is defined to mean the Fabricated Metal Products Federation or its successor.

The term "Confidential Agent" as used herein, is defined to mean the impartial agency designated by the Supplementary Code Authority.

ARTICLE III—EMPLOYMENT PROVISIONS

This Industry is a division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry and without limitation the wage, hour and labor provisions in Article III of its Basic Code as approved by the President, November 2, 1933, including Section 1 of said Article III, by which the provisions of sub-sections (1), (2) and (3) of Section 7, (a) of Title I of the Act are made conditions of this Code, are specifically incorporated herein and made a part hereof as the wage, hour and labor provisions of this Supplementary Code.

ARTICLE IV—ORGANIZATION AND ADMINISTRATION

SECTION 1. During the period not to exceed sixty (60) days following the effective date of this Supplementary Code the Supplementary Code Committee shall constitute a Temporary Supplementary Code Authority until the Supplementary Code Authority is elected. There shall be constituted within the sixty-day period a Supplementary Code Authority consisting of seven (7) members to be elected by the members of the Industry, at a meeting called by the Temporary Supplementary Code Authority, upon ten days' notice sent by registered mail to all members of the Industry whose names may be ascertained after a diligent search, who may vote either in person or by proxy. The members of the Supplementary Code Authority first elected shall serve until the following annual meeting of the Association, and thereafter members of the Supplementary Code Authority shall be elected by the members of the Industry, at each annual meeting of the Association to serve until the following annual meeting. The members of the Supplementary Code Authority shall be elected in the following manner:

(a) One member who is a member of the Industry shall be elected by a majority vote of all members of the Industry present in person or by proxy, each member to have one vote.

(b) One member who is a member of the Industry but who is not a member of the Association shall be elected by a majority vote of all non-members of the Association, present in person or by proxy, each member to have one vote.

(c) Five members by fifty-one percent vote of members of the Association, present in person or by proxy, weighted on the basis of one vote for each member and one additional vote for each five thousand dollars (\$5,000) of annual net sales in the previous calendar year reported to the Temporary Supplementary Code Authority; provided, however, that no one member may cast more than twenty percent (20%) of the total number of votes cast. No two members of the Supplementary Code Authority shall be connected with any one member of the Industry.

A vacancy in the membership of the Supplementary Code Authority shall be filled by a majority vote of the remaining members of the Supplementary Code Authority; provided, however, that the member of the Supplementary Code Authority who is chosen to fill such vacancy shall be selected from the same class of membership in which the vacancy has occurred.

In addition thereto the Administrator may appoint a member of the Supplementary Code Authority who without vote shall serve without expense to the Industry, unless the Supplementary Code Authority agrees to pay such expense. The representative who may be appointed by the Administrator shall be given reasonable notice of and may sit at all meetings of the Supplementary Code Authority.

SECTION 2. Any Association directly or indirectly participating in the selection or activities of the Supplementary Code Authority shall (1) impose no inequitable restrictions on admission to membership, and (2) submit to the Administrator true copies of its Articles of Association, By-Laws, Regulations and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

SECTION 3. In order that the Supplementary Code Authority shall, at all times, be truly representative of the Industry and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and, thereafter, if he shall find that the Supplementary Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification of the method of selection of the Supplementary Code Authority.

SECTION 4. It being found necessary in order to support the administration of this Supplementary Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Supplementary Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Supplementary Code;

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary: (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry.

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Supplementary Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry complying with the Supplementary Code shall be entitled to participate in the selection of members of the Supplementary Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

The Supplementary Code Authority shall neither incur nor pay any obligations in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator first obtained; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

SECTION 5. Nothing contained in this Supplementary Code shall constitute the members of the Supplementary Code Authority partners for any purpose. Nor shall any member of the Supplementary Code Authority be liable in any manner to anyone for any act of any other member, officer, agent or employee of the Supplementary Code Authority, nor shall any member of the Supplementary Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Supplementary Code, except for his own willful malfeasance or non-feasance.

SECTION 6. The Supplementary Code Authority shall also from time to time furnish to the Basic Code Authority, designated in said Basic Code, such information as may be required to be furnished under the terms of said Basic Code.

SECTION 7. The Supplementary Code Authority shall have all the powers and duties which shall be necessary or proper to enable it to fully administer this Supplementary Code and to effectuate its purpose.

Without limitation to the foregoing, the Supplementary Code Authority shall have the following further powers and duties:

(a) To adopt By-Laws and Rules and Regulations for and keep records of its procedure and for the administration of the Supplementary Code.

(b) To obtain from members of the Industry such information and reports as are required for the administration of the Supplementary Code. In addition to information required to be submitted to the Supplementary Code Authority, members of the Industry subject to this Supplementary Code shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3(a) of the Act to such Federal and State agencies as he may designate; provided that nothing in this Supplementary Code shall relieve any member of the Industry of any existing obligations to furnish reports to any Government agency. No individual report shall be disclosed to any other member of the Industry or any

other party except to such other Governmental agencies as may be directed by the Administrator.

(c) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Supplementary Code Authority of its duties or responsibilities under this Supplementary Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(d) To make recommendations to the Administrator for the coordination of the administration of this Supplementary Code with such other codes, if any, as may be related to or affect the members of the Industry.

(e) To recommend to the Administrator further fair trade practice provisions to govern members of the Industry in their relations with each other or with other Industries and to recommend to the Administrator measures for industrial planning, including stabilization of employment.

(f) To provide appropriate facilities for arbitration of differences between members of this Industry, and subject to the approval of the Administrator, to prescribe rules of procedure and rules to effect compliance with awards and determination.

(g) To appoint a Trade Practice Committee which shall meet with the trade practice committees appointed under such other Codes as may be related to the Industry for the purpose of formulating fair trade practices to govern the relations between employers under this Supplementary Code and under such other Codes to the end that such fair trade practices may be proposed to the Administrator as amendments to this Supplementary Code and such other Codes.

SECTION 8. To the extent permitted by the Act and subject to such rules as the Administrator may prescribe, the Supplementary Code Authority shall have power to investigate all alleged complaints filed with it by one member or members of the Industry against another member or members of the Industry and to report thereon to the Administrator with its recommendations.

SECTION 9. To the extent permitted by the Act and subject to such rules and regulations as the Administrator may prescribe, any or all information furnished to the Supplementary Code Authority by any member of this Industry pursuant to the provisions of this Supplementary Code shall be subject to verification by an impartial agency agreed upon by the Supplementary Code Authority and the member of the Industry in question, and, failing such agreement, such impartial agency shall be selected by the Administrator, which impartial agency may check so much of the pertinent books, accounts and records of such members of the Industry as may be required to verify the accuracy of the information so furnished.

SECTION 10. If the Administrator believes that any action of the Supplementary Code Authority or any agency thereof is unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action. Further action by such Supplementary Code Authority or agency regarding the matter complained of may be taken if approved by the Administrator but shall not be taken if disapproved by the Administrator within thirty days of notice to him of intention to proceed with such action.

SECTION 11. Every employer shall provide for the safety and health of employees during the hours and at the places of their employment. Standards for safety and health shall be submitted by the Supplementary Code Authority to the Administrator within three months after the effective date of the Supplementary Code.

ARTICLE V—ACCOUNTING AND COSTING

SECTION 1. The Supplementary Code Authority shall cause to be formulated an accounting system and methods of cost finding and/or estimating capable of use by all members of the Industry. After such system and methods have been formulated and approved by the Administrator, full details concerning them shall be made available to all members. Thereafter all members shall determine and/or estimate costs in accordance with the principles of such methods.

SECTION 2. When the Supplementary Code Authority determines that an emergency exists in this Industry and that the cause thereof is destructive price-cutting such as to render ineffective or seriously endanger the maintenance of the provisions of this Supplementary Code, the Supplementary Code Authority may cause to be determined the lowest reasonable cost of the products of this Industry, such determination to be subject to such notice and hearing as the Administrator may require. The Administrator may approve, disapprove, or modify the determination. Thereafter, during the period of the emergency, it shall be an unfair trade practice for any member of the Industry to sell or offer to sell any products of the Industry for which the lowest reasonable cost has been determined at such prices or upon such terms or conditions of sale that the buyer will pay less therefor than the lowest reasonable cost of such products.

When it appears that conditions have changed, the Supplementary Code Authority, upon its own initiative or upon the request of any interested party, shall cause the determination to be reviewed.

ARTICLE VI—SELLING BELOW COST

No employer shall sell or exchange or offer to sell or exchange any products of this Industry at a price, or upon terms and conditions, which will result in the purchaser paying for the goods received, less than the cost thereof to the seller, determined in accordance with a uniform method of costing as described in Article V, Section 1 of this Supplementary Code, provided, however, that dropped lines, or seconds, or inventories which must be converted into cash to meet emergency needs may be disposed of by any member of this Industry, at any price and on any terms and conditions, but only if such member of this Industry, has prior to such disposal, filed with the Supplementary Code Authority, or its Confidential Agent, a statement in writing, setting forth the fact of, and reasons for, such proposed disposal; and provided further, that any member of this Industry may sell below his costs in order to meet competitive prices which do not violate this Supplementary Code, and which are filed in accordance with the provisions of Article VII of this Supplementary Code, or to meet competition from products of equivalent design, character, quality, or specifications, manufactured

within or outside the United States, provided that he has first so reported to the Supplementary Code Authority and in such report has cited the competition which caused him to take such action.

ARTICLE VII—PRICE LISTS

(a) Each member of this Industry shall within ten (10) days after the effective date of this Supplementary Code, publish and file with the Supplementary Code Authority through its Secretary a net price list, or price list and discount sheet, as the case may be, individually prepared by him, and in such form and for such products as the Supplementary Code Authority may prescribe showing his current prices, or prices and discounts, and terms of sale and payment, and the Supplementary Code Authority through its Secretary shall immediately send copies thereof to all known manufacturers of such products. Such price lists shall be available to all interested buyers at the office of the Secretary.

Revised price lists and/or discount sheets and/or all other conditions of sale may be published and filed from time to time thereafter with the Supplementary Code Authority through its Secretary by any member of this Industry, but such revised price lists and/or discount sheets and/or all other conditions of sale shall be filed with the Supplementary Code Authority through its Secretary and shall become effective ten (10) business days after actual receipt by the Secretary. Copies of such revised price lists and/or discount sheets and/or all other conditions of sale, with notice of the effective date thereof, shall be immediately sent to all known manufacturers of such products and shall be available to all interested buyers at the office of the Secretary and any member of this Industry may file, if he so desires, revisions of his price lists and/or discount sheets and/or all other conditions of sale, which shall become effective at the date when the revised price lists and/or discount sheets and/or all other conditions of sale first filed become effective, provided that he shall not establish prices lower, nor discounts greater, nor conditions of sale more favorable than those contained in the revised price lists and/or discount sheets and/or all other conditions of sale first filed.

No member of the Industry who files new price lists as herein provided shall make any announcement to the trade, either directly or indirectly, by written or printed announcement or through salesmen or other representatives, of the filing of such new lists before the date on which the list is actually filed with the Confidential Agent.¹

(b) If and when the Supplementary Code Authority shall determine that the orderly distribution and/or marketing conditions require that certain products of this Industry not now sold on the basis of price lists with or without discount sheets or all other conditions of sale or payment, should be sold on a price list basis, and such determination is approved by the Administrator, then each member of the Industry manufacturing the affected product or products of the Industry shall within twenty (20) days after notice of such determination and approval file with the Supplementary Code Authority net price lists or price lists and discount sheets contain-

¹ See paragraph 2 of order approving this Code.

ing all other conditions of sale covering such products; and such price lists and/or discount sheets and/or other conditions of sale may be thereafter revised the same as is provided in Section (a) of this Article; provided, however, that the determination of the Supplementary Code Authority to place any product of the Industry (not now on a price list basis) on a price list basis as provided in this paragraph (b) of Article VII shall not become effective until two-thirds of the members of the Industry, who are at that time engaged in manufacturing such products, shall affirmatively consent that such determination be made.

(c) Each member of the Industry shall furnish the Supplementary Code Authority for distribution with such number of copies of his price lists and/or discount sheets as the Supplementary Code Authority may prescribe.

(d) No member of the Industry shall sell, directly or indirectly, by any means whatsoever, any product of the Industry covered by provisions of this Article VII at a price or at discounts or on conditions of sale other than those provided in his own current net price lists, or price lists and discount sheets.

ARTICLE VIII—UNFAIR TRADE PRACTICES

Superseding all the Trade Practice provisions of Article V of the Basic Code. For all purposes of this Supplementary Code, the following described acts shall constitute unfair practices. Any member of the Industry who shall directly or indirectly through any officer, employee, agent or representative use or employ any of such unfair practices shall be guilty of a violation of this Supplementary Code.

RULE 1. *False Advertising.*—No member of the Industry shall publish advertising (whether printed, radio, display or of any other nature), which is misleading or false in any material particular, nor shall any member in any way misrepresent any goods (including but without limitation its use, trademark, grade, quality, quantity, origin, size, substance, character, nature, finish, material, content or preparation), or credit terms, values policies services, or the nature or form of the business conducted.

RULE 2. *False Billing.*—No member of the Industry shall knowingly withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any material particular.

RULE 3. *Inaccurate Labeling.*—No member of the Industry shall brand or mark or pack any goods in any manner which is intended to or does deceive or mislead purchasers with respect to the brand, grade, quality, quantity, origin, size, substance, character, nature, finish, material content or preparation of such goods.

RULE 4. *Inaccurate References to Competitors.*—No member of the Industry shall by advertising or any other means refer inaccurately in any material particular to any competitors or their goods, prices, values, credit terms, policies or services.

RULE 5. *Threats of Law Suits.*—No member of the Industry shall publish or circulate unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harassing competitors or intimidating their customers. Failure to prosecute in due course shall be evidence that any such threat is unwarranted or unjustified.

RULE 6. *Secret Rebates.*—No member of the Industry shall offer or make any payment or allowance of a secret rebate, refund, commission, credit, unearned discount or excess allowance for the purpose of influencing a sale, whether in the form of money or otherwise, nor shall a member of the Industry secretly offer or extend to any customer any special service or privilege not extended to all customers of the same class.

RULE 7. *Selling on Consignment.*—No member of the Industry shall ship goods on consignment except under circumstances to be defined by the Supplementary Code Authority and approved by the Administrator, where peculiar circumstances of the Industry require the practice.

RULE 8. *Bribing Employees.*—No member of the Industry shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal or party. This provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

RULE 9. *Interference with Another's Contracts.*—No member of the Industry shall attempt to induce the breach of an existing contract between a competitor and his customer or source of supply; nor shall any such member interfere with or obstruct the performance of such contractual duties or services.

RULE 10. *Coercion.*—No member of the Industry shall require that the purchase or lease of any goods be a pre-requisite to the purchase or lease of any other goods.

RULE 11. *Substitution.*—No member of the Industry shall furnish articles more or less expensive, of better or inferior quality, or of larger or smaller size than specified, without making the proper adjustments in the quoted price and clearly indicating the nature of the substitution.

RULE 12. *Lump Sum Bids and Contracts.*—No member of the Industry shall submit a bid or bids for two or more commodities, (one of which is Grating), in which the unit price of each commodity is not clearly stated, or accept orders or contracts for sale at a lump sum where the contract does not specify the exact quantity, quality and unit price of the product purchased.

ARTICLE IX—MONOPOLIES

No provision of this Supplementary Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress or discriminate against small enterprises.

ARTICLE X—MODIFICATIONS

SECTION 1. As provided by Section 10 (b) of the Act, the President may from time to time cancel or modify any order, approval, license, rule or regulation issued under Title I of the Act.

SECTION 2. This Supplementary Code, except as to provisions required by the Act, may be modified or amended on the basis of experience or changes in circumstances, such modifications or amendments to be based upon application by the Supplementary Code Authority or other representative group within the Industry to the Administrator and such notice and hearing as he shall specify and to become effective on approval by the Administrator.

ARTICLE XI—PRICE INCREASES

Whereas the policy of the Act to increase real purchasing power will be made more difficult of consummation if prices of goods and services increase as rapidly as wages, it is recognized that price increases except such as may be required to meet individual costs should be delayed, and when made, such increases should, so far as possible, be limited to actual additional increases in the seller's costs.

ARTICLE XII—EFFECTIVE DATE AND DURATION

This Supplementary Code shall become effective at 12:01 o'clock A.M., on the tenth day after it is approved by the President and shall continue in effect until June 16, 1935, or the earliest date prior thereto on which the President shall, by proclamation, or the Congress shall, by joint resolution, declare that the emergency recognized by Section 1 of the National Industrial Recovery Act has ended.

Approved Code No. 84—Supplement No. 41.
Registry No. 1118-1-02.

Approved Code No. 330—Supplement No. 1

SUPPLEMENTARY CODE OF FAIR COMPETITION

FOR THE

WASTE PAPER TRADE

As Approved on July 12, 1934

ORDER

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE WASTE PAPER TRADE

A DIVISION OF THE SCRAP IRON, NONFERROUS SCRAP METALS AND WASTE
MATERIALS TRADE

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Supplemental Code of Fair Competition for the Waste Paper Trade to the Code of Fair Competition for the Scrap Iron, Nonferrous Scrap Metals and Waste Materials Trade, and hearings having been duly held thereon and the annexed report on said Supplemental Code, containing findings with respect thereto, having been made and directed to the President.

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Supplemental Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Supplemental Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

R. L. HOUSTON,
Division Administrator.

WASHINGTON, D.C.,
July 12, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: The Hearing on the Supplemental Code of Fair Competition for the Waste Paper Trade, a division of the Scrap Iron, Nonferrous Scrap Metals and Waste Materials Trade, was held in the Willard Room of the Willard Hotel on May 14, 1934. The Supplemental Code which is attached was presented by the Code Authority in accordance with your Executive Order of March 12, 1934, approving the Code for the Scrap Iron, Nonferrous Scrap Metals and Waste Materials Trade.

In accordance with the customary procedure everyone present who had filed a request for an appearance was freely heard in public, and all statutory and regulatory requirements were complied with. Provisions of the Supplemental Code were approved by the Industrial Advisory Board, Labor Advisory Board, the Legal Division, and the Division of Research and Planning.

CONDITIONS IN THE TRADE

The Trade consists of some 5,000 dealers engaged in supplying various grades of waste paper chiefly to paperboard mills. The consumption of waste paper varies with the seasonal demand for paperboard, which usually reaches a peak in March or April and again in October.

During the present off-season in this line of Trade, it is believed that this Supplemental Code may provide means to stabilize conditions in such cases where destructive, price cutting has brought about unfair competition.

FINDINGS

The Deputy Administrator in his final report to me on said Supplemental Code having found as herein set forth and on the basis of all the proceedings in this matter;

I find that—

(a) Said Supplemental Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of trade for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible use of the present productive capacity of industries, by avoiding undue restriction of production (except as

may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Supplemental Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof.

(c) Your Executive Order of March 12, 1934, approving the Code of Fair Competition for the Scrap Iron, Nonferrous Scrap Metals and Waste Materials Trade empowers the Code Authority for the "Waste Paper Trade" to present the aforesaid Supplemental Code on behalf of the Trade as a whole.

(d) The Supplemental Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Supplemental Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to the approval of this Supplemental Code.

For these reasons the Supplemental Code has been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 12, 1934.

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE WASTE PAPER TRADE

A DIVISION OF THE SCRAP IRON, NONFERROUS SCRAP METALS AND WASTE
MATERIALS TRADE

ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, this Supplemental Code is established as a Code of Fair Competition for the Waste Paper Trade pursuant to the Executive Order of March 12, 1934, approving the Code of Fair Competition for the Scrap Iron, Nonferrous Scrap Metals and Waste Materials Trade. All provisions of the Code of Fair Competition for the Scrap Iron, Nonferrous Scrap Metals and Waste Materials Trade, which are not in conflict with the provisions of this Supplemental Code, are hereby incorporated by reference in this Supplemental Code and made a part hereof. Such provisions of the Code of Fair Competition for the Scrap Iron, Nonferrous Scrap Metals and Waste Materials Trade, together with the supplementing provisions of this Code, are the standards of fair competition for and are binding upon every member of the Waste Paper Trade.

ARTICLE II—ADMINISTRATION

SECTION 1. The Code Authority may delegate any of its powers to such regional or subsidiary committees as it may deem necessary; each such committee to be representative of the several groups comprising the Waste Paper Trade in its region or division.

SECTION 2. The Code Authority shall appoint a committee to make recommendations to the Administrator for the coordination of the Administration of this Supplementary Code with such other Codes as may be related to or affect the members of this Trade.

SECTION 3. The Code Authority shall have the following powers and duties to the extent permitted by the Act:

(a) Each member of the Trade shall keep accurate and complete records of its transactions in the Trade whenever such records may be required under any of the provisions of this Supplemental Code, and shall furnish accurate reports based upon such records concerning any of these activities when required by the Code Authority or the Administrator. If the Code Authority or the Administrator shall determine that substantial doubt exists as to the accuracy of any such report, so much of the pertinent books, records and papers of such member as may be required for the verification of such report may be examined by an impartial agency, agreed upon between the Code Authority and such member, or in the absence of agreement, appointed by the Administrator. In no case shall the facts disclosed by such examinations be made available in identifiable form

to any competitor, whether on the Code Authority or otherwise, or be given any other publication, except such as may be required for the proper administration or enforcement of the provisions of this Supplemental Code.

In addition to information required to be submitted to the Code Authority, members of the Trade subject to this Supplemental Code shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act to such federal and state agencies as he may designate; provided that nothing in this Supplemental Code shall relieve any member of the Trade of any existing obligations to furnish reports to any government agency.

(b) To investigate, subject to such rules and regulations as the Administrator may prescribe, alleged violations of the provisions of this Supplemental Code and require any members of the Trade to furnish reports pertinent to any complaint against such member.

(c) To describe and define the various grades and types of waste paper for the purpose of this Supplemental Code subject to the approval of the Administrator. Immediately after approval by the Administrator, the Code Authority shall distribute such determinations among the members of the Waste Paper Trade.

SECTION 4. (a) It being found necessary in order to support the administration of this Supplemental Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(1) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Supplemental Code.

(2) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary, (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Trade.

(3) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the Trade, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(b) Each member of the Trade shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Trade complying with the Supplemental Code and contributing to the expenses of its administration as hereinabove provided, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(c) The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subse-

quent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

ARTICLE III—TRADE PRACTICES

SECTION 1. No member of the Waste Paper Trade shall designate the various types and grades of waste paper in any other manner than the manner determined by the Code Authority under Article II, Section 3 (d) above.

SECTION 2. No member of the Waste Paper Trade shall employ any subterfuge, to avoid or attempt to avoid the provisions of this Code or the purposes and intent of the National Industrial Recovery Act.

ARTICLE IV—EMERGENCY PROVISIONS

SECTION 1. If the Administrator, after investigation shall at any time find both (1) that an emergency has arisen within the Trade adversely affecting small enterprises or wages or labor conditions, or tending toward monopoly or other acute conditions which tend to defeat the purposes of the Act; and (2) that the determination of the stated minimum price for a specified product within the Trade for a limited period is necessary to mitigate the conditions constituting such emergency and to effectuate the purposes of the Act, the Code Authority may cause an impartial agency to investigate costs and to recommend to the Administrator a determination of the stated minimum price of the product affected by the emergency and thereupon the Administrator may proceed to determine such stated minimum price.

SECTION 2. When the Administrator shall have determined such stated minimum price for a specified product for a stated period, which price shall be reasonable calculated to mitigate the conditions of such emergency and to effectuate the purposes of the National Industrial Recovery Act, he shall publish such price. Thereafter, during such stated period, no member of the Trade shall sell such specified products at a net realized price below said stated minimum price and any such sale shall be deemed destructive price cutting. From time to time, the Code Authority may recommend review or reconsideration or the Administrator may cause any determinations hereunder to be reviewed or reconsidered and appropriate action taken.

ARTICLE V—COST ACCOUNTING

The Code Authority shall cause to be formulated methods of cost finding and accounting capable of use by all members of the Trade, and shall submit such methods to the Administrator for review. If approved by the Administrator, full information concerning such methods shall be made available to all members of the Trade. Thereafter, each member of the Trade shall utilize such methods to the extent found practicable. Nothing herein contained shall be construed to permit the Code Authority, any agent thereof, or any member of the Trade to suggest uniform additions, percentages of differentials, or other uniform items of cost which are designed to bring about arbitrary uniformity of costs or prices.

ARTICLE VI—MODIFICATIONS

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President in accordance with the provisions of Sub-Section 10 (b) of the Act, from time to time to cancel or modify any order, approval, license, rule or regulation issued under Title I of said Act.

SECTION 2. Such other provisions of this Supplemental Code as are not required to be included herein by the Act may, with the approval of the Administrator, be modified or eliminated in such manner as may be indicated by the needs of the public, by changes in circumstances, or by experience. All the provisions of this Supplemental Code, unless so modified or eliminated, shall remain in effect until June 16, 1935.

ARTICLE VII—MONOPOLIES

No provision of this Supplemental Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress or discriminate against small enterprises.

ARTICLE VIII—EFFECTIVE DATE

This Supplemental Code shall become effective immediately upon its approval by the Administrator.

Approved Code No. 330—Supplement No. 1.
Registry No. 1632-31.

SUPPLEMENTARY CODE OF FAIR COMPETITION
FOR THE
TERRAZZO AND MOSAIC CONTRACTING
INDUSTRY

As Approved on July 13, 1934

ORDER

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE TERRAZZO AND
MOSAIC CONTRACTING INDUSTRY

A DIVISION OF THE CONSTRUCTION INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, and pursuant to and in full compliance with the provisions of Section 5 of Article VIII of Chapter I of the Code of Fair Competition for the Construction Industry, approved January 31, 1934, for approval of Chapter XV of said Code, which Chapter XV is applicable to the Terrazzo and Mosaic Contracting Division of the Construction Industry, and hearings having been held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Chapter complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Chapter XV be and it is hereby approved and that the previous approval of said Code of Fair Competition for the Construction Industry is hereby modified to include an approval of said Code in its entirety as supplemented by said Chapter XV.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

GEO. L. BERRY,
Division Administrator.

WASHINGTON, D.C.,
July 13, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Terrazzo and Mosaic Contracting Chapter of the Code of Fair Competition for the Construction Industry which is described as Chapter I and which was approved by you on January 31, 1934.

This Chapter is a revision after a public hearing conducted in Washington on January 8, 1934, in accordance with the provisions of the National Industrial Recovery Act. This Chapter amplifies Chapter I, but applies specifically to the Terrazzo and Mosaic Contracting Division of the Construction Industry.

PROVISIONS FOR HOURS AND WAGES

This Chapter provides that no employee shall be permitted to work in excess of eight (8) hours in any day, five (5) days in any week or more than one hundred and thirty-six (136) hours in any calendar month. This latter provision is equivalent to an average of approximately thirty-two (32) hours per week. This Division of the Construction Industry is the first to reduce the forty (40) hours per week provided for in Chapter I.

ECONOMIC EFFECT OF THE CODE

According to the statistical analysis of the Division of Research and Planning, the contract volume of the sponsors of this Chapter decreased from approximately \$16,000,000 in 1930 to \$5,000,000 in 1933. Employment has fallen from 8,000 in 1930 to 2,000 in 1933.

It is reasonable to predict that the establishment of uniform rates of pay and hours of work and the prohibition of unfair trade practices will be beneficial to this Industry as well as to the employees and the consumer.

FINDINGS

The Deputy Administrator in his final report to me on said Terrazzo and Mosaic Contracting Chapter of the Code of Fair Competition for the Construction Industry, having found as herein set forth and on the basis of all the proceedings in this matter;

I find that:

(a) Said Terrazzo and Mosaic Contracting Chapter and said Code of Fair Competition for the Construction Industry, as supplemented by said Terrazzo and Mosaic Contracting Chapter, are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to dimin-

ish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees, and is not classified by me as a major industry.

(c) Said Terrazzo and Mosaic Contracting Chapter and the Code of Fair Competition for the Construction Industry, as supplemented by said Terrazzo and Mosaic Contracting Chapter, as approved comply in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid industry; and that said Association imposes no inequitable restrictions on admission to membership therein.

(d) Said Terrazzo and Mosaic Contracting Chapter and the Code of Fair Competition for the Construction Industry, as supplemented by said Terrazzo and Mosaic Contracting Chapter are not designed to and will not permit monopolies or monopolistic practices.

(e) Said Terrazzo and Mosaic Contracting Chapter and the Code of Fair Competition for the Construction Industry, as supplemented by said Terrazzo and Mosaic Contracting Chapter, are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Terrazzo and Mosaic Contracting Chapter and of said Code, as supplemented by this Terrazzo and Mosaic Contracting Chapter thereof.

For these reasons, therefore, I have approved said Terrazzo and Mosaic Contracting Chapter of the Code of Fair Competition of the Construction Industry.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 13, 1934.

CHAPTER XV

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE TERRAZZO AND MOSAIC CONTRACTING DIVI- SION OF THE CONSTRUCTION INDUSTRY

ARTICLE I—DEFINITIONS

SECTION 1. The word "terrazzo" is used to describe a surface composed of marble, stone or granite aggregates (chips) and cement, magnesite or other bonding agency which, in plastic form, is trowelled or rolled to proper consistency, and is finished, when set, with abrasives until a smooth and even surface is obtained.

SECTION 2. The term "mosaic" is used to describe a surface composed of small pieces of marble, glass, or smalti, firmly set in mortar.

SECTION 3. The term "Terrazzo and Mosaic Division" or "this Division" as used herein means the contracting to install, and/or the installing, for hire, of terrazzo and mosaic surfaces.

SECTION 4. The term "Member of the Division" includes, but without limitation, any individual, firm, partnership, association, corporation, or other form of enterprise engaged in work within this Division.

SECTION 5. The term "bidder" as used herein means any member of the Division who submits bids, proposals or quotations in competitive bidding.

SECTION 6. The term "Association" as used herein means the corporation known as the "National Terrazzo and Mosaic Association."

ARTICLE II—REFERENCE TO PROVISIONS OF CHAPTER I AND TO MANDATORY PROVISIONS OF THE ACT

SECTION 1. *Reference to Provisions of Chapter I.*—Provisions of Chapter I of this Code, including any amendments thereto, or modifications thereof, except as herein specifically provided, are specifically incorporated herein with the same force and effect as if set forth herein in full.

SECTION 2. *Labor Provisions of the Act.*—Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection; no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing or assisting a labor organization of his own choosing; employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

SECTION 3. *Presidential Powers.*—This Code, and all the provisions thereof, are expressly made subject to the right of the President, in accordance with the provisions of subsection (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule or regulation issued under Title I of the Act and specifically, but without limitation to the right of the President to cancel or modify his approval of this Code, or of any additional Chapter thereof, or any conditions imposed by him upon such approval.

ARTICLE III—HOURS, WAGES AND CONDITIONS OF EMPLOYMENT

SECTION 1. Notwithstanding the provisions of Subparagraph B of Section 2 of Article III of Chapter I of this Code, no employee shall be permitted to work in excess of eight (8) hours in any day or forty (40) hours in any week or five (5) days in any week or one hundred and thirty-six (136) hours in any calendar month. No employee shall be permitted to work on Saturdays, Sundays or legal holidays.

The provisions of this Section shall not apply to:

(a) Employees engaged in emergency work upon breakdowns or for the protection of life or property, who shall be paid at least at the rate of one and one-half ($1\frac{1}{2}$) times the normal rate for all hours in excess of the maxima established in this Section and for such work performed on Saturdays, Sundays and legal holidays.

(b) Employees engaged in a managerial, executive, or supervisory capacity receiving in excess of thirty-five dollars (\$35.00) per week. Supervisory employees are defined as those who perform no manual labor.

(c) Clerical and office employees who may be permitted to work not in excess of forty (40) hours in any week or eight (8) hours in any day or five and one half ($5\frac{1}{2}$) days in any week.

SECTION 2. *Minimum Age.*—No member of this Division shall employ any person under the age of eighteen (18) years.

SECTION 3. *Evasion through Reemployment.*—No employee now employed at a rate in excess of the minimum herein established shall be discharged and reemployed at a lower rate for the purpose of evading the provisions of this Code.

SECTION 4. No member of the Division shall pay to any employee wages below the minimum wages herein mentioned, or below any higher wages established under the provisions of Article III of Chapter I in the locality in which the work is being done.

SECTION 5. *Contracting Labor Services.*—No member of this Division shall directly or indirectly sublet to any employee or laborer, the labor services required by any contract secured by such member.

In no case shall a member of this Division avoid or evade the labor provisions of this Chapter by contracting his work to any person or persons subject to labor provisions less stringent than those provided in this Chapter.

SECTION 6. *Complaint.*—No employee shall be dismissed by reason of making a complaint or giving evidence with respect to an alleged violation of this Code.

SECTION 7. *Posting*.—All members of this Division shall post and keep posted in conspicuous places readily accessible to all employees in their respective shops and other established places of business complete copies of Chapter I, General Provisions for the Construction Industry, and of this Chapter of this Code, together with the name and address of the nearest official place where Code violations may be reported. Every member of the Division shall comply with all rules and regulations relative to the posting of provisions of Codes of Fair Competition which may from time to time be prescribed by the Administrator.

SECTION 8. *Safety and Health*.—Each member of this Division shall provide for the safety and health of his employees at the place and during the hours of their employment. He shall comply, except as superseded by State Laws, with the provisions of the Safety Manual adopted by the Associated General Contractors of America, or the Safety Platform of the Construction League of the United States, or the rules set forth by the National Safety Council and local ordinances referring to safety measures in so far as the same may apply to his class of work. Standards of safety and health shall be submitted by the Divisional Code Authority to the Administrator within three (3) months after the effective date of this Chapter and when approved shall supersede the foregoing standards.

SECTION 9. *Compensation Insurance*.—All members of this Division shall protect their employees by compensation insurance.

SECTION 10. *Payment of Wages*.—All members of this Division shall make payment of all wages due in lawful currency or by negotiable check therefor payable on demand at par. If wages are paid by check, the employer shall provide reasonably accessible facilities for cashing such checks at face value without expense to the employees. Employers shall also provide such identification as is necessary to utilize such facilities.

Wages shall be payable at the end of each weekly period, and shall be exempt from any payment or deduction for pensions, insurance or sick benefits except such as is required by law or voluntarily paid or authorized to be deducted by employees. Employers or their agents shall not accept, directly or indirectly, rebates on such wages or give anything of value nor extend any favors to any person for the purpose of influencing rates of wages or working conditions of their employees.

The provisions of this Section regarding payment of wages at the end of each weekly period shall not apply to persons employed in executive, administrative and supervisory capacity who earn in excess of thirty-five dollars (\$35.00) per week, nor to persons employed in clerical or office work. The wages for persons employed in clerical or office work shall be payable at least semi-monthly.

SECTION 11. *Handicapped Persons*.—A person whose earning capacity is limited because of age, physical or mental handicap or other infirmity may be employed on light work at a wage below the minimum established by this Code if the employer obtains from the State Authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Such Authority shall be guided by the instructions of the United States Department of Labor

in issuing certificates to such persons. Each employer shall file monthly with the Divisional Code Authority a list of all such persons employed by him, showing the wages paid to, and the maximum hours of work for, all such persons.

SECTION 12. Nothing in the definition of this Division shall in any way be construed as affecting the classification of labor employed under this Chapter of this Code.

ARTICLE IV—ORGANIZATION, POWERS AND DUTIES OF THE DIVISIONAL CODE AUTHORITY

SECTION 1. A Divisional Code Authority is hereby constituted to administer this Code within this Division.

SECTION 2. The Divisional Code Authority shall consist of seven (7) members, all of whom shall have assented to this Code, to be selected as follows:

(a) Members of the Association shall elect five (5) members of the Divisional Code Authority from members of the Association by majority vote of the said members to serve for a term of one (1) year or until their successors are elected. The Association is hereby designated as the agency to conduct the first election of the Association members of the Divisional Code Authority within twenty (20) days after the effective date of this Chapter and any other election of Association members of the Divisional Code Authority which may thereafter be held. Notice of the time and place of regular elections shall be sent to all members of the Association and to the Administrator at least forty (40) days in advance of such election, except that the first election above referred to may be held on ten (10) days' notice. Voting at all elections may be in person, or by proxy or letter ballot and each member of the Association shall be entitled to one vote for each membership to be filled. In the event of any vacancy in the Association membership of the Divisional Code Authority, a special meeting of the members of the Association shall be called to elect a member of the Divisional Code Authority to serve for the unexpired portion of the term of the member of the Divisional Code Authority whom he is succeeding. Such election shall be called within twenty (20) days after such vacancy occurs.

(b) The Administrator shall appoint two (2) members of the Divisional Code Authority from and to represent the members of this Division who are not members of the Association to serve for a term of one (1) year. At such time, or should a vacancy occur in the non-member representation of the Divisional Code Authority, the members of this Division who are not members of the Association may select their own members of the Divisional Code Authority, which successors and the method of their selection shall be approved by the Administrator. If the members of the Division who are not members of the Association do not select such successors, as above provided, the Administrator shall appoint them. Any member of the Divisional Code Authority selected from and to represent members of this Division who are not members of the Association shall automatically disqualify himself from further holding such office by joining the Association, and his membership in the Divisional Code Authority shall thereupon become vacant.

SECTION 3. The Administration members, the Construction Code Authority and the Administrator shall be given at least five (5) days' notice of, and may sit at, all meetings of the Divisional Code Authority.

SECTION 4. Each Trade or Industrial Association directly or indirectly participating in the selection or activities of the Divisional Code Authority shall impose no inequitable restrictions on membership.

SECTION 5. It being found necessary, in order to support the administration of this Chapter and to maintain the standards of fair competition established by this Code and to effectuate the policy of the Act, the Divisional Code Authority is authorized subject to the approval of the Administrator:

(a) to incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Chapter.

(b) to submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary, (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of this Division.

(c) after such budget and basis of contribution have been approved by the Administrator, to determine and secure equitable contribution as above set forth by all such members of this Division, and to that end, if necessary, to institute legal proceedings therefor in its own name.

SECTION 6. Each member of this Division shall pay his or its equitable contribution to the expenses of the maintenance of the Divisional Code Authority determined as hereinabove provided and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of this Division complying with this Code and contributing to the expenses of the administration of this Chapter as provided in Section 5 of this Article (unless duly exempted from making such contribution) shall be entitled to participate in the selection of the members of the Divisional Code Authority or to receive the benefit of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

SECTION 7. *Powers and Duties.*—Subject to such rules and regulations as may be issued by the Administrator, the Divisional Code Authority shall have the powers and duties as are conferred by Subdivision (b) of Article IV of Chapter I of this Code and also shall have the following powers and duties:

(a) to provide for the execution of the provisions of this Code and to provide for the compliance of the Industry with the provisions of the Act.

(b) to establish with the approval of the Administrator, classifications for terrazzo and mosaic materials and work, standard grades and quality, and specifications for the materials and services of the Division, in order to assist in making effective the reports from the members of this Division and in eliminating unfair competition.

(c) to use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Divisional Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(d) to cooperate with the Administrator in regulating the use of N.R.A. insignia by those members who are complying with this Code.

(e) to recommend to the Administrator further fair trade practice provisions to govern members of the Division in their relations with each other or with other industries and to recommend to the Administrator measures for industrial planning, including stabilization of employment.

(f) to cause to be formulated methods of cost finding and accounting capable of use by all members of this Division, and shall submit such methods to the Administrator for review. If approved by the Administrator, full information concerning such methods shall be made available to all members of this Division. Thereafter, each member of this Division shall utilize such methods to the extent found practicable. Nothing herein contained shall be construed to permit the Code Authority, any agent thereof, or any member of the Division to suggest uniform additions, percentage or differentials or other uniform items of cost which are designed to bring about arbitrary uniformity of costs or prices.

(g) to appoint a trade practice committee which shall meet with the trade practice committees appointed under such other codes as may be related to the industry for the purpose of formulating fair trade practices to govern the relationships between employers under this Chapter and employers under such other codes, to the end that such fair trade practices may be proposed to the Administrator as amendments to this Chapter and such other codes.

(h) to provide appropriate facilities for arbitration other than in labor disputes and subject to the approval of the Administrator, to prescribe rules of procedure and rules to affect compliance with awards and determinations.

(i) in compliance with the provisions of Section 1 of Subdivision A of Article IV of Chapter I, to select one of the members of this Division as a member of the Construction Code Authority. Such member shall be elected for a term of one (1) year, or until his successor shall have been elected and qualified. The election shall be held upon proper notice to every member of the Divisional Code Authority, and each of such members shall be entitled to one (1) vote. In order for any candidate to be elected, six (6) of the seven (7) members of the Divisional Code Authority shall have voted for his election.

SECTION 8. If the Administrator shall determine that any action of the Divisional Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by the Divisional Code Authority or agency pending final action which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty days'

notice to him of intention to proceed with such action in its original or modified form.

ARTICLE V.—TRADE PRACTICE RULES

General Definition.—For all purposes of this Code, the acts described in this Article shall constitute unfair practices and are prohibited. Any member of this Division who shall directly or indirectly through any officer, employee, agent or representative, knowingly use, employ, or permit to be employed any of such unfair practices shall be guilty of a violation of the Code.

RULE 1. *Inaccurate Advertising.*—No member of the Division shall publish advertising (whether printed, radio, display or any other nature) which is misleading or inaccurate in any material particular, nor shall any member in any way misrepresent any goods (including but without limitation its use, trade mark, grade, quality, quantity, origin, size, substance, character, nature, finish, material, content or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted.

RULE 2. *False Billing.*—No member of the Division shall knowingly withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any material particular.

RULE 3. *Inaccurate References to Competitors; etc.*—No member of the Division shall publish advertising which refers inaccurately in any material particular to any competitors or their goods, prices, values, credit terms, policies, or services.

RULE 4. *Collusion.*—Section 9 of Article VII of Chapter I of this Code is specifically incorporated by reference with the same force and effect as if set forth in full in this Chapter, and nothing contained in this Chapter shall nullify, change, or affect the application of said section to this Division.

RULE 5. *Records.*—No employer shall submit an estimate price on any job or submit a bill for his services without retaining an adequate record showing the cost analysis upon which his estimate was based or his charges determined.

RULE 6. *Threats of Law Suits.*—No member of this Division shall publish or circulate unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harassing competitors or intimidating their customers.

RULE 7. *Secret Rebates.*—No member of this Division shall secretly offer or make any payment or allowance of a rebate, refund, commission credit, unearned discount or excess allowance, whether in the form of money or otherwise, nor shall a member of this Division secretly offer or extend to any customer any special service or privilege not extended to all customers of the same class, for the purpose of influencing a sale.

RULE 8. *Commercial Bribery.*—No member of this Division shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party without the knowledge of such employer, principal or party. This provision shall not be construed to prohibit

free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

RULE 9. No member of this Division shall sell or offer to sell any product of the Industry by any false means or device which has the tendency and capacity to mislead or deceive customers or prospective customers as to quality, quantity, substance, or size of such product and the tendency to injuriously affect the business of competitors.

RULE 10. No member of this Division shall require an employee to do a certain piece or amount of work in a designated time.

RULE 11. No member of this Division, whether individually or in combination with other members of this Division shall work with tools except in compliance with the maximum hours herein provided, and any such member or combination so working as employees shall comply with all applicable provisions of this Code including the provisions of Rules 4 and 6 of this Article.

RULE 12. No member of this Division shall combine quotations for any product or service within this Division with any quotation for any other product or service for the purpose or with the effect of concealing the true selling price of the product or service within this Division.

RULE 13. No member of this Division shall submit a competitive bid, as defined in Section 1 of Article VII of Chapter I of the Code, to an owner or any other person corresponding to an awarding authority as therein defined, unless such owner or other person agrees to comply with the regulations provided therein governing an awarding authority.

RULE 14. *Inferior Work.*—No member of this Division shall substitute inferior materials or an improper mix, nor shall he use materials or any misrepresentation in connection with the sale of such materials or mix, for the purpose or with the effect of misleading or deceiving purchasers with respect to the quantity, quality, or grade thereof.

Unless with the consent of the owner or awarding authority, non-compliance with specifications or contractual requirements for quality of materials and class of workmanship shall be considered a violation of this Chapter.

ARTICLE VI—FILING OF BIDS

SECTION 1. Each member of this Division shall file with an independent, impartial agency designated by the Divisional Code Authority, or by the local administrative committee, a signed, true copy of every bid in excess of two hundred dollars (\$200.00), or such lesser sum as may be determined by the Divisional Code Authority for local regions or areas, including all alternates and revisions thereto submitted in connection with all competitive bidding as required by the awarding authority. Copies of bids shall not be opened until twenty-four (24) hours after the time specified by the awarding authority for the receipt of such bids.

SECTION 2. The independent agency shall tabulate all bids, together with any available details of the awarding of the contract,

all of which shall be kept confidential, except that, within three (3) days after the award of the contract to the successful bidder, each bidder shall be sent a copy of the tabulation of the amounts of the bids only.

Each bidder shall pay his proportionate share of the cost of handling, tabulating and distributing such information, but in no case more than one dollar (\$1.00) for each bid submitted.

Such bids and tabulations shall be available to the Administrator until the contract is completed.

SECTION 3. Upon complaint of a bidder, the Divisional Code Authority or any local administrative committee appointed by it, shall appoint a Committee of Review composed of not more than three qualified persons who were not bidders on the particular job to be reviewed, one of whom, if possible, shall not be a member of the Association. This committee shall be directed to make such investigations as will enable it to determine whether this Code of Fair Competition has been violated in the bidding on the job in question. In the event the Committee of Review shall find that any such violation has occurred, their findings on the violation, together with a summary of the facts upon which they are based, shall be reported to the local administrative committee or the Divisional Code Authority for such action as may be appropriate. Such findings and summaries shall be available to the Administrator.

ARTICLE VII—MODIFICATION

Subject to the provisions of Sub-paragraph (c) of Section 2 of Sub-division B of Article IV of Chapter I of this Code, the provisions of this Chapter, except as to provisions required by the Act, may be modified on the basis of experience or changes in circumstances, such modifications to be based upon application to the Administrator and such notice and hearing as he shall specify, and to become effective on his approval.

ARTICLE VIII—REGISTRATION

Each member of this Division shall register with the Divisional Code Authority within thirty (30) days after the effective date of this Chapter. All who may engage in the Terrazzo and Mosaic Division thereafter shall likewise register with the Divisional Code Authority. Registration of a member of this Division shall include the full name and mailing address of the member. An application may be made by the Divisional Code Authority to the Administrator for an extension of the time limit for the registration by any member of this Division if it appears that the time limit as provided herein might cause injustice or undue hardship to any member of this Division.

ARTICLE IX—EFFECTIVE DATE

This Chapter shall become effective on the second Monday after its approval by the President.

Approved Code No. 244—Supplement No. 15.
Registry No. 1023-04.

Approved Code No. 347—Supplement No. 29

SUPPLEMENTARY CODE OF FAIR COMPETITION

FOR THE

**BAKERY EQUIPMENT MANUFACTURING
INDUSTRY**

As Approved on July 13, 1934

ORDER

**APPROVING SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE
BAKERY EQUIPMENT MANUFACTURING INDUSTRY**

A DIVISION OF THE MACHINERY AND ALLIED PRODUCTS INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Supplemental Code of Fair Competition for the Bakery Equipment Manufacturing Subdivision of Machinery and Allied Products Industry, and hearings having been duly held thereon and the annexed report on said Supplemental Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Supplemental Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Supplemental Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 13, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Supplemental Code of Fair Competition for the Bakery Equipment Manufacturing Subdivision of the Machinery and Allied Products Industry, public hearing having been conducted thereon in Washington, D.C., December 21, 1933, in accordance with the provisions of Title I of the National Industrial Recovery Act. Every person who filed a request for an appearance was freely heard in public and all statutory and regulatory requirements were complied with.

GENERAL STATEMENT

The Bakery Equipment Manufacturers Association, being truly representative of this subdivision of the Machinery and Allied Products Industry, has elected to avail itself of the option of submitting a Supplemental Code of Fair Competition, as provided in Paragraph (2), Article I of the Basic Code for the Machinery and Allied Products Industry approved by you on the seventeenth day of March, 1934.

This Subdivision represents a part of the capital goods industry, manufacturing for sale bakery machinery, ovens, and general equipment and appliances, accessories thereto and parts thereof, and includes all those engaged in such manufacture for sale, excepting, however, those who are engaged in the manufacture of equipment, appliances and accessories and parts therefor coming within the definition of another industry as defined in an approved code for such other industry and who are not otherwise employers within the scope of the definition of this Subdivision.

ECONOMIC EFFECT

This Subdivision in 1929 employed approximately 3,700 persons, including office workers. Estimated employment of factory workers declined from 2,927 in 1929 to 1,908 in the second quarter of 1933, or 34.8 per cent and increased thereafter to approximately 2,406 workers in the last quarter of 1933, or 26.1 per cent. Employment for the last quarter of 1933 was 17.8 per cent below the 1929 level.

Annual sales of the Subdivision, based on estimates furnished by the Bakery Equipment Manufacturers' Association, declined from \$24,700,000 in 1929 to \$11,500,000 in 1932, or 53.4 per cent, and increased thereafter to \$14,600,000 or 27.0 per cent. Sales for the year 1933 were 40.9 per cent below the 1929 level.

Approximately 49 percent of the workers were working more than 40 hours per week during June 1933. The average work-week

declined from 50.8 hours in June 1929 to 36.5 in November 1933, or 28 per cent.

Estimated average man-hours per week declined from 148,690 in 1929 to 75,175 in the second quarter of 1933, or 49.4 per cent and increased thereafter to 87,820 in the last quarter of 1933, or 16.8 per cent. Man-hour requirements for the last quarter of 1933 were 40.9 per cent below the 1929 level. Until there is a further increase in man-hour requirements, the adoption of the 40-hour week will cause no increase in employment in this Subdivision.

Approximately 18.8 per cent of the factory workers in June, 1933 were receiving less than 40 cents per hour; 14.8 per cent were receiving less than 38 cents per hour; 11.0 per cent were receiving less than 36 cents per hour; and 6.0 per cent were receiving less than 32 cents per hour. Based on the distribution of hourly rates in June, 1933, the adoption of the minimum wage rates provided by the code is expected to be accompanied by an increase in total payrolls which probably will not exceed 2.5 per cent, assuming only upward adjustment in the brackets below the 40-cent minimum and no change in man-hour requirements.

RÉSUMÉ OF THE SUPPLEMENTAL CODE

Article I states the purpose of the Supplemental Code.

Article II accurately defines specific terms employed in this Supplemental Code.

Article III. The labor provisions of the Basic Code for the Machinery and Allied Products Industry as approved March 17, 1934, are incorporated by reference as the labor provisions of this Supplemental Code.

Article IV adopts the relevant portions of Article II, "Definitions" and Article VI, "Administration"; and Articles VIII, "Modifications and Termination" of the Basic Code for the Machinery and Allied Products Industry, as approved March 17, 1934.

Article V establishes a Code Authority consisting of five members, one of whom shall be elected from the employers who are nonmembers of the Applicant. The Administrator in his discretion may appoint one additional member, without vote and without expense to the Subdivision.

Article VI contains the mandatory provisions contained in Section 10 (b) of the Act and also provides for the submission of proposed amendments to the Supplemental Code.

Article VII provides for the withdrawal of this Subdivision from jurisdiction of the Basic Code and for the continued functioning of this Subdivision as an individual industry under its own code.

Article VIII stipulates that there shall be no inequitable restrictions and provides against monopolies.

Article IX gives the effective date of this Supplemental Code.

FINDINGS

The Deputy Administrator in his final report to me on said Supplemental Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) Said Supplemental Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor and by otherwise rehabilitating industry.

(b) Said Subdivision normally employs not more than 50,000 employees, and is not classified by me as a major industry.

(c) The Supplemental Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Subdivision of the industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Supplemental Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Supplemental Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Supplemental Code.

For these reasons, therefore, I have approved this Supplemental Code.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 12, 1934.

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE BAKERY EQUIPMENT MANUFACTURING IN- DUSTRY

A DIVISION OF THE MACHINERY AND ALLIED PRODUCTS INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policy of Title I of the National Industrial Recovery Act, the following provisions are established as a Supplemental Code for the Bakery Equipment Manufacturing Subdivision of the Machinery and Allied Products Industry, and together with the Code of Fair Competition of Machinery and Allied Products Industry, shall be the standard of fair competition for this Subdivision, and shall be binding on every employer therein.

ARTICLE II—DEFINITIONS

“Applicant” means the Bakery Equipment Manufacturers Association, all members of which are engaged in the manufacture for sale of the products of the Bakery Equipment Manufacturing Subdivision of the Machinery and Allied Products Industry.

“Industry” means the Machinery and Allied Products Industry, as defined in its Code of Fair Competition as approved by the President and as such definition may from time to time be amended.

“Subdivision” means the Bakery Equipment Manufacturing Subdivision of the Machinery and Allied Products Industry as defined and set forth in Paragraph 2, Article II of the Code of Fair Competition of Machinery and Allied Products Industry as follows:

“Bakery Equipment Manufacturing Subdivision means the manufacture for sale of bakery machinery, ovens, and general equipment and appliances, accessories thereto and parts thereof, and includes all those engaged in such manufacture for sale, excepting, however, those who are engaged in the manufacture of equipment, appliances and accessories and parts therefor coming within the definition of another industry as defined in an approved code for such other industry and who are not otherwise employers within the scope of the definition of this Subdivision.”

“Code” means the National Industrial Recovery Code of the Machinery and Allied Products Industry as approved by the President March 17, 1934, and as from time to time amended.

“Person” means a natural person, a partnership, a corporation, an association, a trust, a trustee, a trustee in bankruptcy, a receiver or other entity.

“Employer” means any person engaged in this Subdivision either on his own behalf or as an employer of labor.

“The Act” means Title I of the National Industrial Recovery Act.

“The President” means the President of the United States.

“The Administrator” means the Administrator for Industrial Recovery.

“The Basic Code Authority” means the Code Authority for the Machinery and Allied Products Industry as constituted by the Code.

“Code Authority” means the Code Authority constituted for this Subdivision as provided by the Code and by this Supplemental Code.

“Group Code Authority” means the Code Authority for any group or product classification within this Subdivision.

ARTICLE III—EMPLOYMENT PROVISIONS

The following Articles of the Code, viz: Article III, “Working Hours”; Article IV, “Wages”; and Article V, “General Labor Provisions” are hereby made a part of this Supplemental Code, with the same effect as if they were written into this Supplemental Code.

ARTICLE IV—ADOPTION OF OTHER PROVISIONS OF CODE

The following Articles of the Code, viz: Article II, “Definitions”, Article VI, “Administration”, to the extent that they shall be applicable to this Supplemental Code as such or as it may hereafter be administered as an autonomous Code, and Article VIII, “Modifications and Termination” are hereby made a part of this Supplemental Code, with the same effect as if they were written into this Supplemental Code.

ARTICLE V—ADMINISTRATION

(a) A Code Authority for this Subdivision is hereby constituted to administer and supervise and to facilitate the enforcement of the Code and of this Supplemental Code in the manner and to the extent provided in the Code and in this Supplemental Code.

(b) During a period not to exceed sixty (60) days following the effective date and pending the election of the permanent Code Authority, the executive committee of the Applicant shall constitute a temporary Code Authority. The Administrator, in his discretion, may appoint one additional member (without vote and without expense to the Subdivision).

(c) The Applicant shall, by written notice mailed to all employers known to the Applicant, call a meeting of employers to be held within sixty (60) days after the effective date for the purpose of adopting procedural rules and regulations for the election, organization and operation of the permanent Code Authority and electing a permanent Code Authority which shall consist of five members, one of whom shall be elected from the employers who are non-members of the Applicant. The Administrator, in his discretion, may appoint one additional member (without vote and without expense to the Subdivision). The permanent Code Authority so elected and appointed shall succeed the Temporary Code Authority. Any vacancy on the Code Authority due to death, resignation or because a member thereof has ceased to be connected with this Subdivision

shall be filled at a meeting of employers called by the Code Authority on at least ten days' notice by registered mail sent to all employers in this Subdivision and by a vote similar to the vote by which the retired member was originally selected.

In order that the Code Authority shall at all times be truly representative of the Subdivision and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification of the Code Authority.

Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of association, By-Laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

(d) 1. It being found necessary in order to support the administration of this Supplemental Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Supplemental Code.

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary, (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by employers of the Subdivision.

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all employers of the Subdivision, and to that end, if necessary, to institute legal proceedings therefor in its own name.

2. Each employer of the Subdivision shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only employers of the Subdivision complying with the Supplemental Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

3. The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess

of prior budget estimates except those which the Administrator shall have so approved.

(e) Action by employers in any Subdivision meeting for the election of Code Authority shall be by vote of the employers entitled to vote as provided in Section (d) of this Article V, and who are present in person or by proxy, each such employer to have one vote only. Action by employers in any Subdivision meeting for the adoption of procedural rules, revisions or additions to the Supplemental Code, or the transaction of other business of the Subdivision under this Supplemental Code, shall be by vote of the employers in the Subdivision who are entitled to vote thereat as provided in Section (d), Article V of the Supplemental Code and are present in person or by proxy duly executed and filed with Code Authority; cast and computed on the basis of one vote for each employer.

(f) Employers in this Subdivision having a common interest and common problems may be grouped by Code Authority for administrative purposes. There may be a Group Code Authority approved or appointed by Code Authority for each such group.

(g) If formal complaint is made to Code Authority that provisions of this Supplemental Code have been violated by any employers, Code Authority or the proper Group Code Authority may to the extent permitted by the Act, cause such investigation or audit to be made, as may be deemed necessary. If such investigation is made by Group Code Authority, it shall report the result of such investigation or audit to Code Authority for action.

(h) The Code Authority may appoint a Trade Practice Committee which shall meet with the Trade Practice Committee appointed under such other Codes as may be related to the Trade Subdivision for the purpose of formulating fair trade practices to govern the relationships between production and distribution employers under this Supplemental Code and under such others to the extent that such fair trade practices may be proposed to the Administrator as amendments to this Supplemental Code and such other codes.

ARTICLE VI—MODIFICATIONS

(a) As provided by Section 10 (b) of the Act, the President may from time to time cancel or modify any order, approval, license, rule or regulation issued under Title I of the Act.

(b) Any amendments, additions, revisions, or supplements of this Supplemental Code, proposed by Code Authority, and authorized by the majority vote of the employers shall be in full force and effect upon approval by the President. The eligibility requirements, method and effect of such voting shall be the same as provided by Article V hereof.

ARTICLE VII—WITHDRAWAL

Upon thirty days' notice to the Basic Code Authority and to the Administrator, this Subdivision may, upon the concurring affirmative vote of employers, within the said Subdivision, entitled to cast two-thirds or more of all the votes that might be cast by all employers within the Subdivision entitled to vote thereon, withdraw from the

jurisdiction of the Basic Code Authority. The eligibility of voters and the method and effect of such voting shall be in accordance with the provisions of Article V hereof. After and in the event such withdrawal is accomplished, this Supplemental Code, together with the provisions of the Code, shall become and be the sole code governing this Subdivision and the Code Authority shall, for this Subdivision, become and be the sole Code Authority and shall perform all the functions with respect thereto.

ARTICLE VIII—MONOPOLIES

Applicant imposes and shall impose no inequitable restrictions on membership therein. The Supplemental Code presented by it is not designed to promote monopoly and shall not be so construed or applied as to oppress or eliminate small enterprises or discriminate against them, and is designed to effectuate the policy of the Act.

ARTICLE IX—EFFECTIVE DATE

This Supplemental Code shall become effective and binding on all persons engaged in the Subdivision on the eleventh day after its approval.

Approved Code No. 347—Supplement No. 29.
Registry 1605-02.

SUPPLEMENTARY CODE OF FAIR COMPETITION

FOR THE

MULTIPLE V-BELT DRIVE INDUSTRY

As Approved on July 13, 1934

ORDER

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE MULTIPLE
V-BELT DRIVE INDUSTRY

A DIVISION OF THE MACHINERY AND ALLIED PRODUCTS INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Supplemental Code of Fair Competition for the Multiple V-Belt Drive Subdivision of Machinery and Allied Products Industry, and hearings having been duly held thereon and the annexed report on said Supplemental Code containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Supplemental Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Supplemental Code of Fair Competition be and it is hereby approved subject to the following conditions: that the provisions of Article VIII, Section (a), insofar as they prescribe a waiting period between the filing with the Code Authority (or such agency as may be designated in the Supplemental Code) and the effective date of price lists or revised terms and conditions of sale, be and they are hereby stayed pending my further order.

HUGH S. JOHNSON,

Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,

Division Administrator.

WASHINGTON, D.C.,

July 13, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Supplemental Code of Fair Competition for the Multiple V-Belt Drive Subdivision of Machinery and Allied Products Industry, a public hearing on which was held in Washington, D.C., on May 10, 1934. This public hearing was conducted in full accordance with the provisions of Title I of the National Industrial Recovery Act and all persons were given full opportunity to be heard.

GENERAL STATEMENT

The Multiple V-Belt Drive Subdivision, being truly representative of the manufacturers of the products defined in Article II of the Supplemental Code, has elected to formulate and submit a Supplemental Code of Fair Competition as provided in Article I in the Code of Fair Competition for the Machinery and Allied Products Industry, approved by you on March 17, 1934.

The Multiple V-Belt Drive Subdivision means the manufacture for sale of Multiple V-Belt Drives, and parts thereof, and includes all those engaged in such manufacture for sale. This includes belt manufacturers when merchandising complete drives or sheaves, but does not include the manufacturing of belts or merchandising only of the belt element of the Drive.

ECONOMIC EFFECT

This Subdivision has been very severely affected by the depression. This is evidenced by the steady decline in annual sales, the total volume having declined from \$3,281,000 in 1929 to \$1,045,000 in 1932 or 68.2 percent and increased thereafter to \$1,132,000 in 1933, or 8.3 percent. Total sales for 1933 were approximately 65 percent below the 1929 level.

In 1929 this Subdivision employed approximately 346 persons, including office employees. After 1929 employment declined to 251 persons in 1932, or 27.5 percent. The 1933 employment was approximately 20 percent below the 1929 level.

No data are available on average hours of labor or average wage rates for the Subdivision. The effect of the wage and hour provisions of the Supplemental Code cannot, therefore, be determined.

The wage provisions for the Subdivision, which is operating under the Code of the Machinery and Allied Products Industry, provide that employees engaged in plant operations shall be paid as follows: (1) in cities of more than 50,000 population and their immediate vicinity, 40 cents per hour; (2) in cities of more than 10,000 but not more than 50,000 population and their immediate vicinity, which

cities are not in the immediate vicinity of a city of more than 50,000 population, 38 cents per hour; (3) in cities of 10,000 population or less and their immediate vicinity, which cities are not in the immediate vicinity of a city of more than 10,000 population, 36 cents per hour, except that employees engaged in plant operations in all localities in the states of Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Texas, and Oklahoma, shall be paid not less than 32 cents per hour.

When females do substantially the same work as males or replace males, they shall receive the same pay. However, no female employee shall be paid less than 87½% of the proper rate for the locality in which employed.

Office boys and girls and apprentices shall be paid not less than 80% of the minimum wage.

Employees other than those engaged in plant operations shall receive not less than \$15.00 per week.

This Supplemental Code provides that no person under sixteen years of age shall be employed in this Subdivision.

RÉSUMÉ OF SUPPLEMENTAL CODE

Article I states the purpose of the Supplemental Code.

Article II accurately defines specific terms applicable to the Subdivision as used in this Supplemental Code.

Article III provides for the adoption of the employment provisions of the Code of Fair Competition for the Machinery and Allied Products Industry as approved by you on the seventeenth day of March, 1934, and as from time to time amended.

Article IV provides for the adoption of Articles II, VI, VIII, and IX of the Code of Fair Competition for the Machinery and Allied Products Industry in accordance with the conditions of this Article governing their adoption.

Article V provides for the establishment of the Code Authority and defines its power and duties.

Article VI provides for an accounting system and methods of cost finding and/or estimating.

Article VII provides that no products shall be sold or exchanged below a reasonable cost when the Code Authority determines that an emergency exists.

Article VIII provides for methods of setting up, revising, and filing price lists and discounts sheets and terms of sale and payment.

Article IX sets forth trade practices for the Subdivision.

Article X establishes that no provision of this Supplemental Code relating to pricing and marketing shall apply to direct export sales or to any product destined ultimately for export.

Article XI. This Supplemental Code and all the provisions thereof are expressly made subject to the right of the President in accordance with subsection (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule or regulation issued under said Act. Provision is also made that modifications may be submitted by the Code Authority.

Article XII provides means for withdrawal of this Subdivision from the Basic Code and its continuance as an autonomous Code.

Article XIII establishes that no provision of this Supplemental Code shall be so applied as to permit monopolies and monopolistic practices or to eliminate, oppress, or discriminate against small enterprises.

Article XIV states the effective date of this Supplemental Code.

FINDINGS

The Assistant Deputy Administrator in his final report to me on said Supplemental Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) Said Supplemental Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Subdivision normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Supplemental Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Subdivision; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Supplemental Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Supplemental Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Supplemental Code.

For these reasons, therefore, I have approved this Supplemental Code, provided that certain provisions relating to price publication are stayed, as stated in the Order.

Respectfully,

HUGH S. JOHNSON,
Administrator.

WASHINGTON, D.C.,
July 13, 1934.

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE MULTIPLE V-BELT DRIVE INDUSTRY

A DIVISION OF THE MACHINERY AND ALLIED PRODUCTS INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policy of Title I of the National Industrial Recovery Act, the following provisions are established as a Supplemental Code for the Multiple V-Belt Drive Subdivision of the Machinery and Allied Products Industry, and, together with the Code of Fair Competition for the Machinery and Allied Products Industry, shall be the standard of Fair Competition for this Subdivision, and shall be binding on each employer therein.

ARTICLE II—DEFINITIONS

“*Applicant*” means the Multiple V-Belt Drive Association, a trade organization, all members of which are engaged in the manufacture and sale of the products of the Multiple V-Belt Drive Subdivision of the Machinery and Allied Products Industry.

“*Industry*” means the Machinery and Allied Products Industry, as defined in its Code of Fair Competition as approved by the President, and as such definition may from time to time be amended.

“*Subdivision*” means the Multiple V-Belt Drive Subdivision of the Machinery and Allied Products Industry, defined as follows:

“*Multiple V-Belt Drive Subdivision*” means the manufacture for sale of Multiple V-Belt Drives, and parts thereof, and includes all those engaged in such manufacture for sale. This includes belt manufacturers when merchandising complete drives or sheaves, but does not include the manufacturing of belts or merchandising only of the belt element of the Drive.

“*Code*” means the Code of Fair Competition for the Machinery and Allied Products Industry, as approved by the President March 17, 1934, and as from time to time amended.

“*Person*” means a natural person, a partnership, a corporation, an association, a trust, a trustee, a trustee in bankruptcy, a receiver or other entity.

“*Employer*” means any person engaged in this Subdivision of the Industry, either on his own behalf or as an employer of labor.

“*Employee*” means any one who is employed in this Subdivision by any such employer.

“*The Act*” means Title I of the National Industrial Recovery Act.

“*The President*” means the President of the United States.

“*Administrator*” means the Administrator for Industrial Recovery.

“*Basic Code Authority*” means the Code Authority for the Machinery and Allied Products Industry as constituted by the Code.

“*Code Authority*” means the Code Authority constituted for this Subdivision as provided by the Code and by this Supplemental Code.

“*Group Code Authority*” means the Code Authority for any group or product classification within this Subdivision, constituted under the Authority of Article V of this Supplemental Code.

“*Method of Pricing*” means net price lists and terms of sale and payment, or price lists with discount sheets and terms of sale and payment.

“*Publish*” means to make available to all interested parties.

ARTICLE III—EMPLOYMENT PROVISIONS

The following Articles of the Code, viz: Article III, “Working Hours”; Article IV, “Wages”; and Article V, “General Labor Provisions” are hereby made a part of this Supplemental Code, with the same effect as if they were written into this Supplemental Code.

ARTICLE IV—ADOPTION OF OTHER PROVISIONS OF CODE

The following Articles of the Code, viz: Article II, “Definitions”; Article VI, “Administration”, to the extent that they shall be applicable to this Supplemental Code as such or as it may hereafter be administered as an autonomous Code; and Article VIII, “Modifications and Termination”, are hereby made a part of this Supplemental Code, with the same effect as if they were written into this Supplemental Code.

ARTICLE V—ADMINISTRATION

During the period not to exceed sixty days following the effective date of this Supplemental Code, the code committee of the Applicant shall constitute a temporary Code Authority. This committee shall consist of not less than 3 and not more than 8 members, and the Administrator, in his discretion, may appoint one additional member (without vote and without expense to this Subdivision).

(a) To permit representation of employers who are not members of Applicant, the Applicant shall, within sixty days after this Supplemental Code becomes effective, set up a permanent Code Authority to succeed the temporary Code Authority to administer and supervise and to facilitate the enforcement of this Supplemental Code. Such permanent Code Authority shall be elected at a meeting called for this purpose, to which all known employers in this Subdivision shall be invited by letter sent by registered mail, with the right to vote either in person or by proxy. This permanent Code Authority shall consist of not less than 3 and not more than 7 members, and, in addition thereto, the representative of the Administrator as referred to in the paragraph above. Of the elective members of Permanent Code Authority, one member may be chosen by the employers (if any) who are not members of the Applicant, provided

such representation shall be desired by such employers. In the election of the remaining members of Permanent Code Authority, each member of the Applicant shall have one vote, and a majority vote of the members of the Applicant shall elect. Members of the Permanent Code Authority so elected shall hold office for terms provided for in the Permanent Code Authority Constitution and By-Laws.

Any employer in this Subdivision shall be entitled to vote at the election of, and share in the benefits of, the Code Authority, and participate in any endeavors of the Code Authority in the preparation of any revisions of, or additions or supplements to, this Supplemental Code, by paying his proper pro rata share of the cost of administering it, as determined by the Code Authority.

Assessments for defraying the expense of administering the Code, as determined by the Code Authority, shall be pro rated among employers at such times and in such amounts as may be determined by majority vote of the Employers in the Subdivision entitled to vote; such assessments to be pro rated upon the basis of gross sales of the products of the Subdivision, f.o.b. cars at point of manufacture or warehouse, for the preceding calendar year.

For the purpose of computing such assessments, each employer shall submit, upon request of the Code Authority, an accurate statement covering the sales made during the above stated period.

The Code Authority shall have no activities not related to the provisions of this Supplemental Code or the Code. Any employer shall be eligible for membership in the Applicant Association.

In order that the Code Authority shall, at all times, be truly representative of the Subdivision and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and, thereafter, if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Code Authority.

(b) Action by employers concerning and involving activities leading to and creating expense shall be by vote of the employers entitled to vote, as hereinbefore provided in this Article, who are present in person or by proxy duly executed and filed with the Code Authority, cast concurrently in each of the two following methods:

1. By one vote of each employer.

2. By vote of employers weighted on a basis of one vote for each \$50,000 of the average annual sales of the products of this Subdivision, billed f.o.b. plant or warehouse, by each employer, for the preceding two calendar years as reported to the Code Authority to be computed at the beginning of each calendar year and to apply throughout the then current year. Each employer shall be entitled to at least one such vote. Such action as specified in above paragraph taken at any meeting of employers shall be by majority vote cast and computed in each of the two methods hereinabove provided.

(c) Action by employers concerning and involving activities other than those leading to and creating expense and other than the election of the permanent Code Authority shall be by a majority vote

of the employers entitled to vote; each such employer shall have one vote.

(d) For the purpose of Administering and facilitating the enforcement of the provisions of this Supplemental Code, Code Authority, by its duly authorized representatives (who shall not be an employer or in the employ of any employer affected by this Supplemental Code), shall have access to any and all statistics, data and information, filed in accordance with the provisions of the Code and this Supplemental Code. All individual statistics, data and information of individual employers, as filed in accordance with the provisions of the Code and this Supplemental Code, shall be kept confidential, except with the consent of such employer pertaining to his own statistics, and providing that nothing herein shall prevent publication of general summaries of such statistics of this Subdivision.

(e) For Administrative purposes, employers may be grouped by Code Authority to bring into working association employers having common interests and problems that are not common to all employers in this Subdivision. Each such group shall designate from among its members a Group Code Authority, and may adopt such rules for the conduct of the business of the group as are not inconsistent with the provisions of this Supplemental Code and the Code; provided, however, that provisions of this Article V shall control the making of all examinations or audits and the use to be made of information so obtained with respect to any employer.

(f) Except as otherwise provided in this Supplemental Code, the Code Authority or a Group Code Authority shall have power to hear all matters pertaining to the provisions of this Supplemental Code which may be submitted to it by any employer in its Group, having relation to the employers in said Group, or any of them, and to that end, to the extent permitted by the Act, may investigate and ascertain the facts through such examination or audit as such Group Code Authority may deem necessary. All matters pertaining to a particular group shall be referred in the first instance to the Group Code Authority for that Group, if any has been established.

Any decision of the Group Code Authority shall be final unless appeal is taken to the Code Authority or such decision involves matters requiring to be reported to the Code Authority, in which case pertinent information, papers and data in the possession of the Group Code Authority shall be turned over by it to the Code Authority, and the Code Authority shall pass on the merits of the case and make final decision or report thereon to the Basic Code Authority or the Administrator.

(g) The Code Authority or a Group Code Authority may act, within its powers, on the affirmative vote of a majority of its elected members; provided that any proposal receiving less than a majority vote shall be submitted upon the request of any member of the Code Authority or Group Code Authority having jurisdiction to a vote of all employers entitled to vote under this Supplemental Code or of all the employers entitled to vote comprising the Group affected respectively, and the Code Authority or Group Code Authority having jurisdiction shall act as determined by the majority of the number of votes so cast.

(h) If any employer in this Subdivision is also an employer in any other Subdivision of the Industry, or in any other industry, the provisions of this Supplemental Code, and the jurisdiction of the Code Authority hereunder, shall apply to and affect only that part of his business and product which is included in this Subdivision.

(i) An appeal from any action taken, or any rule or regulation established affecting the right of any employer or employee in this Subdivision, may be taken to the Basic Code Authority and thereafter to the Administrator.

(j) Nothing contained in this Supplemental Code shall constitute the members of the Code Authority or any Group Code Authority as partners for any purpose. Nor shall any member of the Code Authority or of any Group Code Authority be or become liable in any manner to anyone for any act of any other member, officer, agent or employee of the Code Authority or any Group Code Authority exercising reasonable diligence in the conduct of his duties hereunder, nor be or become liable to anyone for any action or omission to act under this Supplemental Code and the Code, except for his own willful misfeasance or non-feasance.

(k) The Code Authority may appoint a trade practice committee which shall meet with the trade practice committees appointed under such other codes as may be related to the Subdivision for the purpose of formulating fair trade practices to govern the relationships between production and distribution employers under this Code and under such others to the end that such fair trade practices may be proposed to the Administrator as amendments to this Code and such other codes.

ARTICLE VI—ACCOUNTING AND COSTING

The Code Authority shall cause to be formulated an accounting system and methods of cost finding and/or estimating capable of use by all employers of the Subdivision. After such system and methods have been formulated, full details concerning them shall be made available to all employers. Thereafter all employers shall determine and/or estimate costs in accordance with the principles of such methods.

ARTICLE VII—SELLING BELOW REASONABLE COST

When the Code Authority determines that an emergency exists in this Subdivision and that the cause thereof is destructive price-cutting such as to render ineffective or seriously endanger the maintenance of the provisions of this Supplemental Code, the Code Authority may cause to be determined the lowest reasonable cost of the product or products of this Subdivision, such determination to be subject to such notice and hearing as the Administrator may require. The Administrator may approve, disapprove or modify the determination. Thereafter, during the period of the emergency, it shall be an unfair trade practice for any employer of the Subdivision to sell or offer to sell any product or products of the Subdivision for which the lowest reasonable cost has been determined at such prices or upon such terms or conditions of sale that the buyer will pay less therefor than the lowest reasonable cost of such products.

When it appears that conditions have changed, the Code Authority, upon its own initiative or upon the request of any interested party, shall cause the determination to be reviewed.

For the purpose of gathering statistical data for the determination or revision of a lowest reasonable cost, the Administrator may require each employer to furnish such information concerning the cost of manufacturing and selling as the Administrator shall deem necessary or proper for such purpose.

ARTICLE VIII—METHODS OF PRICING AND TERMS OF PAYMENT

(a) If and when the Code Authority determines that in any branch or group of the Subdivision it has been the generally recognized practice of at least two-thirds of such branch or group of the Subdivision to sell a specified product on the basis of net price lists or price lists with discount sheets and fixed terms of sale and payment, each employer shall, within ten days after notice of such determination, file with the proper Group Code Authority (or with Code Authority if there is no Group Code Authority having jurisdiction) net price lists or price lists with discount sheets and terms of sale and payment, individually prepared by him, showing his current method of pricing, and the Group Code Authority or Code Authority shall immediately publish and send copies thereof to the employers of this Subdivision co-operating under this Code, as described in Article V (a), and who manufacture like products. Revisions of the method of pricing and terms of sale and payment may be filed in like manner, from time to time thereafter, with the proper Group Code Authority or Code Authority by any manufacturer of such products, each such revision to become operative upon the date specified therein, but such revised method of pricing shall be filed with the proper Group Code Authority or Code Authority 10 days in advance of operative date. Copies thereof, with notice of the operative date specified, shall immediately be published and sent to all manufacturers of such product co-operating under this Supplemental Code, as described in Article V (a), any of whom may file, if he so desires, revisions of his methods of pricing, which shall become effective upon the date when the revised method of pricing first filed shall go into effect.¹

(b) If and when a Group Code Authority or Code Authority shall determine that in any branch or group of the Subdivision not now selling its products on the basis of price lists, with or without discount sheets, with fixed terms of sale and payment, the distribution or marketing conditions in said branch or group are the same as, or similar to, the distribution or marketing conditions in a branch or group of the Subdivision where the use of price lists, with or without discount sheets, is well recognized, and that a system of selling on net price lists, or price lists with discount sheets and fixed terms of sale and payment, should be put into effect in such branch or group, then each manufacturer of the product or products of such branch or group shall, within twenty days after notice of such determination, file with Group Code Authority or Code Authority net price lists or price lists with discount sheets with fixed terms of sale and payment, showing his method of pricing, and such

¹ See paragraph 2 of order approving this Code.

method of pricing may be thereafter revised in the manner hereinabove provided. Such methods of pricing and revisions thereof shall be "published and sent" as described in Article VIII (a). Provided that Group Code Authority or Code Authority shall make no determination to place any product of the Subdivision (not now on a price list basis) on a price list basis, as provided in this paragraph (b) of Article VIII, unless two-thirds of the employers cooperating under this Supplemental Code as described in Article V (a), who are at that time engaged in manufacturing such product, shall affirmatively consent that such determination be made.

(c) No employer shall sell directly or indirectly, by any means whatsoever, any product of this Subdivision at a price or at discounts or on terms of sale and payment different from those provided in his own current method of pricing and terms of sale and payment, as covered by the provisions of this Article VIII and proceedings thereunder; provided, however, that any employer upon notice to the Code Authority may adopt as his own price as set forth in such notice, a lower price filed by another employer of this Subdivision. Such adopted price or withdrawal or upward revision of same shall be "published and sent" as described in Article VIII (a) for revisions. Such adoption shall become automatically void upon the withdrawal or revision upward of the price adopted.

(d) If and when Code Authority shall determine that it is undesirable to continue the filing of net price lists and/or price lists with discount sheets and/or fixed terms of sale and payment on any product in respect of which such filing has theretofore been required, such filing shall cease and the provisions of this Article shall not apply to such product unless and until Code Authority shall again determine that such filing be made.

ARTICLE IX—TRADE PRACTICES

Each of the following acts or practices is deemed to be inimical to the best interests of the Subdivision and of the public, and each is, therefore, hereby declared to be, and to constitute, an unfair method of competition, viz:

1. *Inaccurate Advertising.*—No employer shall publish advertising (whether printed, radio, display or of any other nature), which is misleading or inaccurate in any material particular, nor shall any employer in any way misrepresent any goods (including but without limitation its use, trade-mark, grade, quality, quantity, origin, size, substance, character, nature, finish, material, content or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted.

2. *False Billing.*—No employer shall knowingly withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any material particular.

3. *Inaccurate Labelling.*—No employer shall brand or mark or pack any goods in any manner which is intended to or does deceive or mislead purchasers with respect to the brand, grade, quality, quantity, origin, size, substance, character, nature, finish, material, content or preparation of such goods.

4. *Defamation.*—No employer shall defame a competitor by falsely imputing to him dishonorable conduct, inability to perform con-

tracts, questionable credit standing, or by other false representation, or by falsely disparaging the grade or quality of his goods.

5. *Destructive Price Cutting*.—No employer shall indulge in destructive price cutting.

6. *Threats of Law Suits*.—No employer shall publish or circulate unjustified or unwarranted threats of legal proceedings which tend to or have the effect or harassing competitors or intimidating their customers.

7. *Secret Rebates*.—No employer shall secretly offer or make any payment or allowance of a rebate, refund, commission, credit, unearned discount or excess allowance, whether in the form of money or otherwise, nor shall any employer secretly offer or extend to any customer any special service or privilege not extended to all customers of the same class, for the purpose of influencing a sale.

8. *Bribing Employees*.—No employer shall give, permit to be given, or offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal or party. This provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

9. *Inducing Breach of Existing Contracts*.—No employer shall wilfully induce or attempt to induce the breach of existing commercial contracts between competitors and their customers by any false or deceptive means, or interfere with or obstruct the performance of any such contractual duties or services by any such means, with the purpose and effect of hampering, injuring or embarrassing competitors in their business.

10. *Coercion*.—No employer shall require that the purchase or lease of any goods be a prerequisite to the purchase or lease of any other goods.

11. *Installation Costs*.—No employer shall contract to install any equipment covered by this Subdivision without charging for the cost thereof. This provision shall not prevent any employer furnishing supervisory or millwright service, provided such service is charged for at the prevailing rates for such class of work, plus living and traveling expenses, with no guarantee of total maximum charge.

The provisions of this paragraph shall not apply to Multiple V-Belt Drives sold in connection with, or as a part of, a contract for driving and/or driven machinery, the terms of sale of which call for erection or installation.

12. *Contract Changes*.—No employer shall change a contract of purchase and sale after it has been executed with a purchaser, by modifying or extending the warranty given in such sales contract as to defects in the product covered or the liability of the employer thereunder.

13. *Trade Secrets*.—No employer shall procure, otherwise than with the consent of another employer, any information concerning the business of such employer which is properly regarded by such employer as a trade secret or confidential within his or its organization.

14. *Discounts*.—No employer shall sell on the basis of a dollar volume discount. This shall not prohibit quoting of quantity discounts on published price list.

15. *Consignment*.—No employer shall consign any product to any one or any class of trade, except in trading areas where existing competing stocks are now maintained by an employer; provided however, that the following practices are permitted: (a) The transfer of an existing consignment from one consignee to another consignee in the same trading area; (b) the conversion of a bona fide sale into a consignment for the purpose of protecting the seller when the purchaser is financially embarrassed; (c) the conducting of field tests or demonstrations of newly designed products or of a new application of a product by any employer, without compensation.

16. *Guaranty*.—No employer shall guaranty any product beyond the regular guaranty as specified in the terms and conditions of sale on file with the Code Authority and in effect at the time of the sale of such product; this does not apply to performance or capacity guaranty.

ARTICLE X—SALES FOR EXPORT

The provisions of this Code concerning sales shall not apply to direct export sales of any product, or to sales of any product destined ultimately for export. The term "export" shall include all shipments to all places without the several states of the United States and the District of Columbia; provided, however, that no shipment to any territory or possession of the United States shall be considered as export when any employer is engaged in the Subdivision in such territory or possession.

ARTICLE XI—MODIFICATIONS

(a) As provided by Section 10 (b) of the Act, the President may from time to time cancel or modify any order, approval, license, rule or regulation issued under Title I of the Act.

(b) As study of the needs of the Subdivision is continued after the effective date, amendments, additions or revisions to this Supplemental Code may be proposed, which, upon being assented to in writing by two-thirds vote of employers cooperating under this Supplemental Code, shall be in full force and effect from and after approval thereof by the President.

ARTICLE XII—WITHDRAWAL

Upon thirty days notice to the Basic Code Authority and to the Administrator, this Subdivision may, upon the concurring affirmative vote of employers within the said Subdivision entitled to cast two-thirds or more of all the votes that might be cast by all employers within the Subdivision entitled to vote thereon, withdraw from the jurisdiction of the Basic Code Authority. The eligibility of voters and the method and effect of such voting shall be in accordance with the provisions of Article V hereof. After and in the event such withdrawal is accomplished, this Supplemental Code, together with the provisions of the Code, shall become and be the sole

code governing this Subdivision, and the Code Authority shall, for this Subdivision, become and be the sole Code Authority and shall perform all the functions with respect thereto.

ARTICLE XIII—MONOPOLIES

Applicant imposes and shall impose no inequitable restrictions on membership therein. The Supplemental Code presented by it is not designed to promote monopoly, and shall not be so construed or applied as to oppress or eliminate small enterprises or discriminate against them, and is designed to effectuate the policy of the act.

ARTICLE XIV—EFFECTIVE DATE

This Supplemental Code shall become effective and binding on all employers in the Subdivision on the eleventh day after its approval.

Approved Code No. 347—Supplement No. 30.

Registry No. 1399-69.

SUPPLEMENTARY CODE OF FAIR COMPETITION
FOR THE
ATHLETIC GOODS DISTRIBUTING TRADE

As Approved on July 17, 1934

ORDER

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE ATHLETIC GOODS
DISTRIBUTING TRADE

A DIVISION OF THE WHOLESALING OR DISTRIBUTING TRADE

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Supplemental Code of Fair Competition for the Athletic Goods Distributing Trade to the Code of Fair Competition for the Wholesaling or Distributing Trade, and hearings having been duly held thereon and the annexed report on said Supplemental Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Supplemental Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Supplemental Code of Fair Competition be and it is hereby approved; provided, however, that the provisions of Sections 6 and 11 of Article IV are approved for a period of ninety (90) days only, subject to further order at that time as a result of study made by the Standardization Committee (provided for in Paragraph g, Section 2, Article III); provided further, that Section 15 of Article IV be and it is hereby stayed pending further order by the Administrator.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

ROBERT L. HOUSTON,
Division Administrator.

WASHINGTON, D.C.,
July 17, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report of the Hearing on the Supplemental Code of Fair Competition of the Athletic Goods Distributing Trade, conducted in Room 2062, Department of Commerce Building on May 28, 1934. The Supplemental Code, which is attached, was presented by duly qualified and authorized representatives of the Trade, complying with the statutory requirements.

THE TRADE

According to the census of Wholesale Distribution for the year 1929, there were 283 establishments engaged in the distribution of sporting goods with annual net sales of \$74,246,889, and employing 4,031 persons. However, this figure covers all lines of sporting goods and no further breakdown is available which covers only the distribution of Athletic Goods, as defined in this Supplemental Code.

OTHER PROVISIONS OF THE CODE

The provisions containing supplemental definitions are considered inclusive and accurate.

The Administrative provisions supplementing the General Code establish a Divisional Code Authority which is fairly and adequately representative of all the different elements in the Trade.

The Trade Practice supplemental provisions are designed to cure innumerable evils existing in the Trade today, and are not considered in any way objectionable.

FINDINGS

The Deputy Administrator in his final report to me on said Supplemental Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that

(a) Said Supplemental Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible use of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily

required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Trade normally employs not more than 50,000 employees and it is not classified by me as a major industry.

(c) The Supplemental Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof; and that the applicant association is a trade association truly representative of the aforesaid Trade; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Supplemental Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Supplemental Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to the approval of this Supplemental Code.

For these reasons, the Supplemental Code has been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 17, 1934.

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE ATHLETIC GOODS DISTRIBUTING TRADE

A DIVISION OF THE WHOLESALING OR DISTRIBUTING TRADE

ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, this Supplemental Code is established as a Code of Fair Competition for the Athletic Goods Distributing Trade pursuant to Article VI, Section 1 (c) of the General Code of Fair Competition for the Wholesaling or Distributing Trade, approved by the President of the United States on January 12, 1934. All provisions of the said General Code which are not in conflict with the provisions of the Supplemental Code are hereby specifically incorporated by reference in this Supplemental Code and made part hereof. Such provisions of the General Code together with the provisions of this Supplemental Code are the standards of fair competition for and are binding upon every member of said Athletic Goods Distributing Trade.

ARTICLE II—DEFINITIONS

SUPPLEMENTING ARTICLE II OF THE GENERAL CODE

SECTION 1. *Wholesaler or Distributor*.—For the purpose of this Supplemental Code the term “Wholesaler” or “Distributor”, as used herein, is defined to mean any individual, partnership, association, corporation, or other form of enterprise, or a definitely organized division thereof definitely organized to render, and rendering a general distribution service, which buys and maintains at his or its place of business a stock of athletic goods; and which through salesmen, advertising, and/or sales promotion devices, sells to retailers and/or to schools, colleges, clubs, teams, institutional, commercial, and/or industrial users.

SECTION 2. The term “member of the Trade”, as used herein, shall mean and include any wholesaler or distributor of athletic goods.

SECTION 3. *Merchandise*.—The term “Athletic Goods”, as used herein, includes all the balls, implements, and equipment used in any or all of the athletic games or sports enumerated below:

(a) Golf.

(b) Tennis, court tennis, table and paddle tennis, badminton, racquets, squash racquets, squash tennis, handball.

(c) Football, basket ball, soccer, rugby football, volley ball, water polo, and all other games generally known as athletic games or contests.

(d) Baseball, including all variations thereof, played with a hard or soft ball and bat.

(e) La Crosse.

(f) Polo and hockey, including all variations thereof.

(g) Winter-sports equipment and all variations thereof, including skis, snowshoes, and all other variations thereof.

(h) Track and field Athletics.

(i) Boxing and wrestling.

(j) Archery.

(k) Cricket.

The term "Athletic Goods" also includes gymnasium and playground equipment, uniforms and other similar athletic wear manufactured especially for athletic purposes, and felt and/or chenille emblems, letters and pennants, and megaphones, and similar products when sold in connection with the merchandise enumerated above in this Section.

SECTION 4. The term "Divisional Code Authority" as used herein shall mean the Divisional Code Authority for the Athletic Goods Distributing Trade, a division of the Wholesaling or Distributing Trade.

SECTION 5. The term "General Code" as used herein shall mean the Code of Fair Competition for the Wholesaling or Distributing Trade.

SECTION 6. The term "consignment", as used herein is defined to mean the delivery by a distributor to any person, agent, purchaser, or otherwise under any agreement or understanding, expressed or implied pursuant to which the seller retains any lien upon or title to or interest in the goods until sold by the consignee.

ARTICLE III—ADMINISTRATION

SUPPLEMENTING ARTICLE VI OF THE GENERAL CODE

SECTION 1. *Divisional Code Authority.*—(a) There shall be created a Divisional Code Authority to cooperate with the Administrator in the administration of the provisions of this Supplemental Code.

(b) Such Divisional Code Authority shall be composed of seven (7) members, five (5) of whom shall be members of the National Sporting Goods Distributors Association and selected by the Board of Directors thereof, and two (2) members who shall be selected by a plan to be approved by the Administrator to represent those engaged in the Athletic Goods Distributing Trade who are not members of the National Sporting Goods Distributors Association.

(c) The terms of office of members of the Divisional Code Authority and the method of electing their successors, whether for full new terms or for unexpired terms, shall be established in the by-laws of the Divisional Code Authority, subject to the approval of the Administrator.

SECTION 2. *Powers and Duties.*—The Divisional Code Authority shall have the following powers in addition to those provided in the General Code, subject to the rules and regulations issued by the Administrator.

(a) To select officers and agents and to assign to them such duties as it may consider advisable.

(b) To adopt By-Laws and rules and regulations for its procedure.

(c) To utilize such trade associations and other agencies as it deems necessary and proper to assist it in carrying out any of its activities, provided, however, that nothing contained herein shall in any way relieve the Divisional Code Authority of any of its responsibilities under this Supplemental Code, and that such trade associations and agencies shall at all times be subject to, and comply with the provisions hereof.

(d) It shall be the duty of the Divisional Code Authority to appoint a Trade Practice Committee which shall meet with the Trade Practice Committees appointed under such other Codes as may be related to the Trade for the purpose of formulating Fair Trade Practices to govern the relationships between production and distribution employers under this Supplemental Code and under such others to the end that such Fair Trade Practices may be proposed to the Administrator as amendments to this Supplemental Code and such other Codes.

(e) To obtain from members of the Trade such information and reports as are required for the administration of the Supplemental Code. No such individual report shall be disclosed to any other member of the Trade, including members of the Divisional Code Authority, or any other party except to such other governmental agencies as may be directed by the Administrator. No such data or information shall be published, except in combination with similar data, and in such manner as to avoid the disclosure of confidential information. In addition to information required to be submitted to the General Code Authority and to the Divisional Code Authority, members of the Trade subject to this Supplemental Code shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act, to such federal and state agencies as he may designate; provided that nothing in this Supplemental Code shall relieve any member of the Trade of any existing obligations to furnish reports to any government agency.

(f) To recommend to the Administrator any action or measures deemed advisable, including further fair trade practice provisions to govern members of the Trade in their relations with each other or with other trades, measures for industrial planning, and stabilization of employment; and including modifications of this Supplemental Code which shall become effective as part hereof upon approval by the Administrator after such notice and hearing as he may specify.

(g) In order to assist in making effective the reports from the Trade in eliminating unfair competition, the Divisional Code Authority within one month after the effective date of the Supplemental Code shall appoint a Committee so constituted as to give producer, consumer and governmental representation, to make a study with a view to the establishment of classification of standard of quality of products of the Trade, wherever such standards are deemed feasible; the findings and recommendations of this Committee shall within one year be submitted to the Administrator and after such hearings and investigations as he may designate and upon approval by him, shall be made a part of this Supplemental Code and be binding upon every member.

(h) 1. It being found necessary in order to support the administration of this Supplemental Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Divisional Code Authority is authorized:

a. To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Supplemental Code;

b. To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Trade;

c. After such budget and basis of contribution have been approved by the administrator, to determine and obtain equitable contribution as above set forth by all members of the Trade, and to that end, if necessary, to institute legal proceedings therefor in its own name.

2. Each member of the Trade shall pay his or its equitable contribution to the expenses of the maintenance of the Divisional Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Trade complying with the Supplemental Code and the General Code and contributing to the expenses of their administration as hereinabove provided, shall be entitled to participate in the selection of members of the Divisional Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

3. The Divisional Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

SECTION 3. *Liability of the Divisional Code Authority.*—Nothing contained in this Supplemental Code or in any other Code shall constitute the members of the Divisional Code Authority partners for any purpose; nor shall any member of the Divisional Code Authority be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Divisional Code Authority, nor shall any member of the Divisional Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission of an act under this Supplemental Code, except for his own misfeasance or nonfeasance.

SECTION 4. *Approval or Disapproval by the Administrator.*—If the Administrator shall determine that any action of the Divisional Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Divisional Code Authority or agency pending final action which shall

not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty days' notice to him of intention to proceed with such action in its original or modified form.

SECTION 5. In order that the Divisional Code Authority shall at all times be truly representative of the Trade, and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter if he shall find that the Divisional Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification of the Divisional Code Authority.

ARTICLE IV—TRADE PRACTICES

SUPPLEMENTING ARTICLE VII OF THE GENERAL CODE

SECTION 1. No member of the Trade shall pay any money or make any gifts to athletic organizations, leagues, associations, athletes, winners of athletic competitions, or persons prominent in any of the various lines of sport to induce such athletic organizations, leagues, associations, athletes, winners of athletic competitions, or prominent persons to use, recommend or adopt as "official" the athletic goods or equipment of such members of the Trade and then advertise that such athletic organization, leagues, association, athletes, winners, or persons, use, recommend, or have adopted as "official" such athletic goods or equipment without disclosing that such organizations, leagues, associations, athletes, winners, or persons were the recipients of money or gifts from such member of the Trade.

SECTION 2. No member of the Trade shall lease, sell, or contract to sell, athletic goods or equipment, whether patented or unpatented, for use, consumption, or resale within the United States or fix a price charged therefor, or discount from, or rebate upon such price, on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use or deal in the athletic goods or equipment of a competitor or competitors of the lessor or seller, where the effect of such lease, sale, or contract for sale, or such condition, agreement, or understanding may be to substantially lessen competition or tend to create a monopoly in any line of commerce.

SECTION 3. No member of the Trade shall either directly or indirectly discriminate in price between different purchasers of commodities, where the effect of such discrimination may be to substantially lessen competition or tend to create a monopoly in any line of commerce; provided, that nothing herein contained shall prevent discrimination in price between purchasers of the same class on account of differences in the grade, quality, or quantity of the commodity sold, or that makes only due allowances for differences in the cost of selling or transportation, or discrimination in price in the same or different communities made in good faith to meet competition; and provided further, that nothing herein contained shall prevent persons engaged in selling the products of this Trade in commerce from selecting their own customers in bona fide transactions and not in restraint of trade.

SECTION 4. No member of the Trade shall use on, or in any way in connection with the sale of, any of its athletic goods or equipment,

the name, nickname, or initials of any athlete or person prominent in any line of sport when a competitor has previously acquired from the said athlete or person, and with his approval, the exclusive right and good-will in and to said name, nickname, or initials for the use on the same line of goods, and where the effect of the use by the said member of the Trade of the said name, nickname, or initials is to deceive or tend to deceive the purchasing public as to the source or make of the said line of goods, and where the tendency is to injuriously affect the business of the competitor; provided, that nothing contained herein shall be construed to deprive any person of any right which may be enjoyed under any existing law.

SECTION 5. No member of the Trade shall maliciously and/or knowingly induce or attempt to induce the breach of existing contracts between competitors and any athlete or person prominent in any line of sport relating to the use of said athlete's or person's name, nickname, or initials, or maliciously and/or knowingly interfere with or obstruct the performance of any such contractual duties or services.

SECTION 6. No Member of the Trade shall stamp the name "official" on playground balls, footballs, soccer balls, basket balls or volley balls (of either inseam or outseam styles) which are not top grade, conventional type, or on special playground balls, special footballs, special soccer balls, special basket balls or special volley balls which are inferior in quality, inferior in workmanship or inferior in any other respect to the top grade, conventional type, of ball of such Member of the Trade.¹

SECTION 7. No member of the Trade shall offer for sale as "seconds", as "defective", or as "of inferior quality" any merchandise, which is in fact not defective or inferior in some material respect.

SECTION 8. No member of the Trade shall sell baseballs, playground balls, footballs, soccer balls, basket balls, volley balls, and golf balls, unless the said balls are branded with a name or other mark of identification.

SECTION 9. No member of the Trade shall guarantee any athletic goods except as to their freedom from defects affecting the quality, quantity, grade, or construction thereof, or replace for any other cause, any such product which has been used.

SECTION 10. No member of the Trade shall give trophies or other things of value for the adoption or use, of any merchandise by any team, club, association, league, or educational institution, excepting only professional baseball leagues operating in organized baseball. No member of the Trade shall make any donation of balls or money to professional baseball leagues in excess of a schedule of donations when such schedules shall be announced by the Divisional Code Authority and approved by the Administrator.

SECTION 11. No member of the Trade shall stamp the names "Official", "Official League", "National League", or "American League", on other than the manufacturer's finest quality baseballs, made of the best quality wool yarn containing at least 95% wool.¹

¹ See paragraph 2 of order approving this Code.

SECTION 12. No member of the Trade shall sell merchandise on more favorable terms of credit than the following:

(a) On current orders, 30 days net, 2% ten days or 2% 10th proximo.

(b) On advance spring orders shipped November 1st and spring samples whenever shipped, March 31st, dating, 2% if paid April 10th.

(c) On advance fall orders shipped after June 1st, and fall samples whenever shipped. September 30th dating, 2% if paid October 10th.

(d) On foreign or export business, credit terms are subject to the discretion of the seller.

(e) The rate of discount allowed on prepayment of invoices, not to exceed 6% per annum.

(f) Past due accounts shall be subject to the legal rate of interest provided for by the laws of the state governing the operation of the contract of sale.

SECTION 13. The consignment method of sale is prohibited, except where the Divisional Code Authority may allow under circumstances to be defined by it.

SECTION 14. Except as may be due to differences in cost, no member of the Trade shall quote and/or sell at lower prices on direct factory shipments, than on the same type, quality, quantity, and size of products for delivery from his stock.

SECTION 15. No member of the Trade shall quote and/or sell at lower prices to federal, state, county, or municipal authorities or political subdivisions thereof, than those which are offered under substantially like conditions, on the same type, quantity, quality and grade of merchandise to schools and colleges.¹

SECTION 16. No member of the Trade shall quote and/or sell at a combination price, two or more different items of merchandise without showing the unit prices thereof.

SECTION 17. No member of the Trade shall advertise in school publications, score boards, season schedules, and other mediums of similar character, except such mediums as hold a second-class mail permit or have the approval of the Divisional Code Authority, subject to appeal to the Administrator.

SECTION 18. No member of the Trade shall increase the value of any merchandise sold by additional work thereon or by applying additional material thereto without making a reasonable additional charge for such additional work and/or additional material.

SECTION 19. No member of the Trade shall furnish articles of merchandise to schools, dealers, clubs, for the purpose of samples without invoicing such merchandise to the prospective customer at his quoted prices and terms, subject to return within thirty (30) days for credit. In case where sizes are required as samples no more than one of the same article may be shipped.

ARTICLE V—MODIFICATION

This Supplemental Code and all the provisions thereof are expressly made subject to the right of the President in accordance with

¹ See paragraph 2 of order approving this Code.

the provisions of Sub-section (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule or regulation issued under Title I of the said Act.

ARTICLE VI—EFFECTIVE DATE

This Supplemental Code shall become effective on the 10th day after its approval by the Administrator.

Approved Code No. 201—Supplement No. 13.
Registry No. 1657-01.

Approved Code No. 105—Supplement No. 3

SUPPLEMENTARY CODE OF FAIR COMPETITION
FOR THE
LEAF SPRING MANUFACTURING INDUSTRY

As Approved on July 18, 1934

ORDER

**SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE LEAF SPRING
MANUFACTURING INDUSTRY**

**A PRODUCT GROUP OF THE ORIGINAL EQUIPMENT AND THE REPLACEMENT
PARTS DIVISIONS OF THE AUTOMOTIVE PARTS AND EQUIPMENT MANU-
FACTURING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Leaf Spring Manufacturing Product Group of the Original Equipment and the Replacement Parts Divisions of the Automotive Parts and Equipment Manufacturing Industry, a supplemental Code to the Basic Code of the Automotive Parts and Equipment Manufacturing Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved; provided, however, that the provisions of Article IV, paragraph (15), insofar as they prescribe a waiting period between the filing with the Code Authority (i.e. actual receipt by the Code Authority) and the effective date of revised price lists or revised terms and conditions of sale be and they are hereby stayed pending my further order; and provided further, that approval of the provisions of Section 5 of Article III and Sections 1 and 15 of Article IV shall terminate if and when the provi-

sions of Section 5 of Article III and Sections 1 and 9 of Article IV of the Supplementary Code for the Replacement Axle Shaft Manufacturing Industry and Section 5 of Article III and Sections 1 and 14 of Article IV of the Supplementary Code for the Automobile Hot-Water Heater Manufacturing Industry, or any of such provisions are modified.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

C. E. ADAMS,
Division Administrator.

WASHINGTON, D.C.,
July 18, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT.

The White House.

SIR: The supplement to the Code of Fair Competition for the Automotive Parts and Equipment Manufacturing Industry covering Fair Trade Practices for the Leaf Spring Manufacturing Product Group, a sub-division of the said Industry, was submitted to the Administrator on September 22, 1933 by the Leaf Spring Institute, representing approximately 90% of the total volume of sales and members of the Trade.

The Hearing was conducted in Washington on December 7, 1933 and the supplement was revised during the recess of this Hearing and is submitted in its present form for approval. Every person who requested an appearance, was properly heard in accordance with the statutory and regulatory requirements.

While the Product Group is nation-wide in character, it has not experienced any increase in the number of establishments during the past few years.

ARTICLE I states the purpose of the Supplementary Code.

ARTICLE II accurately defines specific terms employed in the Supplementary Code. This Product Group is a sub-division of the Automotive Parts and Equipment Manufacturing Industry and the labor provisions of its Basic Code as approved November 8, 1933, are the labor provisions of this Supplementary Code.

ARTICLE III establishes an Administrative Committee, consisting of the Executive Committee of the Institute and one additional member, to be selected at the discretion of the Administrator and one non-voting member, to be appointed by the Administrator. It also provides machinery for obtaining statistics and the administration of this Code.

ARTICLE IV sets forth the fair trade practices of this Supplementary Code, which has been especially designed to effect fair competition in this Product Group of the Industry.

ARTICLE V provides against monopolies and monopolistic practices and provides for the submission of supplementary provisions to this Supplementary Code or modifications thereof, and contains the mandatory provisions contained in Section 10 (b) of Title I of the Act, and states the effective date of the Supplementary Code shall mean the tenth day after it has been approved.

FINDINGS

The Deputy Administrator in his final report to me on said Supplemental Code having found as herein set forth and on the basis of all the proceedings in this matter;

I find that:

(a) Said Supplemental Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Product Group normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Supplementary Code as approved, complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof; and that the applicant Institute is an industrial Association, truly representative of the aforesaid Industry; and that said Institute imposes no inequitable restrictions on admission to membership therein.

(d) The Supplementary Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Supplementary Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Supplementary Code.

For these reasons therefore, I have approved this Supplementary Code.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 18, 1934.

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE LEAF SPRING MANUFACTURING INDUSTRY

A PRODUCT GROUP OF THE ORIGINAL EQUIPMENT AND REPLACEMENT PARTS
DIVISIONS OF THE AUTOMOTIVE PARTS AND EQUIPMENT MANUFACTUR-
ING INDUSTRY

ARTICLE I—PURPOSE

Pursuant to the provisions of Article II of the Code of Fair Competition for the Automotive Parts and Equipment Manufacturing Industry, duly approved by the President on November 8, 1933, the following provisions covering fair trade practices and the administration thereof for the Leaf Spring Manufacturing Product Group which has been organized as an administrative unit under the Original Equipment and Replacement Parts Divisions of the Automotive Parts and Equipment Manufacturing Industry, are hereby established as the standards of fair competition for said Product Group and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

The term "Product Group" as used herein is defined to mean the production and/or manufacture for sale of leaf springs and/or their component parts for original equipment or replacement parts on motor vehicles or any other vehicle or product except street cars or railway cars.

The term "Member" or "Member of the Product Group" as used herein includes, but without limitation, any individual, partnership, association, corporation, or other form of enterprise engaged in the production and/or manufacture of the products of the Product Group, either as an employer or on his or its own behalf.

The term "Class 'A' Members" as used herein is defined to mean members of the Product Group whose products are sold to manufacturers of motor vehicles or any other vehicle or product except street cars or railway cars, for original equipment and for service requirements thereon.

The term "Class 'B' Members" as used herein is defined to mean members of the Product Group whose products are sold to customers other than buyers of original equipment for replacement of original springs or parts thereof for motor vehicles or any other vehicle or product except street cars or railway cars.

The term "Class 'C' Members" as used herein is defined to mean members of the Product Group who maintain spring service stations which manufacture a part or all of the replacement spring and parts thereof sold by them for replacement of original springs and parts thereof for motor vehicles or any other vehicle or product except street cars or railway cars.

The term "Primary Outlets" as used herein means such customers as may be so classified in accordance with the provisions of Paragraph 14 of Article IV.

The term "Secondary Outlets" as used herein means such customers as may be so classified in accordance with the provisions of Paragraph 14 of Article IV.

The term "Institute" as used herein is defined to mean the Leaf Spring Institute, a trade association at present having its headquarters office in Detroit, Michigan.

The term "Basic Code" as used herein is defined to mean the Code of Fair Competition for the Automotive Parts and Equipment Manufacturing Industry, as approved by the President on November 8, 1933.

The term "Code Authority" as used herein is defined to mean the Code Authority designated in the Code of Fair Competition for the Automotive Parts and Equipment Manufacturing Industry.

ARTICLE III—ADMINISTRATION

(1) (a) The Executive Committee of the Institute shall constitute the Administrative Committee to assist the Code Authority and the Administrator in the administration of the fair trade practice provisions hereinafter set forth and the provisions of the Basic Code, to which these fair trade practices are a supplement. One additional member may in the discretion of the Administrator be added to represent non-members of the Institute who assent to and comply with this supplement, such additional member to be selected by such non-members of the Institute by a fair method approved by the Administrator.

(b) In addition to membership as above provided, there may be one additional member, without vote, to be appointed by the Administrator, to serve without expense to the Industry for such term as he may specify.

(2) (a) It being found necessary, in order to support the administration of this supplement and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Administrative Committee is authorized, subject to the approval of the Administrator:

(1) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the supplement;

(2) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary, (a) an itemized budget of its estimated expenses for the foregoing purposes, and (b) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Product Group;

(3) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the Product Group, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(b) Each member of the Product Group shall pay his or its equitable contribution to the expenses of the maintenance of the Administrative Committee, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Product Group complying with the Supplement and contributing to the expenses of its administration as hereinabove provided, shall be entitled to participate in the selection of members of the Administrative Committee or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(c) The Administrative Committee shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

(3) (a) The Administrative Committee shall, subject to the disapproval of the Code Authority and the Administrator, have the power to adopt by-laws and rules and regulations for its procedure and to obtain from members, directly or through an impartial agency, such information and reports as are required for the administration and enforcement of this Supplement; to cooperate with the Administrator in regulating the use of any N.R.A. insignia, to hear and adjust complaints, to initiate, consider and recommend to the Code Authority for transmittal to the Administrator further fair trade practice provisions to govern the members of this Product Group; and to discharge the other powers and duties provided in this Supplement.

(b) If the Administrator shall determine that any action of a Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty days' notice to him of intention to proceed with such action in its original or modified form.

(c) Each trade or industrial association directly or indirectly participating in the selection or activities of the Administrative Committee shall (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

(d) In order that the Administrative Committee shall at all times be truly representative of the Product Group and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter if he shall find that the Administrative Committee is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Administrative Committee.

(4) All members of this Product Group shall be bound by the provisions of the Basic Code. For this purpose, all provisions of the Basic Code are hereby declared to be a part of this supplement. In case of any conflict between the provisions of this supplement and the provisions of the Basic Code, the provisions of the latter shall govern.

(5) The Administrative Committee shall cause to be formulated accounting methods and principles of cost finding and/or estimating capable of use by all members of the Product Group. After such methods and principles have been formulated and approved by the Administrator, full details concerning them shall be made available to all members. Thereafter all members shall determine and/or estimate costs in accordance with such methods and principles.¹

ARTICLE IV—TRADE PRACTICES

In addition to the provisions of Section C of Article VI of the Basic Code, the following described acts shall constitute unfair practices:

(1) *Selling Below Cost.*—(a) To sell the products of this Product Group at prices below cost, determined in the manner provided for in Article III, paragraph 5, of this supplement.

(b) Nothing in this supplement shall prevent a member from selling at below cost as computed in accordance with the provisions of Article III, paragraph 5 hereof, providing that it is necessary to do so to meet a competitive price that is not in violation of this supplement.

(c) When the Administrative Committee determines that an emergency exists in this Product Group and that the cause thereof is destructive price-cutting such as to render ineffective or seriously endanger the maintenance of the provisions of the Basic Code and/or this supplement, the Administrative Committee may cause to be determined the lowest reasonable cost of any of the products of this Product Group, such determination to be subject to such notice and hearing as the Administrator may require. The Administrator may approve, disapprove, or modify the determination. Thereafter, during the period of the emergency, it shall be an unfair trade practice for any member of the Product Group to sell or offer to sell any products of the Product Group for which the lowest reasonable cost has been determined at such prices or upon such terms or conditions of sale that the buyer will pay less therefor than the lowest reasonable cost of such products.

When it appears that conditions have changed, the Administrative Committee, upon its own initiative or upon the request of any interested party, shall cause the determination to be reviewed.¹

(2) *Commercial Bribery.*—To give, permit to be given, or offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal or party. This provision shall not

¹ See paragraph 2 of order approving this Code.

be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

(3) *Inaccurate labeling.*—To list, brand, mark, or pack any products of the Product Group in any manner which is intended to or does deceive or mislead purchasers in some material particular or the failure to brand such products for the purpose or with the effect of misleading or deceiving purchasers in some material particular, with respect to such products (including but without limitation their brand, grade, quality, quantity, origin, size, substance, character, nature, finish, material content, or preparation.)

(4) *Imitation of trade-marks.*—To imitate or copy a competitor's trade-mark, marking, trade name, or exclusive and established design which identifies the maker or vendor of the product, with the purpose or effect of misleading or deceiving any purchaser or prospective purchaser.

(5) *Inaccurate advertising.*—To publish advertising (whether printed, radio, display, or of any other nature), which is misleading or inaccurate in any material particular, or to in any way misrepresent any product (including but without limitation its use, trade-mark, grade, quality, quantity, origin, size, substance, character, nature, finish, material content, or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted.

(6) *Price Guarantee.*—To guarantee Product Group Products against advance or decline in price. This clause shall not apply to original equipment sales.

(7) *Guaranty.*—To give any guaranty or warranty on any product of the Product Group except against defects in workmanship or material.

(8) *Return of products.*—The Administrative Committee shall immediately proceed to formulate a uniform policy covering the return of obsolete or unsalable products and present same for the approval of the Code Authority and the Administrator within thirty days from the effective date. Upon approval by the Code Authority and the Administrator, after such hearing as the Administrator may prescribe, such rules and regulations shall become binding as a part of this supplement. Until such policy has been so approved, no member shall accept the return of any such products for credit or exchange, except products returned because of breach of Warranty or as may be otherwise provided by applicable State Law.

(9) *Consignments.*—To ship stocks of the products of this Product Group to distributors, contractors, manufacturers' agents, and/or others on consignment or under the "Floating Credit or Ledger Balance" plan. All existing agreements regarding such shipments shall be terminated within 60 days from the date of approval of this supplement, with the exception of existing contracts which, by their terms, cannot be terminated by that date, subject to the condition that copies of such contracts shall be filed with the Administrative Committee.

(10) *Replacing competitors' stock.*—To liquidate, purchase, or accept a competitor's product from any buyer.

(11) *Interference with another's contracts.*—To induce or attempt to induce the breach of an existing contract between a competitor and his customer or source of supply; or to interfere with or obstruct the performance of such contractual duties or services.

(12) *Coercion.*—To require that the purchase of any goods be a prerequisite to the purchase of any Product Group goods.

(13) *Used or rebuilt products.*—To sell or offer for sale rebuilt or used products which are not conspicuously designated as such.

Such designation shall consist of the word "Rebuilt" or "Used" stenciled with 1¼" block letters in red or another contrasting color on the visible side of the main leaf, and a band or strip of red or some other contrasting color of a minimum width of 4" circumscribing the entire spring.

(14) *Discrimination.*—To prevent unfair methods of competition the Administrative Committee shall recommend to the Code Authority and the Administrator a fair and equitable classification of customers based upon services rendered. Upon the approval of the Code Authority and the Administrator, after such hearing as the Administrator may prescribe, such classification shall be adhered to by all members of the Product Group. No member of the Product Group shall sell his products to any customer at net realized prices lower than are offered to all other customers of the same classification for the same quantity, grade, quality, or style, provided, however, that due allowance may be made for differences in transportation costs.

If any application of the foregoing classifications should work unjust hardship upon any member of the Product Group or any customer, such member of the Product Group or customer may appeal to the Administrative Committee and/or the Code Authority, which shall have power to make or require such reclassification as justice demands.

(15) *Filing of price lists.*—Since it has been the general recognized practice of Class "B" and Class "C" members of the Product Group to sell their products on the basis of printed net price lists, or price lists with discount sheets and fixed terms of payment which are distributed to the trade, each Class "B" and Class "C" member shall file with the Administrative Committee a net price list or a price list and discount sheet, as the case may be, individually prepared by him, showing his current net prices, or price list and discounts, as the case may be, and terms of payment to the respective classes of customers established pursuant to paragraph (14) of this Article IV, and the Administrative Committee shall immediately send copies thereof to all other Class "B" and Class "C" members. The Administrative Committee shall likewise make such filed prices available for inspection by customers or prospective customers of the classification or classifications affected. Revised schedules may be filed from time to time thereafter with the Administrative Committee by any Class "B" or Class "C" member, to become effective upon a date specified by such member, which date shall be not less than 10 days after the filing of such revised prices with the Administrative Committee and copies thereof with notice of the effective date specified shall be immediately sent to all other Class "B" and Class "C" members who thereupon may file, if they so desire.

revisions of their price lists and/or discount sheets, which, if filed previous to such effective date, may take effect upon the date when the revised price list or discount sheet first filed shall go into effect. The Administrative Committee shall likewise make such revised filed prices available for inspection by customers or prospective customers of the classification or classifications affected.

No Class "B" or Class "C" member shall sell or offer to sell any product at prices lower or discounts greater or on more favorable terms of payment than the approved schedule of such member which is in effect and on file with the Administrative Committee as above provided.²

(16) *Branch and Warehouse Stocks*.—To make sales from warehouse stocks other than at the member's own factory unless the following provisions prevail:

(a) Except in cases of bona fide binding contracts entered into prior to the date of the approval of this Supplement, and in cases of Warehouse arrangements established prior to such date, no member shall warehouse products on premises owned by a customer in whole or in part, except in duly established public warehouses, whether or not the customer has an interest therein.

(b) All existing agreements and arrangements regarding branch and warehouse stocks must be recorded and filed with the Administrative Committee.

(c) Members shall make a reasonable service charge for services rendered, based on the lowest reasonable cost of members maintaining such branch or warehouse stocks, the determination of such charge to be subject to the approval of the Administrator. No such charge need be made on sales from branch or warehouse stocks located in the same city or trading area as a competitor factory.

(d) On stocks which have been warehoused with a customer prior to the date of the approval of this Supplement, the following rules shall prevail:

A warehousing fee no greater than paid as of the date of approval of this Supplement may be paid to such customer only for the sheltering by such customer of stocks shipped to the members' other customers and not otherwise. In connection with the making of any sale or shipment of such stocks to such other customers and in billing for such sales and making collections thereon, the member shall not employ the services or facilities of the customer with whom such stocks are warehoused.

(17) *Terms*.—(a) To extend credit terms greater than 30 days net or net 15 prox. to manufacturers for original equipment purposes.

(b) To extend credit terms greater than 1% 10th prox. to all other customers.

(18) *Engineering specifications*.—To furnish engineering specifications as used for manufacture to customers except as contained in regularly published catalogs.

(19) *Freight Allowance*.—The Administrative Committee shall proceed immediately to prepare a schedule of freight allowances and submit same for the approval of the Code Authority and the Administrator, within thirty days from the effective date. Upon such

² See paragraph 2 of order approving this Code.

approval of such schedule no member shall make any freight allowances to customers in excess of the provisions of such schedule.

If any application of this paragraph should work any unjust hardship upon any member of the Product Group or upon any customer, such member or customer may appeal to the Administrator, who shall have power to grant such relief as justice may require.

(20) *Volume Allowance*.—No member of the Product Group shall extend to any customer any rebate or bonus based upon the total volume of purchases of such customer over a period of time, except as follows:

Each member of the Product Group shall report to the Administrative Committee a complete schedule of rebates or bonuses for volume allowed by him or it during the year 1933. From such reports, the Administrative Committee shall select the highest rebate and bonus rates and terms which represent customary selling practice in the Product Group in said year, and shall prepare a composite schedule of rebates and bonuses which embodies said selected rebate and bonus rates and terms. Said composite schedule shall be reported to the Code Authority and the Administrator, together with true copies of the individual schedules from which it was derived. After approval thereof by the Code Authority and the Administrator, no member of the Product Group shall extend to any customers any rebate or bonus at a rate higher or on terms more favorable than are provided in said composite schedule.

If any application of this paragraph should work any unjust hardship upon any member of the Product Group or upon any customer, such member or customer may appeal to the Administrator, who shall have power to grant such relief as justice may require.

(21) *Export*.—The provisions of this supplement with regard to prices, discounts, deductions, allowances, extras, or methods and/or terms of sale apply to direct export sales and to sales in course of export (i.e., sales destined ultimately for export), and to sales of materials used in the manufacture of products for export, except as may be otherwise provided by the Administrative Committee, subject to the approval of the Administrator.

ARTICLE V—GENERAL

(1) No provision of this supplement shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

(2) Such of the provisions of this Supplement as are not required to be included herein by the Act may, with the approval of the Administrator be modified or eliminated upon proposal by the Product Group or any member thereof if it appears that the public needs are not being served thereby and as changes in circumstances or experience may indicate.

(3) It is contemplated that from time to time supplementary provisions to this Supplement or modifications thereof will be submitted by the Administrative Committee through the Code Authority for approval to prevent unfair competition in price and other unfair and destructive competitive practices and to effectuate the purposes of the Act. Upon approval by the Administrator after such notice

and hearing as he may prescribe, such supplementary provisions or modifications shall become binding as a part of this Supplement.

(4) As required by Section 10 (b) of Title I of the Act, the following provision is contained in this supplement: The President may from time to time cancel or modify any order, approval, license, rule or regulation issued under said Title.

(5) No member of this Product Group shall be held to have consented to any modification of this supplement or to any provision or interpretation of the National Industrial Recovery Act if declared unconstitutional by the Supreme Court of the United States.

(6) Violation by any member of this Product Group of any provision of this Supplement is an act of unfair competition, and the offender shall be subject to the penalties imposed by the Act.

(7) The term "Effective Date" as used herein means the 10th day after this Supplement shall have been approved by the President.

Approved Code No. 105—Supplement No. 3.
Registry No. 1404-36.

SUPPLEMENTARY CODE OF FAIR COMPETITION
FOR THE
BRASS FORGING MANUFACTURING INDUSTRY

As Approved on July 19, 1934

ORDER

APPROVING SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE BRASS
FORGING MANUFACTURING INDUSTRY

A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND
METAL FINISHING AND METAL COATING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, and in accordance with the provisions of Section 1 of Article VI of the Basic Code for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, approved November 2, 1933, for approval of a Supplementary Code of Fair Competition for the Brass Forging Manufacturing Industry, and hearing having been duly held thereon: and the annexed report on said Supplementary Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Supplementary Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Supplementary Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 19, 1934.

REPORT TO THE PRESIDENT

THE PRESIDENT,
The White House.

SIR: This is a report on the Supplementary Code of Fair Competition for the Brass Forging Manufacturing Industry, a division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, the hearing having been conducted thereon in Washington, D.C., April 5, 1934, in accordance with the provisions of Title I of the National Industrial Recovery Act.

GENERAL STATEMENT

The Brass Forging Manufacturing Industry, being truly representative of this division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, has elected to avail itself of the option of submitting a Supplementary Code of Fair Competition, as provided for in Section 1 of Article VI of the Basic Code, for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry approved by you on the second day of November, 1933.

RÉSUMÉ OF THE CODE

Article I states the purpose of the Supplementary Code.

Article II accurately defines specific terms employed in the Supplementary Code.

Article III. This Industry is a division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry and the labor provisions of its Basic Code, as approved November 2, 1933, are the labor provisions of this Supplementary Code.

Article IV establishes a Supplementary Code Authority consisting of eleven (11) members to be elected at a meeting called by the Temporary Supplementary Code Authority, and gives the Administrator the authority to appoint one additional member without vote and provides machinery for obtaining statistics and the administration of the Supplementary Code.

Article V provides for cost finding and accounting.

Article VI provides for open price filing.

Article VII provides means for preventing destructive price cutting.

Article VIII sets forth the unfair trade practices of this Supplementary Code which has been especially designed to offset unfair competition in this division of the Industry.

Article IX provides for standardization of products.

Article X provides against monopolies and monopolistic practices.

Article XI contains the mandatory provisions contained in Section 10 (b) of the Act and also provides for the submission of proposed amendments to the Supplementary Code.

Article XII recognizes that price increases be limited to actual additional increases in the seller's costs.

Article XIII states the effective date and duration of this Supplementary Code.

FINDINGS

The Deputy Administrator in his final report to me on said Supplementary Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) Said Supplementary Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purposes of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Supplementary Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Supplementary Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Supplementary Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Supplementary Code.

For these reasons, therefore, I have approved this Supplementary Code.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 19, 1934.

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE BRASS FORGING MANUFACTURING INDUSTRY

A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND
METAL FINISHING AND METAL COATING INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, this Code is established as a Supplementary Code of Fair Competition for the Brass Forging Manufacturing Industry, pursuant to Article VI of the Basic Code of Fair Competition for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, approved by the President on the second day of November, 1933, and the provisions of this Supplementary Code shall be the standards of fair competition of such Industry and shall be binding upon every member of the Industry.

ARTICLE II—DEFINITIONS

SECTION 1. The term "Brass Forging Manufacturing Industry" is defined to mean the manufacture for sale of forgings of copper, brass, bronze and/or related alloys which are the basic, and/or cleaned, and/or trimmed, and/or pierced and/or sized metal article initially formed under pressure by placing solid, plastic, or semi-plastic metal between reciprocating die impressions, forms or cavities.

SECTION 2. The terms "President", "Act" and "Administrator" as used herein shall mean respectively the President of the United States, Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

SECTION 3. The term "member of the Industry" as used herein includes but without limitation, any individual, partnership, association, corporation or other form of enterprise engaged in the Industry, either as an employer or on his or its own behalf.

SECTION 4. The term "Basic Code" as used herein is defined to mean the Basic Code of Fair Competition for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry as approved by the President on the second day of November, 1933.

SECTION 5. The term "employee" as used herein includes any and all persons engaged in the Industry, however compensated, except a member of the Industry.

SECTION 6. The term "employer" as used herein includes anyone by whom any such employee is compensated or employed.

SECTION 7. The term "Supplementary Code Authority" as used herein means the agency which is to administer this Supplementary Code as hereinafter provided.

SECTION 8. The term "Association" as used herein is defined to mean the Brass Forging Industries Association, or its successor.

SECTION 9. The term "Supplementary Code Committee" as used herein is defined to mean the Committee selected by the Brass Forging Industries Association to present, make such changes as necessary, and assent to and sign this Supplementary Code on behalf of the Association.

SECTION 10. The term "Federation" as used herein is defined to mean the Fabricated Metal Products Federation, or its successor.

SECTION 11. The term "Confidential Agent" as used herein is defined to mean the impartial agency designated by the Supplementary Code Authority.

ARTICLE III—EMPLOYMENT PROVISIONS

This Industry is a division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry and without limitation the wage, hour, and labor provisions in Article III of its Basic Code as approved by the President. November 2, 1933, including Section 1 of said Article III, by which the provisions of sub-sections (1), (2) and (3) of Section 7 (a) of Title I of the Act are made conditions of this Code, are specifically incorporated herein and made a part hereof as the wage, hour and labor provisions of this Supplementary Code.

ARTICLE IV—ORGANIZATION AND ADMINISTRATION

SECTION 1. During the period not to exceed sixty (60) days following the effective date of this Supplementary Code, the Supplementary Code Committee of the Industry shall constitute a Temporary Supplementary Code Authority until the Supplementary Code Authority is elected. There shall be constituted within the sixty-day period a Supplementary Code Authority consisting of eleven (11) members to be elected by the members of the Industry, at a meeting called by the Temporary Supplementary Code Authority, upon ten (10) days' notice sent by registered mail to all members of the Industry whose names may be ascertained after diligent search, who may vote either in person or by proxy. The members of the Supplementary Code Authority first elected shall serve until the following annual meeting of the Association, and thereafter, members of the Supplementary Code Authority shall be elected, as hereinafter provided, at a meeting of the members of the Industry to be held at the time and place of each annual meeting of the Association to serve until the following annual meeting. The members of the Supplementary Code Authority shall be elected in the following manner:

(a) Two (2) members who are members of the Industry, but not members of the Association to be nominated and elected by the non-members of the Association, present in person, by proxy or by letter ballot, each member to have one vote.

In case the non-members of the Association fail to elect the two (2) members as hereinabove provided, the Administrator shall appoint such members from a list of four (4) non-members of the Association to be furnished by the Supplementary Code Authority.

(b) Nine (9) members who are members of the Industry and members of the Association by fifty-one percent vote of members of the Association, present in person or by proxy, weighted on the basis of one (1) vote for each member and ten (10) additional votes for each member whose production is in excess of \$100,000 in the previous calendar year reported to the Supplementary Code Authority, provided, however, that any member of the Association whose production is less than \$100,000 per year shall have one (1) additional vote for each annual production unit of \$10,000; provided, further that no one member may cast more than thirty-three and one-third percent ($33\frac{1}{3}\%$) of the total number of votes cast.

A vacancy in the membership of the Supplementary Code Authority may be filled by a majority vote of the remaining members of the Supplementary Code Authority. If the vacancy be that of a non-member of the Association it must be filled by the election of a non-member.

In addition thereto the Administrator may appoint a member of the Supplementary Code Authority who shall be without vote and shall serve without expense to this Industry, unless the Supplementary Code Authority agrees to pay such expense. The representative who may be appointed by the Administrator shall be given reasonable notice of and may sit at all meetings of the Supplementary Code Authority.

SECTION 2. Each trade association directly or indirectly participating in the selection or activities of the Supplementary Code Authority shall: (1) impose no inequitable restrictions on membership, and (2) shall submit to the Administrator true copies of its Articles of Association, By-Laws, Regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

SECTION 3. In order that the Supplementary Code Authority shall, at all times, be truly representative of the Industry and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and, thereafter, if he shall find that the Supplementary Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require the removal of any or all of the members and may make appropriate modification or modifications of method of selection of the Supplementary Code Authority.

SECTION 4. Every employer shall provide for the safety and health of employees during the hours and at the places of their employment. Standards for safety and health shall be submitted by the Supplementary Code Authority to the Administrator within three months after the effective date of the Supplementary Code.

SECTION 5. It being found necessary in order to support the administration of this Supplementary Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Supplementary Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Supplementary Code.

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary: (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry.

(c) After such budget and basis of contribution has been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Supplementary Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry complying with the Supplementary Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Supplementary Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

The Supplementary Code Authority shall neither incur nor pay any obligations in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency items for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

SECTION 6. Nothing contained in this Supplementary Code shall constitute the members of the Supplementary Code Authority partners for any purpose. Nor shall any member of the Supplementary Code Authority be liable in any manner to anyone for any act of any other member, officer, agent or employee of the Supplementary Code Authority, nor shall any member of the Supplementary Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Supplementary Code, except for his own willful malfeasance or non-feasance.

SECTION 7. The Supplementary Code Authority shall also from time to time furnish to the Basic Code Authority, designated in said Basic Code, such information as may be required to be furnished under the terms of said Basic Code.

SECTION 8. The Supplementary Code Authority shall have all the powers and duties which shall be necessary or proper to enable it to fully administer this Supplementary Code and to effectuate its purpose. Without limitation to the foregoing, or any other powers or duties provided for in this Supplementary Code the Supplementary Code Authority shall have the following further powers and duties:

(a) To adopt By-Laws and Rules and Regulations for, and keep records of, its procedure and the administration of this Supplementary Code.

(b) To obtain from the members of the Industry, through its Confidential Agent, such information and reports as required for the

administration of this Supplementary Code. In addition to information required to be submitted to the Supplementary Code Authority, the members of the Industry, subject to this Supplementary Code, shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3(a) of the Act, to such Federal and State agencies as he may designate; provided that nothing in this Supplementary Code shall relieve any member of the Industry of any existing obligations to furnish reports to any Government agency. No individual report shall be disclosed to any other members of the Industry or any other party except to such other Governmental agencies as may be directed by the Administrator.

(c) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Supplementary Code Authority of its duties or responsibilities under this Supplementary Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(d) To make recommendations to the Administrator for the coordination of the administration of this Supplementary Code with such other codes, if any, as may be related to or affect the members of the Industry.

(e) To recommend to the Administrator further fair trade practice provisions to govern members of the Industry in their relations with each other or with other industries and to recommend to the Administrator measures for industrial planning, including stabilization of employment.

(f) To appoint a trade practice committee which shall meet with the trade practice committees appointed under such other codes as may be related to the Industry for the purpose of formulating fair practices to govern the relationships between production and distribution employers under this Supplementary Code, and under such others to the end that such fair trade practices may be proposed to the Administrator as amendments to this Supplementary Code and such other codes.

(g) To consider the subjects of contracts in existence on the effective date of this Supplementary Code, and make recommendations to members of this Industry and the Administrator as to the disposition of such contracts.

SECTION 9. To the extent permitted by the Act and subject to such rules and regulations as the Administrator may prescribe, the Supplementary Code Authority shall have power to investigate all complaints filed with it by one member of the Industry against another member of the Industry.

SECTION 10. If the Administrator believes that any action of the Supplementary Code Authority or any agency thereof is unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action. Further action by such Supplementary Code Authority or agency regarding the matter complained of may be taken if approved by the Administrator, but shall not be taken if disapproved by the Administrator within thirty (30) days of notice to him of intention to proceed with such action.

SECTION 11. To the extent permitted by the Act and subject to such rules and regulations as the Administrator may prescribe, any or all information furnished to the Supplementary Code Authority by any member of this Industry pursuant to the provisions of this Supplementary Code shall be subject to verification by an impartial agency agreed upon by the Supplementary Code Authority and the member of the Industry in question, and, failing such agreement such impartial agency shall be selected by the Administrator, which impartial agency may check so much of the pertinent books, accounts and records of such members of the Industry as may be required to verify the accuracy of the information so furnished.

ARTICLE V—COST FINDING AND ACCOUNTING

The Supplementary Code Authority shall cause to be formulated methods of cost finding and accounting capable of use by all members of the Industry, and shall submit such methods to the Administrator for review. If approved by the Administrator, full information concerning such methods shall be made available to all members of the Industry. Thereafter, each member of the Industry shall utilize such methods to the extent found practicable. Nothing herein contained shall be construed to permit the Supplementary Code Authority, any agent thereof, or any member of the Industry to suggest uniform additions, percentages or differentials or other uniform items of cost which are designed to bring about arbitrary uniformity of costs or prices.

ARTICLE VI—OPEN PRICE FILING

SECTION 1. Each member of the Industry shall file with a confidential and disinterested agent of the Supplementary Code Authority or, if none, then with such an agent designated by the Administrator, identified lists of all his prices, discounts, rebates, allowances, and all other terms or conditions of sale, hereinafter in this Article referred to as "price terms", which lists shall completely and accurately conform to and represent the individual pricing practices of said member. Such lists shall contain the price terms for all such standard products of the Industry as are sold or offered for sale by said member of the Industry and for such non-standard products of said member of the Industry as shall be designated by the Supplementary Code Authority. Said price terms shall in the first instance be filed within ten (10) days after the date of approval of this Supplementary Code. Price terms and revised price terms shall become effective immediately upon receipt thereof by said agent. Immediately upon receipt thereof, said agent shall by telegraph or other equally prompt means notify said member of the Industry of the time of such receipt. Such lists and revisions, together with the effective time thereof, shall upon receipt be immediately and simultaneously distributed to all members of the Industry and to all of their customers who have applied therefor and have offered to defray the cost actually incurred by the Supplementary Code Authority in the preparation and distribution thereof and be available for inspection by any of their customers at the office of said agent. Said lists or revisions or any part thereof

shall not be made available to any person until released to all members of the Industry and their customers, as aforesaid; provided, that prices filed in the first instance shall not be released until the expiration of the aforesaid ten (10) days period after the approval of this Supplementary Code. The Supplementary Code Authority shall maintain a permanent file of all price terms filed as herein provided, and shall not destroy any part of such records except upon written consent of the Administrator. Upon request the Supplementary Code Authority shall furnish to the Administrator or any duly designated agent of the Administrator copies of any such lists or revisions of price terms.

SECTION 2. When any member of the Industry has filed any revision such member of the Industry shall not file a higher price within forty-eight (48) hours.

SECTION 3. No member of the Industry shall sell or offer to sell any products/services of the Industry, for which price terms have been filed pursuant to the provisions of this Article, except in accordance with such price terms.

SECTION 4. Each member of this Industry shall furnish the said Agent for distribution with such number of copies of his price list as the Supplementary Code Authority may prescribe.

SECTION 5. No member of the Industry shall enter into any agreement, understanding, combination or conspiracy to fix or maintain price terms, nor cause or attempt to cause any member of the Industry to change his price terms by the use of intimidation, coercion, or any other influence inconsistent with the maintenance of the free and open market which it is the purpose of this Article to create.

ARTICLE VII—COSTS AND PRICE CUTTING

SECTION 1. The standards of fair competition for the Industry with reference to pricing practices are declared to be as follows:

(a) Wilfully destructive price cutting is an unfair method of competition and is forbidden. Any member of the Industry or of any other Industry or the customers of either may at any time complain to the Supplementary Code Authority that any filed price constitutes unfair competition as destructive price cutting, imperiling small enterprises or tending toward monopoly or the impairment of code wages and working conditions. The Supplementary Code Authority shall within five (5) days afford an opportunity to the member filing the price to answer such complaint and shall within fourteen (14) days make a ruling or adjustment thereon. If such ruling is not concurred in by either party to the complaint, all papers shall be referred to the Research and Planning Division of N.R.A. which shall render a report and recommendation thereon to the Administrator.

(b) When no declared emergency exists as to any given product, there is to be no fixed minimum basis for prices. It is intended that sound cost estimating methods should be used and that consideration should be given to costs in the determination of pricing policies.

(c) When an emergency exists as to any given products, sale below the stated minimum price of such product, in violation of Section 2 hereof, is forbidden.

SECTION 2. *Emergency Provisions.*—

(a) If the Administrator, after investigation shall at any time find both (1) that an emergency has arisen within the Industry adversely affecting small enterprises or wages or labor conditions, or tending toward monopoly or other acute conditions which tend to defeat the purposes of the Act; and (2) that the determination of the stated minimum price for a specified product within the Industry for a limited period is necessary to mitigate the conditions constituting such emergency and to effectuate the purposes of the Act, the Supplementary Code Authority may cause an impartial agency to investigate costs and to recommend to the Administrator a determination of the stated minimum price of the product affected by the emergency and thereupon the Administrator may proceed to determine such stated minimum price.

(b) When the Administrator shall have determined such stated minimum price for a specified product for a stated period, which price shall be reasonably calculated to mitigate the conditions of such emergency and to effectuate the purposes of the National Industrial Recovery Act, he shall publish such price. Thereafter, during such stated period, no member of the Industry shall sell such specified products at a net realized price below said stated minimum price and any such sale shall be deemed destructive price cutting. From time to time, the Supplementary Code Authority may recommend review or reconsideration or the Administrator may cause any determinations hereunder to be reviewed or reconsidered and appropriate action taken.

ARTICLE VIII—UNFAIR TRADE PRACTICES

SUPERSEDING ALL THE PROVISIONS OF ARTICLE V OF THE BASIC CODE

The following described acts shall constitute unfair practices. Any member of the Industry who shall directly or indirectly through any officer, employee, agent or representative use or employ any of the following unfair practices shall be guilty of a violation of this Supplementary Code.

RULE 1. *False Advertising.*—No member of the Industry shall publish advertising (whether printed, radio, display or of any other nature), which is misleading or false in any material particular, nor shall any member in any way misrepresent any goods (including but without limitation its use, trade-mark, grade, quality, quantity, origin, size, substance, character, nature, finish, material, content or preparation), or credit terms, values, policies, services, or the nature or form of the business conducted.

RULE 2. *False Billing.*—No member of the Industry shall knowingly withhold from or insert in any quotation or invoice any statement that makes it false in any material particular.

RULE 3. *Defamation.*—No member of the Industry shall defame a competitor by falsely imputing to him dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representation, or by falsely disparaging the grade or quality of his goods.

RULE 4. *Threats of Law Suits.*—No member of the Industry shall publish or circulate unjustified or unwarranted threats of legal pro-

ceedings which tend to or have the effect of harassing competitors or intimidating their customers. Failure to prosecute in due course shall be evidence that any such threat is unwarranted or unjustified.

RULE 5. *Secret Rebates.*—No member of the Industry shall secretly offer or make any payment or allowance of a rebate, refund, commission, credit, unearned discount or excess allowance, whether in the form of money or otherwise, nor shall a member of the Industry secretly offer or extend to any customer any special service or privilege not extended to all customers of the same class, for the purpose of influencing a sale.

RULE 6. *Selling on Consignment.*—No member of the Industry shall ship goods on consignment except under circumstances to be defined by the Supplementary Code Authority and approved by the Administrator where peculiar circumstances of this Industry require the practice.

RULE 7. *Commercial Bribery.*—No member of the Industry shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal or party. This provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising except as far as such articles are actually used for commercial bribery as hereinabove defined.

RULE 8. *Interference with Another's Contracts.*—No member of the Industry shall wilfully induce or attempt to induce the breach of existing contracts between competitors and their customers by any false or deceptive means, or interfere with or obstruct the performance of any such contractual duties or services by any such means, with the purpose and effect of hampering, injuring or embarrassing competitors in their business.

RULE 9. *Coercion.*—No member of the Industry shall require that the purchase or lease of any goods be a pre-requisite to the purchase or lease of any other goods.

RULE 10. *Design Piracy.*—No member of the Industry shall imitate, simulate, appropriate or use any trade marks, trade names, slogans or other marks of identification having the tendency and capacity to mislead or deceive purchasers.

RULE 11. *Lump Sum Bidding.*—No member of the Industry shall fail to base all bids on the price schedules showing each item separately and items shall not be lumped for bidding in any manner other than provided in such price schedules.

RULE 12. *Terms and Conditions of Sale.*—No member of the Industry shall give or offer to give better terms than net cash thirty (30) days, or one percent (1%) discount for cash for payment as follows: bills dated the 1st to the 15th of the month inclusive, if paid on or before the 25th of the month; bills dated the 16th of the month to and including the last day of the month, if paid on or before the 10th of the following month. Bills will be dated the day of shipment.

On accounts not paid within thirty (30) days from the end of the month in which bills are rendered, interest will be charged at the

rate of six percent (6%), or the legal maximum whichever is lower, per annum beginning on the first of the month following the date on which payment is due. Bills for such interest will be rendered monthly.

Terms on tools, fixtures and fitting-up charges—Net Cash.

RULE 13. *Enforcement of Contracts.*—No member of the Industry shall neglect to enforce a contract as a means of evading price schedules or securing the customer's favor.

RULE 14. *Protection against Price Declines and Advances.*—No member of the Industry shall give to customers protection against advance in price and guaranty against decline in price.

RULE 15. *Tools and Dies.*—No member of the Industry shall contract to rebate, prorate or absorb fitting-up charges for tools and dies.

Any fitting-up charges named are to cover part cost of the necessary tools and fixtures required for the particular work, such tools and fixtures to be and remain the sole property of the member of the Industry and to remain in the possession of the member of the Industry for use exclusively in filling orders of the customer.

There will be no additional charge for the upkeep or replacement of tools and fixtures, but if, at any time, a period of three years has elapsed since the receipt of any order from the customer requiring the use of such tools and fixtures, the member of the Industry may thereafter make any such use or disposition of such tools and fixtures as the member of the Industry desires without any accounting to the customer for such use or disposition of the proceeds thereof, unless otherwise mutually agreed upon, provided, however, the member of the Industry gives thirty (30) days' written notice to the customer.

ARTICLE IX—STANDARDIZATION OF PRODUCTS

The Supplementary Code Authority may devise adequate standards for the manufacture of the products of the Industry, upon approval of such standards by fifty-one percent (51%) vote of the members of the Industry, present in person or by proxy, weighted on the basis of one (1) vote for each member and ten (10) additional votes for each member whose production is in excess of \$100,000 in the previous calendar year reported to the Supplementary Code Authority, provided, however, that any member of the Industry whose production is less than \$100,000 per year shall have one (1) additional vote for each annual production unit of \$10,000; provided, further, that no one member may cast more than thirty-three and one-third percent (33 $\frac{1}{3}$ %) of the total number of votes cast, and thereafter all members of the Industry shall within ninety (90) days after such determination and approval by the Administrator follow such standards. Substitution of standards inferior to those set up by the Supplementary Code Authority, so approved by the members of the Industry and the Administrator, will be an unfair method of competition and a violation of this Supplementary Code.

Provided, however, that where substantial changes in the products of the Industry occur, the member or members of the Industry having such changes may apply to the Supplementary Code Authority for a revision of such standards and upon failure of the Supple-

mentary Code Authority within a reasonable time to make an equitable revision of such standards, subject to approval of the Administrator, then the member or members of the Industry seeking such revision may appeal to the Administrator whose decision in the matter will be final.

ARTICLE X—MONOPOLIES

No provision of this Supplementary Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress or discriminate against small enterprises.

ARTICLE XI—MODIFICATIONS

SECTION 1. This Supplementary Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with provisions of subsection (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule or regulation issued under Title I of said Act.

SECTION 2. This Supplementary Code, except as to provisions required by the Act, may be modified or amended on the basis of experience or changes in circumstances, such modifications or amendments to be based upon application by the Supplementary Code Authority or other representative group within this Industry to the Administrator and such notice and hearing as he shall specify and to become effective and to be a part of this Supplementary Code on approval by the Administrator.

ARTICLE XII—PRICE INCREASES

Whereas the policy of the Act to increase real purchasing power will be made more difficult of consummation if prices of goods and services increase as rapidly as wages, it is recognized that price increases except such as may be required to meet individual costs should be delayed, and when made, such increases should, so far as possible, be limited to actual additional increases in the seller's costs.

ARTICLE XIII—EFFECTIVE DATE AND DURATION

This Supplementary Code shall become effective at 12:01 o'clock A.M. on the tenth day after it is approved by the President and shall continue in effect until June 16, 1935, or the earliest date prior thereto on which the President shall, by proclamation, or the Congress shall, by joint resolution, declare that the emergency recognized by Section 1 of Title I of the National Industrial Recovery Act, has ended.

Approved Code No. 84—Supplement No. 42.
Registry No. 1110-03.

SUPPLEMENTARY CODE OF FAIR COMPETITION
FOR THE
ENVELOPE MACHINE MANUFACTURING
INDUSTRY

As Approved on July 20, 1934

ORDER

APPROVING SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE
ENVELOPE MACHINE MANUFACTURING INDUSTRY

A DIVISION OF THE MACHINERY AND ALLIED PRODUCTS INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Supplemental Code of Fair Competition for the Envelope Machine Manufacturing Subdivision of Machinery and Allied Products Industry, and hearings having been duly held thereon and the annexed report on said Supplemental Code containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Supplemental Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Supplemental Code of Fair Competition be and it is hereby approved subject to the condition that the provisions of Article IX, Section (1) be and they hereby are stayed, pending the submission of satisfactory evidence concerning distribution of the products of the Subdivision to the Administrator.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 20, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Supplemental Code of Fair Competition for the Envelope Machine Manufacturing Subdivision of the Machinery and Allied Products Industry, public hearing having been conducted thereon in Washington, D.C., December 21, 1933, in accordance with the provisions of Title I of the National Industrial Recovery Act. Every person who filed a request for an appearance was freely heard in public and all statutory and regulatory requirements were complied with.

GENERAL STATEMENT

The Envelope Machine Manufacturers Association, being truly representative of this Subdivision of the Machinery and Allied Products Industry, has elected to avail itself of the option of submitting a Supplemental Code of Fair Competition, as provided in Article I of the Basic Code for the Machinery and Allied Products Industry approved by you on the seventeenth day of March, 1934.

This Subdivision represents a part of the capital goods industry, manufacturing and selling machinery and/or parts thereof for use in the manufacture and/or production of envelopes of all kinds.

ECONOMIC EFFECT

Employment in this Subdivision of the Industry, in 1929, of approximately 250 wage earners, declined to approximately 121 wage earners in 1933, or 52 per cent. Annual sales of this Subdivision of the Industry declined 60% from 1929 to 1932. The Subdivision anticipated a possible further decline in 1933 sales.

The average work week in October 1933 was 45.3 hours; with production remaining at present levels, an increase of approximately 13 per cent in employment may be expected with the adoption of the 40-hour week.

The minimum hourly rates in the approved Basic Code consist of one differential for the South and three city population differentials for all other sections of the United States as follows: Over 50,000 population, 40 cents per hour; 10,000-50,000 population, 38 cents per hour; 10,000 population and under, 36 cents per hour; South, 32 cents per hour.

In addition to the minimum wage rates shown above, the Basic Code provides that women engaged in substantially the same work as men shall receive the same rate of pay as such men employees; that the minimum wage for women employees engaged in plant operations

shall be not less than 87.5 percent of the proper rate for the locality in which employed as specified; and that the minimum in the South shall be not less than 32 cents per hour.

A distribution showing the number of factory workers receiving classified hourly rates is not available, consequently, the number of factory workers receiving less than the specified minimum rates provided in the Basic Code cannot be estimated, nor the effect which the minimum rates will have on the pay rolls of this Subdivision of the Industry.

RÉSUMÉ OF THE SUPPLEMENTAL CODE

Article I states the purpose of the Supplemental Code.

Article II accurately defines specific terms employed in this Supplemental Code.

Article III. The labor provisions of the Basic Code for the Machinery and Allied Products Industry, as approved March 17, 1934, are incorporated by reference as the labor provisions of this Supplemental Code.

Article IV adopts the relevant portions of Article VI "Administration", and Article VIII, "Modifications and Termination", of the Basic Code for the Machinery and Allied Products Industry, as approved March 17, 1934.

Article V establishes a code authority consisting of three members. The Administrator may, in his discretion, appoint one additional member, without vote and without expense to the Subdivision. Together with the applicable provisions of the Basic Code, mechanism is provided for the administration of this Supplemental Code.

Article VI provides for an accounting system and methods of cost finding and/or estimating.

Article VII provides that during an emergency, the lowest reasonable cost of products of the Subdivision may be determined, and that during said emergency, it shall be an unfair trade practice to sell at less than the determined reasonable cost.

Article VIII sets forth the trade practices which have been especially designed to offset unfair competition in this Subdivision.

Article IX provides for the filing with the Code Authority, by employers in this Subdivision, of their discount periods and terms of sale, as well as for the filing of any modifications thereto.

Article X defines export territory and provides that filed discount periods and terms of sale are not applicable to export shipments.

Article XI contains the mandatory provisions contained in Section 10 (b) of the Act, and also provides for the submission of proposed amendments to the Supplemental Code. This Article also states that this Supplemental Code shall terminate June 16, 1935.

Article XII provides for the withdrawal of this Subdivision from the jurisdiction of the Basic Code Authority and for the continued functioning of this Subdivision as an individual industry under its own Code.

Article XIII stipulates that there shall be no inequitable restrictions and provides against monopolies.

Article XIV gives the effective date of this Supplemental Code.

FINDINGS

The Deputy Administrator in his final report to me on said Supplemental Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) Said Supplemental Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate government sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Subdivision normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Supplemental Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association, truly representative of the aforesaid Subdivision; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Supplemental Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Supplemental Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Supplemental Code.

For these reasons, therefore, I have approved this Supplemental Code, on the condition that the provisions of Section 1, Article IX be stayed, as stated in the Order.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 20, 1934.

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE ENVELOPE MACHINE MANUFACTURING INDUSTRY

A DIVISION OF THE MACHINERY AND ALLIED PRODUCTS INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policy of Title I of the National Industrial Recovery Act, the following provisions are established as a Supplemental Code for the Envelope Machine Manufacturing Subdivision of the Machinery and Applied Products Industry, and together with the Code of Fair Competition of Machinery and Allied Products Industry, shall be the standard of fair competition for this Subdivision, and shall be binding on every employer therein.

ARTICLE II—DEFINITIONS

“Applicant” means the Envelope Machine Manufacturers Association, a trade organization, all members of which are engaged in the manufacture for sale of the products of the Envelope Machine Manufacturing Subdivision of the Machinery and Allied Products Industry.

“Industry” means the Machinery and Allied Products Industry, as defined in its Code of Fair Competition as approved by the President, and as such definition may from time to time be amended.

“Subdivision” means this Envelope Machine Manufacturing Subdivision of the Machinery and Allied Products Industry as defined and set forth in Paragraph 11 of Article II of the Code of Fair Competition of the Machinery and Allied Products Industry as follows:

“Envelope Machine Manufacturing Subdivision means the manufacture for sale of machinery and/or parts thereof for use in the manufacture and/or production of envelopes of all kinds, including the erecting, designing, servicing, maintenance, and repair of such machinery and/or parts thereof, and includes all those engaged in such manufacture for sale.”

The foregoing definition shall not permit the manufacture for sale under this Supplemental Code of electrical products included within the scope of the Electrical Manufacturing Industry as defined in the Code of Fair Competition for said Industry, except where such electrical products are sold as a part of the products of this Subdivision and are not sold as separate electrical products in competition with similar products included within the scope of the Electrical Manufacturing Industry as defined in the Code of Fair Competition for said Industry; provided, however, that any employer hereunder may manufacture and sell under this Supplemental Code any spare and/or replacement parts of any such electrical products for use with products defined hereunder, which were originally manufactured and sold by him.

When carried on at the point of installation, the work of installing, erecting, rebuilding and/or servicing of the products of the Subdivision (including attachments, accessories and/or replacement and repair parts therefor, included within the definition of the Subdivision) shall be subject to the provisions of this Supplemental Code, only when performed by the employer hereunder selling such products or by a company affiliated therewith.

“Code” means the Code of Fair Competition of the Machinery and Allied Products Industry, as approved by the President, March 17, 1934, and as from time to time amended.

“Person” means a natural person, a partnership, a corporation, an association, a trust, a trustee, a trustee in bankruptcy, a receiver, or other entity.

“Employer” means any person engaged in the Subdivision, either on his own behalf, or as an employer of labor.

“Employee” means any one who is employed in this Subdivision by any such employer.

“Apprentice” means an employee who is regularly engaged in learning a trade under a course of training designed to advance him systematically in the various operations of such trade to become a competently skilled mechanic.

“The Act” means Title I of the National Industrial Recovery Act.

“The President” means the President of the United States.

“The Administrator” means the Administrator for Industrial Recovery.

“Basic Code Authority” means the Code Authority for the Machinery and Allied Products Industry as constituted by the Code.

“Code Authority” means the Code Authority constituted for this Subdivision as provided by the Code and by this Supplemental Code.

“Group Code Authority” means the Code Authority for any group or product classification within this Subdivision.

“Experimental Machine” means a machine of new design or type which requires mechanical experimentation in its development and which requires operation and testing to establish its ability to perform the functions for which it was designed and manufactured.

ARTICLE III—EMPLOYMENT PROVISIONS

The following articles of the code, viz: Article III, “Working Hours”; Article IV, “Wages”; and Article V, “General Labor Provisions” are hereby made a part of this Supplemental Code, with the same effect as if they were written into this Supplemental Code.

ARTICLE IV—ADOPTION OF OTHER PROVISIONS OF CODE

The following Articles of the Code, viz: Article VI, “Administration” and Article VIII, “Modifications and Termination”, to the extent that they shall be applicable to this Supplemental Code as such, or as it may hereafter be administered as an autonomous Code, are hereby adopted and made a part of this Supplemental Code with the same effect as if they were written into this Supplemental Code.

ARTICLE V—ADMINISTRATION

(a) A Code Authority is hereby constituted to administer and supervise, and to facilitate the enforcement of, the Code and of this Supplemental Code.

During the period not to exceed sixty days following the effective date of this Supplemental Code, the Board of Directors of the Applicant shall constitute a temporary Code Authority. The Administrator, in his discretion, may appoint one additional member (without vote and without expense to the Subdivision).

The temporary Code Authority shall, within sixty days after this Supplemental Code becomes effective, set up a permanent Code Authority to succeed the temporary Code Authority. Such permanent Code Authority shall be elected at a meeting called for this purpose, to which all known employers in this Subdivision shall be invited on at least ten days' notice by registered mail, with the right to vote either in person or by proxy.

The permanent Code Authority shall consist of three members, who shall be connected with employers within the Subdivision, no two of whom shall be representatives of the same employer. The Administrator, in his discretion, may appoint one additional member (without vote and without expense to the Subdivision).

Any employer in this Subdivision shall be eligible for membership in the Applicant.

Any employer in the Subdivision shall be entitled to vote (subject to the provisions of Section (a) of this Article V) at the election of, and share in the benefits of the activities of, the Code Authority and may participate in any endeavors of the Code Authority, by paying his pro rata share of the reasonable cost of creating and administering it as determined by the Code Authority.

The members of the permanent Code Authority shall be elected in the following manner:

(1) Employers in the Subdivision who are not members of the Applicant shall, if they so desire, be entitled to have one of their number a member of the permanent Code Authority. Such desire shall be evidenced by such employers at the meeting for the election of the permanent Code Authority. If the non-members of the Applicant desire to elect one of their number to the permanent Code Authority, this member shall be elected by a majority vote of such employers present in person or by proxy, each such employer to have one vote; and two members shall be elected from and by the employers who are members of the Applicant, by a fifty-one per cent vote of such employers present in person or by proxy on the basis of one vote for each such employer, and one additional vote for each such employer for each \$150,000, or fraction thereof, of sales of products of this Subdivision made by him in the calendar year 1932, as reported by him to the Code Authority.

(2) In case such representation is not desired by the non-members of the Applicant, as provided in the next preceding paragraph marked (1), then one member shall be elected to the permanent Code Authority by a majority vote of employers present in person or by proxy, each employer to have one vote; and two members shall be elected from and by the employers who are members of the Appli-

cant by a fifty-one per cent vote of such employers present in person or by proxy on the basis of one vote for each such employer, and one additional vote for each such employer for each \$150,000, or fraction thereof, of sales of products of this Subdivision made by him in the calendar year 1932, as reported by him to the Code Authority.

Any vacancy on the Code Authority, due to death, resignation, or because a member thereof has ceased to be connected with this Subdivision, shall be filled at a meeting of employers called by the Code Authority on at least ten days' notice by registered mail sent to all known employers in this Subdivision, and by a vote similar to the vote by which the retired member was originally selected.

The Code Authority shall adopt rules and regulations for its procedure and employ such personnel as it may deem necessary.

(b) In order that the Code Authority shall at all times be truly representative of the Subdivision and in other respects comply with the provisions of the Act, the Administrator may provide such hearings as he may deem proper; and, thereafter, if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Code Authority, or any Group Code Authority.

(c) Action by employers in any Subdivision meeting for the adoption of procedural rules, revisions, or additions to the Supplemental Code, or the transaction of other business of the Subdivision, shall be by vote of the employers in the Subdivision who are entitled to vote thereat, as provided in this Article V, and are present in person or by proxy duly executed and filed with the Code Authority. Any action taken at any meeting of employers shall be by a majority vote (unless otherwise provided in this Supplemental Code) cast and computed in each of the two following methods:

(1) By one vote for each employer;

(2) By vote of employers weighted on the basis of one vote for each \$150,000 or fraction thereof of sales of products of this Subdivision made by him in the calendar year of 1932, as reported by him to the Code Authority. Each employer shall be entitled to at least one such vote.

(d) With a view to keeping the President informed as to the observance or non-observance of the Code and of this Supplemental Code, and as to whether this Subdivision is taking appropriate steps to effectuate the declared policy of the Act, each employer shall prepare and file with such person or organization as the Basic Code Authority or the Code Authority may designate and at such times and in such manner as may be prescribed (to be held and used subject to the limitations of Article VI of the Code and this Article V of this Supplemental Code) statistics of plant capacity, volume of production, volume of sales in units and dollars, orders received, unfilled orders, stocks on hand, inventories, both raw and finished, number of employees, wage rates, employees earnings and hours of work, and such other related data or information as the Basic Code Authority or Code Authority may from time to time require.

In addition to information required to be submitted to Basic Code Authority or Code Authority, there shall be furnished to Government agencies such statistical information as the President may deem necessary for the purposes recited in Section 3 (a) of the Act. The records required for such purposes shall be created and maintained in such a way as to disclose accurately the information required from time to time by Government agencies under the provisions of this Section (d) and of Section (e) of Article VI of the Code.

(e) Except as otherwise provided in the Act, all individual statistics, data, and information of individual employers, filed in accordance with the provisions of the Code and of this Supplemental Code shall be kept confidential; provided, however, that nothing therein shall prevent the publication of general summaries of such statistical data and information.

The statistics, data, and information relating to any one employer shall not be revealed to any other employer, or to anyone, except for the purpose of administering or facilitating the enforcement of the provisions of the Code or of this Supplemental Code. The Basic Code Authority, or the Code Authority, by its duly authorized representatives (who shall not be an employer or in the employ of any employer affected by the Code or this Supplemental Code) shall have access to any and all statistics, data and information that may be furnished in accordance with the provisions of the Code or of this Supplemental Code.

(f) Aggregations of employers having a common interest and common problems may be grouped by Code Authority for administrative purposes into various groups or product classifications.

In each group or product classification there may be a Group Code Authority approved or appointed by Code Authority.

(g) If formal complaint is made to Code Authority that provisions of the Code or of this Supplemental Code have been violated by any employer in this Subdivision, the Code Authority or the proper Group Code Authority may, to the extent permitted by the Act, cause such investigation or audit to be made as may be deemed necessary. If such investigation is made by Group Code Authority, it shall report the results of such investigation or audit to Code Authority for action.

(h) If any employer in this Subdivision is also an employer in any other industry, the provisions of this Supplemental Code, and the jurisdiction of Code Authority hereunder, shall apply to and affect only that part of the business and product of such employer which is within this Subdivision.

ARTICLE VI—ACCOUNTING AND COSTING

The Code Authority may cause to be formulated an accounting system and methods of cost finding and/or estimating capable of use by all employers in the Subdivision. After such system and methods have been formulated, full details concerning them shall be made available to all employers. Thereafter, all employers shall determine and/or estimate costs in accordance with the principles of such methods.

ARTICLE VII—SELLING BELOW REASONABLE COST

SECTION 1. When the Code Authority determines that an emergency exists in this Subdivision and that the cause thereof is destructive price-cutting such as to render ineffective or seriously endanger the maintenance of the provisions of this Supplemental Code, the Code Authority may cause to be determined the lowest reasonable cost of the products of this Subdivision, such determination to be subject to such notice and hearing as the Administrator may require. The Administrator may approve, disapprove, or modify the determination. Thereafter, during the period of the emergency, it shall be an unfair trade practice for any employer of the Subdivision to sell or offer to sell any products of the Subdivision for which the lowest reasonable cost has been determined, at such prices or upon such terms or conditions of sale that the buyer will pay less therefor than the lowest reasonable cost of such product or products.

When it appears that conditions have changed, the Code Authority, upon its own initiative or upon the request of any interested party, shall cause the determination to be reviewed.

SECTION 2. The foregoing Section (1) shall not apply to (a) dropped lines, or (b) seconds, or (c) inventories which must be disposed of by any employer at any price and on any terms or conditions, but only if such employer, not less than two weeks before such proposed disposal, has filed with Code Authority a statement in writing setting forth the facts of, and reasons for, such proposed disposal and the price and terms and conditions of sale, and Code Authority has not, with the approval of the Administrator, before the termination of such two week period, in writing, disapproved the proposed disposal. Notice of such disposal, if not disapproved, shall be sent immediately to all employers manufacturing products of equivalent design, character, quality or specifications, who may sell such products at prices and on terms and conditions as favorable as those stipulated in the proposed disposal, when meeting the competition of such proposed disposal.

SECTION 3. The foregoing Section (1) shall not apply to a sale made in order to meet competition on products manufactured outside the United States. For such disposal, any employer may sell at prices and on terms and conditions as favorable as those on the competing foreign product, but only if he has first reported to the Code Authority his intention so to sell, and the facts as to the competition which justifies such action.

ARTICLE VIII—TRADE PRACTICES

1. No employer shall secretly pay or allow rebate, subsidy, refund, commission, credit, unearned discount, or excess allowance, whether in the form of money or otherwise, nor shall any employer in the Subdivision secretly offer or extend to any customer any special service or privilege not extended to all customers of the same class, for the purpose of influencing a sale.

2. No employer shall publish advertising (whether printed, radio, display, or of any other nature) which is misleading or inaccurate in any material particular, nor shall any employer in any way mis-

represent any goods (including but without limitation its use, trademark, grade, quality, quantity, origin, size, substance, character, nature, finish, material, content, or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted.

3. No employer shall publish or circulate unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harassing competitors or intimidating their customers.

ARTICLE IX—DISCOUNTS AND TERMS OF SALE

1. No employer shall sell to or through any distributor who does not agree to resell in accordance with the provisions of Article VII and Article VIII.¹

2. Cash discounts allowed on invoices rendered to customers or purchasers by an employer shall not be granted after the expiration of the discount period or term established by such employer. Each employer shall file with Code Authority a written statement of his established discount period or term which shall remain in effect until such employer shall file, in writing, with Code Authority a proposal to modify his discount period or term, which modification shall become effective on the date of such filing.

3. The provisions of this Supplemental Code concerning pricing, marketing and costs shall not apply to experimental machines, contracted for at a fixed price.

ARTICLE X—SALES FOR EXPORT

The provisions of Articles VII and IX of this Supplemental Code are not to apply to direct export sales of any product or to sales of any product destined ultimately for export. The term "export" shall include shipments to all places without the several states of the United States and the District of Columbia; provided, however, that no shipment to any territory or possession of the United States shall be considered an export when any employer is engaged in the Subdivision in such territory or possession.

ARTICLE XI—MODIFICATIONS AND TERMINATION

(a) As provided by Section 10 (b) of the Act, the President may from time to time cancel or modify any order, approval, license, rule, or regulation issued under Title I of the Act.

(b) Any amendments, additions, revisions, or supplements of this Supplemental Code, proposed by Code Authority, and approved by a 66 $\frac{2}{3}$ % vote of the employers (in person or by proxy) on the basis of one vote for each employer and one additional vote for each employer for each \$150,000. or fraction thereof, of sales of products of this Subdivision made by him in the calendar year 1932 as reported by him to Code Authority, shall be in full force and effect upon approval by the President.

This Supplemental Code shall terminate June 16, 1935, or on such date prior thereto when the Act shall be repealed, or the President

¹ See paragraph 2 of order approving this Code.

shall, by proclamation, or the Congress shall, by joint resolution, direct that the emergency recognized by Section I of the Act has ended.

ARTICLE XII—WITHDRAWAL

As is provided by Article IX of the Code, upon 30 days' notice to Basic Code Authority and to the Administrator, this Subdivision may, upon the 66 $\frac{2}{3}$ % vote of the employers (in person or by proxy) within this Subdivision, on the basis of one vote for each employer and one additional vote for each employer for each \$150,000. or fraction thereof, of sales of products of this Subdivision made by him in the calendar year 1932 as reported by him to Code Authority, withdraw from the jurisdiction of Basic Code Authority. Thereafter, this Supplemental Code, together with the provisions of the Code as may be applicable to this Subdivision, shall become and be the code governing this Subdivision, and the Code Authority, shall, for this Subdivision, become and be the only Code Authority and shall perform all the functions with respect thereto.

ARTICLE XIII—MONOPOLIES

Applicant imposes and shall impose no inequitable restrictions on membership therein. This Supplemental Code presented by it is not designed to promote monopoly, and shall not be so construed or applied as to oppress or eliminate small enterprises or discriminate against them, and is designed to effectuate the policy of the Act.

ARTICLE XIV—EFFECTIVE DATE

This Supplemental Code shall become effective and binding on all persons engaged in the Subdivision on the eleventh day after its approval by the President.

Approved Code No. 347—Supplement No. 31.
Registry No. 1399-57.

SUPPLEMENTARY CODE OF FAIR COMPETITION

FOR THE

AIR FILTER INDUSTRY

As Approved on July 21, 1934

ORDER

APPROVING SUPPLEMENTAL CODE OF FAIR COMPETITION FOR THE AIR
FILTER INDUSTRY

A DIVISION OF THE MACHINERY AND ALLIED PRODUCTS INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Supplemental Code of Fair Competition for the Air Filter Subdivision of Machinery and Allied Products Industry, and a hearing having been duly held thereon and the annexed report on said Supplemental Code containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Supplemental Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Supplemental Code of Fair Competition be and it is hereby approved subject to the condition that the provisions of Article VIII, Section (a), insofar as they prescribe a waiting period between the filing with the Code Authority (or such agency as may be designated in the Supplemental Code) and the effective date of price lists, as originally filed and/or revised price lists or revised terms and conditions of sale, be and they hereby are stayed pending my further order.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 21, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Supplemental Code of Fair Competition for the Air Filter Subdivision of the Machinery and Allied Products Industry, public hearing having been conducted thereon in Washington, D.C., December 21, 1933, in accordance with the provisions of Title I of the National Industrial Recovery Act. Every person who filed a request for an appearance was freely heard in public and all statutory and regulatory requirements were complied with.

GENERAL STATEMENT

The National Association of Air Filter Manufacturers, being truly representative of this Subdivision of the Machinery and Allied Products Industry, has elected to avail itself of the option of submitting a Supplemental Code of Fair Competition, as provided in Article I of the Basic Code for the Machinery and Allied Products Industry approved by you on the seventeenth day of March 1934.

This Subdivision represents a part of the capital goods industry, manufacturing and selling equipment used solely for the cleaning of air and other gases, and parts thereof except for use in aeroplanes, automobiles, trucks or tractors.

ECONOMIC EFFECT

In 1929 this Subdivision employed approximately 400 persons, including office workers. Employment of factory workers, estimated to be 338 in 1929, declined to approximately 164 in November, 1933, or 51.5 per cent.

Annual sales of the Subdivision, based on estimates furnished by the National Association of Air Filter Manufacturers, declined from \$2,000,000 in 1929 to \$800,000 in 1933, or 60 per cent.

Approximately 69 per cent of the workers were working more than 40 hours per week as of June 15, 1933. The average work-week declined from 50 hours in 1929 to 38.6 hours in November 1933.

Estimated average man-hours per week declined from 16,900 in 1929 to 6,330 in November 1933, or 62.5 per cent. Until there is a further increase in man-hour requirements, the adoption of the 40-hour week will not cause an increase in employment in this Subdivision.

Based on graphic interpolation of summarized National Recovery Administration questionnaire returns as of June 15, 1933, approximately 18.8 per cent of the workers were receiving less than 40 cents per hour; 13.6 per cent were receiving less than 38 cents per hour; 8.5 per cent were receiving less than 36 cents per hour; and 3.1 per

cent were receiving less than 32 cents per hour. The adoption of the minimum wage rates provided by the Code will probably cause a small increase in the total payrolls of this Subdivision.

RÉSUMÉ OF THE SUPPLEMENTAL CODE

Article I states the purpose of the Supplemental Code.

Article II accurately defines specific terms employed in this Supplemental Code.

Article III. The labor provisions of the Basic Code for the Machinery and Allied Products Industry, as approved March 17, 1934, are incorporated by reference as the labor provisions of this Supplemental Code.

Article IV adopts the relevant portions of Article II "Definitions", Article VI "Administration" and Article VIII, "Modifications and Termination" of the Basic Code for the Machinery and Allied Products Industry, as approved March 17, 1934.

Article V establishes a code authority consisting of three members. The Administration, in his discretion, may appoint one additional member, without vote and without expense to the Subdivision. Together with the applicable provisions of the Basic Code, mechanism is provided for the administration of this Supplemental Code.

Article VI provides for an accounting system and methods of cost finding and/or estimating.

Article VII provides that during an emergency, the lowest reasonable cost of products of the Subdivision may be determined, and that during said emergency, it shall be an unfair trade practice to sell at less than the determined reasonable cost.

Article VIII provides for the filing of price lists, discount sheets and terms of sale and payment and for filing of revisions thereto.

Article IX sets forth the unfair trade practices which have been especially designed to offset unfair competition in this Subdivision.

Article X defines export territory and provides that filed prices, discounts and terms of sale and payment are not applicable to export shipments.

Article XI contains the mandatory provisions contained in Section 10 (b) of the Act, and also provides for the submission of proposed amendments to the Supplemental Code.

Article XII provides for the withdrawal of this Subdivision from the jurisdiction of the Basic Code Authority and for the continued functioning of this Subdivision as an individual industry under its own code.

Article XIII provides that there shall be no inequitable restrictions and provides against monopolies.

Article XIV gives the effective date of this Supplemental Code.

FINDINGS

The Assistant Deputy Administrator in his final report to me on said Supplemental Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) Said Supplemental Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery

Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Subdivision employs not more than 50,000 employees and is not classified by me as a major industry.

(c) The Supplemental Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association, truly representative of the aforesaid Subdivision; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Supplemental Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Supplemental Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Supplemental Code.

For these reasons, therefore, I have approved this Supplemental Code on the condition that certain provisions relating to price publication are stayed, as stated in the Order.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 21, 1934.

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE AIR FILTER INDUSTRY

A DIVISION OF THE MACHINERY AND ALLIED PRODUCTS INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policy of Title I of the National Industrial Recovery Act, the following provisions are established as a Supplemental Code for the Air Filter Subdivision of the Machinery and Allied Products Industry, and together with the Code of Fair Competition of Machinery and Allied Products Industry, shall be the standard of fair competition for this Subdivision and shall be binding on every employer therein.

ARTICLE II—DEFINITIONS

“Applicant” means the National Association of Air Filter Manufacturers, a trade organization, all members of which are engaged in the manufacture for sale of the products of the Air Filter Subdivision of Machinery and Allied Products Industry.

“Industry” means the Machinery and Allied Products Industry, as defined in its Code of Fair Competition as approved by the President, and as such definition may from time to time be amended.

“Subdivision” means the Air Filter Subdivision of the Machinery and Allied Products Industry as defined and set forth in paragraph (1), Article II, of the Code of Fair Competition of the Machinery and Allied Products Industry as follows:

“Air Filter Subdivision means the manufacture for sale of equipment used solely for the cleaning of air and other gases, and parts thereof, except for use in aeroplanes, automobiles, trucks or tractors and includes all those engaged in such manufacture for sale.”

“Code” means the Code of Fair Competition of the Machinery and Allied Products Industry as approved by the President, March 17, 1934, and as from time to time amended.

“Person” mean a natural person, a partnership, a corporation, an association, a trust, a trustee, a trustee in bankruptcy, a receiver, or other entity.

“Employer” means any person engaged in this Subdivision either on his own behalf or as an employer of labor.

“Employee” means any one who is employed in the Subdivision by any such employer.

“The Act” means Title I of the National Industrial Recovery Act.

“The President” means the President of the United States.

“The Administrator” means the Administrator for Industrial Recovery.

“Basic Code Authority” means the Code Authority for the Machinery and Allied Products Industry as constituted by the Code.

“Code Authority” means the Code Authority constituted for this Subdivision as provided by the Code and by this Supplemental Code.

“Group Code Authority” means the Code Authority for any group or product classification within this Subdivision.

“Publish” means to make available to the public.

ARTICLE III—EMPLOYMENT PROVISIONS

The following Articles of the Code, viz: Article III, “Working Hours”; Article IV, “Wages”; and Article V, “General Labor Provisions” are hereby made a part of this Supplemental Code, with the same effect as if they were written into this Supplemental Code.

ARTICLE IV—ADOPTION OF OTHER PROVISIONS OF CODE

The following Articles of the Code, viz: Article II, “Definitions” and Article VI, “Administration”, to the extent that they shall be applicable to this Supplemental Code as such or as it may hereafter be administered as an autonomous Code; and Article VIII, “Modifications and Termination” are hereby adopted and made a part of this Supplemental Code, with the same effect as if they were written into this Supplemental Code.

ARTICLE V—ADMINISTRATION

(a) A Code Authority for this Subdivision is hereby constituted to administer, and supervise, and to facilitate the enforcement of the Code and of this Supplemental Code in the manner and to the extent provided in the Code and in this Supplemental Code.

(b) During a period not to exceed sixty (60) days following the effective date and pending the election of the permanent Code Authority, the executive committee of the applicant shall constitute a temporary Code Authority. The Administrator in his discretion may appoint one additional member (without vote and without expense to the Subdivision).

(c) The Applicant shall, by written notice sent at least ten (10) days in advance of the meeting by registered mail to all employers whose names the Applicant has ascertained after reasonably diligent search, call a meeting of employers to be held within sixty (60) days after the effective date of this Supplemental Code for the purpose of adopting procedural rules and regulations for the action, organization and operation of the permanent Code Authority and electing a permanent Code Authority which shall consist of three members. The Administrator, in his discretion, may appoint one additional member (without vote and without expense to the Subdivision). The permanent Code Authority so elected and appointed shall succeed the temporary Code Authority.

Any vacancy on the Code Authority due to death, resignation, or because a member thereof has ceased to be connected with the Subdivision, shall be filled at a meeting of employers called by the Code Authority on at least ten days' notice by registered mail sent to all employers in this Subdivision, and by a vote similar to the vote by which the retired member was originally selected.

In order that the Code Authority shall at all times be truly representative of the Subdivision and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification of the Code Authority.

Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of association, By-Laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

(d) 1. It being found necessary, in order to support the administration of this Supplemental Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(aa) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Supplemental Code.

(bb) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by employers of the Subdivision.

(cc) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all employers of the Subdivision, and to that end, if necessary, to institute legal proceedings therefor in its own name.

2. Each employer of the Subdivision shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only employers of the Subdivision complying with the Supplemental Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contribution, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

3. The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

(e) Action by employers in any Subdivision meeting for the election of Code Authority shall be by vote of the employers entitled

to vote as provided in Section (d) of this Article V, and who are present in person or by proxy, each such employer to have one vote only. Action by employers in any Subdivision meeting for the adoption of procedural rules, revisions, or additions to the Supplemental Code or the transaction of other business of the Subdivision under this Supplemental Code, shall be by vote of the employers in the Subdivision who are entitled to vote thereat as provided in Section (d), Article V of this Supplemental Code and are present in person or by proxy duly executed and filed with Code Authority; cast and computed in the manner provided in Section (d) Article VI of the Code. All questions as to the number of votes which each employer shall be entitled to cast at any meeting of employers, other than the meeting held to vote for the election of the permanent Code Authority, shall be determined by Code Authority, in accordance with Section (d) Article VI of the Code.

(f) Employers in this Subdivision having a common interest and common problems may be grouped by Code Authority for administrative purposes. There may be a Group Code Authority approved or appointed by Code Authority for each such group.

(g) If formal complaint is made to Code Authority that provisions of this Supplemental Code have been violated by any employer, Code Authority or the proper Group Code Authority may, to the extent permitted by the Act, cause such investigation or audit to be made as may be deemed necessary. If such investigation is made by Group Code Authority it shall report the result of such investigation or audit to Code Authority for action.

(h) The Code Authority may appoint a Trade Practice Committee which shall meet with the Trade Practice Committees appointed under such other Codes as may be related to the Subdivision for the purpose of formulating fair trade practices to govern the relationships between production and distribution employers under this Supplemental Code and under such others to the extent that such fair trade practices may be proposed to the Administrator as amendments to this Supplemental Code and such other codes.

ARTICLE VI—ACCOUNTING AND COSTING

The Code Authority shall cause to be formulated an accounting system and methods of cost finding and/or estimating capable of use by all employers of the Subdivision. After such system and methods have been formulated, full details concerning them shall be made available to all employers. Thereafter, all employers shall determine and/or estimate costs in accordance with the principles of such methods.

ARTICLE VII—SELLING BELOW REASONABLE COST

When the Code Authority determines that an emergency exists in this Subdivision and that the cause thereof is destructive price-cutting such as to render ineffective or seriously endanger the maintenance of the provisions of this Supplemental Code, the Code Authority may cause to be determined the lowest reasonable cost of the products of this Subdivision, such determination to be subject to such notice and hearing as the Administrator may require. The Administrator may approve, disapprove, or modify the determina-

tion. Thereafter, during the period of the emergency, it shall be an unfair trade practice for any employer of the Subdivision to sell or offer to sell any products of the Subdivision for which the lowest reasonable cost has been determined, at such prices or upon such terms or conditions of sale that the buyer will pay less therefor than the lowest reasonable cost of such products.

When it appears that conditions have changed, the Code Authority, upon its own initiative or upon the request of any interested party, shall cause the determination to be reviewed.

ARTICLE VIII—PRICE LISTS

(a) If and when Code Authority determines that in any group of the Subdivision it has been the generally recognized practice to sell a specified product on the basis of net price lists, or price lists with discount sheets, and terms of sale and payment, each employer engaged in the manufacture of such products shall, within ten (10) days after notice of such determination, file with Code Authority a net price list, or a price list with discount sheet, as the case may be, individually prepared by him, showing his current prices, or prices and discounts, and terms of sale and payment for such specified product, and Code Authority shall immediately publish and send copies thereof to all known employers who are cooperating under this Supplemental Code as described in Article V, (d) and engaged in the manufacture of such specified products.

Revised price lists and/or discount sheets and/or terms of sale and payment may be filed from time to time thereafter with the Code Authority by any such employer, to become operative upon the date specified therein, but such revised price lists and/or discount sheets and/or terms of sale and payment shall be filed with the Code Authority ten (10) days in advance of the operative date. Copies thereof, with notice of the operative date specified, shall be immediately published and sent to all employers cooperating under this Supplemental Code as described in Article V, (d) any of whom may file, if he so desires, revisions of his price lists and/or discount sheets and/or terms of sale and payment, which shall become effective upon the date when the revised price list and/or discount sheets and/or terms of sale and payment first filed shall go into effect.¹

(b) If and when the Code Authority shall determine that in any group of the Subdivision not now selling its product on the basis of price lists with or without discount sheets with terms of sale and payment, the distribution or marketing conditions in the group are the same as, or similar to, the distribution or marketing conditions in the group where the use of price lists, with or without discount sheets and terms of sale and payment is well recognized, and that a system of selling on net price lists or price lists and discount sheets with terms of sale and payment for such specified product should be put into effect in such group, then each employer in such group shall, within twenty (20) days after notice of such determination, file with Code Authority net price lists or price lists and discount sheets, with terms of sale and payment, who shall immediately publish and send copies thereof to all known employers cooperating under this Supplemental Code, and such price lists and/or discount sheets

¹ See paragraph 2 of order approving this Code.

and/or terms of sale and payment may be thereafter revised in the manner hereinabove provided. Provided that Code Authority shall make no determination to place any product of the Subdivision (not now on a price list basis) on a price list basis, as provided in this Section unless affirmative consent to such determination is given by a 66 $\frac{2}{3}$ % vote of employers who are at that time cooperating under this Supplemental Code as described in Article V (d), and are engaged in manufacturing such product. The eligibility requirements, method, and effect of such voting shall be the same as is provided in Article V.

(c) Code Authority for the purpose of determining the lowest reasonable cost shall to the extent permitted by the Act, have power, on its own initiative, or on the complaint of any employer, to investigate any price or the terms of sale and payment for any product of any employer; and, for the purpose of the investigation thereof, to require such employer to furnish such information concerning the cost of manufacturing and selling such product as Code Authority shall deem necessary or proper for such purpose, and as the Act may allow.

No employer shall sell directly or indirectly by any means whatsoever, any product of the Subdivision covered by provisions of this Article VIII at a price or at discounts or on terms of sale and payment, different from those provided in his own current net price lists, or price lists and discount sheets, and terms of sale and payment.

ARTICLE IX—UNFAIR PRACTICES

Each of the following acts and practices is deemed to be inimical to the best interest of the Subdivision, and of the public, and each is, therefore, hereby declared to be and to constitute an unfair method of competition, and is prohibited, viz:

(1) The secret payment of any rebate, refund, commission, credit, unearned discount, or excess allowance, whether in the form of money or otherwise, nor shall an employer of the Subdivision secretly offer or extend to any customer any special service or privilege not extended to all customers of the same class, for the purpose of influencing a sale.

(2) The payment, or promise to pay, to any agent, fiduciary or representative, of money or valuable thing, with or without the knowledge of his principal, in connection with any sale to his principal. This provision shall not be construed to prevent the free and general distribution of articles commonly used for advertising, except so far as such articles are actually used for commercial bribery as hereinabove defined.

(3) The publishing of advertising (whether printed, radio, display, or of any other nature) which is misleading or inaccurate in any material particular, nor shall any employer in any way misrepresent any goods (including but without limitation its use, trademark, grade, quality, quantity, origin, size, substance, character, nature, finish, material, content, or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted.

(4) The engaging in destructive price-cutting by any employer of this Subdivision.

ARTICLE X—SALES FOR EXPORT

The provisions of this Supplemental Code concerning pricing and marketing shall not apply to direct export sales of any product or to sales of any product destined ultimately for export. The term "export" shall include all shipments to all places without the several states of the United States and the District of Columbia; provided, however, that no shipment to any territory or possession of the United States shall be considered an export when any employer is engaged in the Subdivision in such territory or possession.

ARTICLE XI—MODIFICATIONS

(a) As provided by Section 10 (b) of the Act, the President may from time to time cancel or modify any order, approval, license, rule or regulation issued under Title I of the Act.

(b) Any amendments, additions, revisions, or supplements of this Supplemental Code, proposed by Code Authority, and authorized by the affirmative vote of $66\frac{2}{3}$ % of the employers shall be in full force and effect upon approval by the President. The eligibility requirements, methods and effect of such voting shall be the same as provided by Article V hereof.

ARTICLE XII—WITHDRAWAL

Upon thirty days' notice to the Basic Code Authority and to the Administrator, this Subdivision may, upon the concurring affirmative vote of employers within the said Subdivision entitled to cast two-thirds or more of all the votes that might be cast by all employers within the Subdivision entitled to vote thereon, withdraw from the jurisdiction of the Basic Code Authority. The eligibility of voters and the method and effect of such voting shall be in accordance with the provisions of Article V hereof. After and in the event such withdrawal is accomplished, this Supplemental Code, together with the provisions of the Code, shall become and be the sole code governing this Subdivision, and the Code Authority shall, for this Subdivision, become and be the sole Code Authority and shall perform all the functions with respect thereto.

ARTICLE XIII—MONOPOLIES

Applicant imposes and shall impose no inequitable restrictions on membership therein. The Supplemental Code presented by it is not designed to promote monopoly, and shall not be so construed or applied as to oppress or eliminate small enterprises or discriminate against them, and is designed to effectuate the policy of the Act.

ARTICLE XIV—EFFECTIVE DATE

This Supplemental Code shall become effective and binding on all persons engaged in the Subdivision on the eleventh day after its approval.

Approved Code No. 347—Supplement No. 32.
Registry No. 1304-05.

SUPPLEMENTARY CODE OF FAIR COMPETITION

FOR THE

GAS-POWERED INDUSTRIAL TRUCK
MANUFACTURING INDUSTRY

As Approved on July 21, 1934

ORDER

APPROVING SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE
GAS-POWERED INDUSTRIAL TRUCK MANUFACTURING INDUSTRY

A DIVISION OF THE MACHINERY AND ALLIED PRODUCTS INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Supplemental Code of Fair Competition for the Gas-Powered Industrial Truck Manufacturing Subdivision of Machinery and Allied Products Industry, and hearings having been duly held thereon and the annexed report on said Supplemental Code containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Supplemental Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Supplemental Code of Fair Competition be and it is hereby approved, subject to the following condition: that the provisions of Article VIII, Section (a), insofar as they prescribe a waiting period between the filing with the Code Authority (or such agency as may be designated in the Supplemental Code) and the effective date of price lists, as originally filed and/or revised price lists or revised terms and conditions of sale, be and they hereby are stayed pending my further order.

HUGH S. JOHNSON,

Administrator for Industrial Recovery.

Approval recommended.

BARTON W. MURRAY,

Division Administrator.

WASHINGTON, D.C.,

July 21, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Supplemental Code of Fair Competition for the Gas-Powered Industrial Truck Manufacturing Subdivision of Machinery and Allied Products Industry, a Public Hearing on which was held in Washington, D.C., on May 10, 1934. The Hearing was conducted in full accordance with the provisions of Title I of the National Industrial Recovery Act.

GENERAL STATEMENT

The Gas-Powered Industrial Truck Manufacturing Subdivision, being representative of the manufacturers of the products defined in Article II of the Supplemental Code, has elected to formulate and submit a Supplemental Code of Fair Competition as provided in Article I of the Code of Fair Competition for the Machinery and Allied Products Industry, approved by you on the seventeenth day of March 1934.

The Gas-Powered Industrial Truck Manufacturing Subdivision means the manufacture for sale of direct-gas-powered burden-bearing industrial trucks used in and around factories; mills; railroad, marine, and air terminals; warehouses; and similar establishments; and direct-gas-powered industrial tractors for use in the foregoing places for towing, pushing, sweeping, cleaning, and for other similar operations. Vehicles designed primarily for commercial or highway work are not included in this definition.

ECONOMIC EFFECT

This Subdivision has been very severely affected by the recent depression. This is evidenced by the steady decline in annual sales, the total volume having declined from \$2,500,000 in 1929 to \$575,000 in 1932, or 77 per cent and increasing thereafter to \$1,000,000 in 1933 or 73.9 per cent over 1932.

In 1929 this Subdivision employed 367 persons. After 1929 employment declined to 132 in 1932, or 64.0 per cent and increased thereafter to 160 in 1933, or 21.2 per cent over 1932.

No data are available on average hours of labor or average wage rates for the Subdivision. The effect of the wage and hour provisions of the Supplemental Code cannot therefore be determined.

The wage provisions for the Subdivision, which is operating under the Code of the Machinery and Allied Products Industry, provide that employees engaged in plant operations shall be paid as follows: (1) in cities of more than 50,000 population and their immediate vicinity, 40 cents per hour; (2) in cities of more than 10,000 but not more than 50,000 population and their immediate vicinity, which

cities are not in the immediate vicinity of a city of more than 50,000 population, 38 cents per hour; (3) in cities of 10,000 population or less and their immediate vicinity, which cities are not in the immediate vicinity of a city of more than 10,000 population, 36 cents per hour, except that employees engaged in plant operations in all localities in the states of Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Texas, and Oklahoma, shall be paid not less than 32 cents per hour.

When females do substantially the same work as males or replace males, they shall receive the same pay. However, no female employee shall be paid less than 87½% of the proper rate for the locality in which employed.

Office boys and girls and apprentices shall be paid not less than 80% of the minimum wage.

Employees other than those engaged in plant operations shall receive not less than \$15.00 per week.

This Supplemental Code provides that no person under sixteen years of age shall be employed in this Subdivision.

RÉSUMÉ OF SUPPLEMENTAL CODE

Article I states the purpose of the Supplemental Code.

Article II accurately defines specific terms applicable to the Subdivision as used in this Supplemental Code.

Article III provides for the adoption of the employment provisions of the Code of Fair Competition for the Machinery and Allied Products Industry as approved by you on the seventeenth day of March, 1934 and as from time to time amended.

Article IV provides for the adoption of Articles II, VI, VIII, and IX of the Code of Fair Competition for the Machinery and Allied Products Industry in accordance with the conditions of this Article governing their adoption.

Article V provides for the establishment of the Code Authority and defines its powers and duties.

Article VI provides for an accounting system and methods of cost finding and/or estimating.

Article VII provides that no products shall be sold or exchanged below a reasonable cost when the Code Authority determines that an emergency exists.

Article VIII provides for methods of setting up, revising, and filing price lists and discount sheets and terms of sale and payment.

Article IX sets forth trade practices for the Subdivision.

Article X establishes that no provision of this Supplemental Code relating to pricing and marketing shall apply to export trade.

Article XI. This Supplemental Code and all the provisions thereof are expressly made subject to the right of the President in accordance with subsection (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule or regulation issued under said Act. Provision is also made that modifications may be submitted by the Code Authority.

Article XII provides means for withdrawal of this Subdivision from the Basic Code and its continuance as an autonomous Code.

Article XIII establishes that no provision of this Supplemental Code shall be so applied as to permit monopolies and monopolistic practices or to eliminate, oppress, or discriminate against small enterprises.

Article XIV states the effective date of this Supplemental Code.

FINDINGS

The Assistant Deputy Administrator in his final report to me on said Supplemental Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Subdivision normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association representative of the aforesaid Subdivision; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Supplemental Code.

For these reasons, therefore, I have approved this Supplemental Code, provided that certain provisions relating to price publications are stayed, as stated in the Order.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 21, 1934.

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE GAS-POWERED INDUSTRIAL TRUCK MANUFACTURING INDUSTRY

A DIVISION OF THE MACHINERY AND ALLIED PRODUCTS INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policy of Title I of the National Industrial Recovery Act, the following provisions are established as a Supplemental Code for the Gas-Powered Industrial Truck Manufacturing Subdivision of the Machinery and Allied Products Industry, and together with the Code of Fair Competition for Machinery and Allied Products Industry, as amended, shall be the standard of fair competition for this Subdivision, and shall be binding on every employer therein.

ARTICLE II—DEFINITIONS

“Applicant” means the Gas-Powered Industrial Truck Association, a trade organization, all members of which are engaged in the manufacture for sale of the products of the Gas-Powered Industrial Truck Manufacturing Subdivision of the Machinery and Allied Products Industry.

“Industry” means the Machinery and Allied Products Industry, as defined in its Code of Fair Competition as approved by the President, and as such definition may from time to time be amended.

“Subdivision” means the Gas-Powered Industrial Truck Manufacturing Subdivision of the Machinery and Allied Products Industry as defined and set forth in an amendment to Article II of the Code of Fair Competition for the Machinery and Allied Products Industry as follows:

“Gas-Powered Industrial Truck Manufacturing Subdivision means the manufacture for sale of direct-gas-powered burden-bearing industrial trucks used in and around factories; mills; railroad, marine, and air terminals; warehouses; and similar establishments; and direct-gas-powered industrial tractors for use in the foregoing places for towing, pushing, sweeping, cleaning, and for other similar operations. Vehicles designed primarily for commercial or highway work are not included in this definition.”

“Code” means the Code of Fair Competition for the Machinery and Allied Products Industry as approved by the President March 17, 1934, and as from time to time amended.

“Person” means a natural person, a partnership, a corporation, an association, a trust, a trustee, a trustee in bankruptcy, a receiver, or other entity.

“Employer” means any person engaged in this Subdivision either on his own behalf or as an employer of labor.

“The Act” means Title I of the National Industrial Recovery Act.

“The President” means the President of the United States.

“The Administrator” means the Administrator for Industrial Recovery.

“Basic Code Authority” means the Code Authority for the Machinery and Allied Products Industry as constituted by the Code.

“Code Authority” means the Code Authority constituted for this Subdivision as provided by the Code and by this Supplemental Code.

“Group Code Authority” means the Code Authority for any group or product classification within this Subdivision.

“Publish” means to make available to the public.

ARTICLE III—EMPLOYMENT PROVISIONS

The following Articles of the Code, viz: Article III, “Working Hours”; Article IV, “Wages”; and Article V, “General Labor Provisions”, are hereby made a part of this Supplemental Code, with the same effect as if they were written into this Supplemental Code.

ARTICLE IV—ADOPTION OF OTHER PROVISIONS OF CODE

The following Articles of the Code, viz: Article II, “Definitions”; Article VI, “Administration”; to the extent that they shall be applicable to this Supplemental Code as such or as it may hereafter be administered as an autonomous code; Article VIII, “Modifications and Termination”, are hereby adopted and made a part of this Supplemental Code, with the same effect as if they were written into this Supplemental Code.

ARTICLE V—ADMINISTRATION

(a) A Code Authority for this Subdivision is hereby constituted to administer, supervise, and facilitate the enforcement of the Code and of this Supplemental Code in the manner and to the extent provided in the Code and in this Supplemental Code.

(b) During a period not to exceed sixty (60) days following the effective date and pending the election of the permanent Code Authority, the executive committee of the Applicant shall constitute a temporary Code Authority.

(c) The Applicant shall, by written notice mailed (registered) to all employers, whose names the Applicant has obtained after a reasonably diligent search, call a meeting of employers to be held within sixty (60) days after the effective date for the purpose of adopting procedural rules and regulations for the election, organization, and operation of the permanent Code Authority and electing a permanent Code Authority which shall consist of five (5) members. The Administrator may, in his discretion, appoint one additional member (without vote and without expense to the Subdivision). The permanent Code Authority so elected and appointed shall succeed the temporary Code Authority.

(d) Any employer shall be entitled to vote at the election of the permanent Code Authority and at other meetings of employers and

share in the benefits of the activities of Code Authority and participate in any endeavors of Code Authority in the preparation of any amendments or revisions of, or additions or supplements to this Supplemental Code, by paying or agreeing to pay, as and when assessed, his proper pro rata share of the reasonable cost of administering this Supplemental Code as determined by Code Authority. The assessments shall be pro rata on the basis of employer's total sales averaged over the two preceding years, and the total sales of the Subdivision averaged over those same two years, or on any other equitable basis.

(e) Action by employers in any Subdivision meeting for the election of Code Authority shall be by vote of the employers entitled to vote as provided in Section (d) of this Article V, each such employer to have one vote only. Action by employers in any Subdivision meeting for the adoption of procedural rules, revisions, or additions to this Supplemental Code, or the transaction of other business of the Subdivision under this Supplemental Code, shall be by vote of the employers in the Subdivision who are entitled to vote thereat as provided in Section (d), Article V of the Supplemental Code, and are present in person or by proxy duly executed and filed with Code Authority; cast and computed in the manner provided in Section (d), Article VI of the Code, except that the unit of voting shall be \$50,000 of sales. All questions as to the number of votes which each employer shall be entitled to cast at any meeting of employers other than the meeting held to vote for the election of the permanent Code Authority shall be determined by Code Authority, in accordance with Section (d) Article VI of the Code.

(f) In order that the Code Authority shall at all times be truly representative of the Subdivision and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Code Authority.

(g) Employers in this Subdivision having a common interest and common problems may be grouped by Code Authority for administrative purposes. There shall be a Group Code Authority approved or appointed by Code Authority for each such group.

(h) If formal complaint is made to Code Authority that provisions of this Supplemental Code have been violated by any employer, Code Authority or the proper Group Code Authority may to the extent permitted by the Act, cause such investigation or audit to be made, as may be deemed necessary. If such investigation is made by Group Code Authority it shall report the result of such investigation or audit to Code Authority for action.

(i) The Code Authority may appoint a Trade Practice Committee which shall meet with the Trade Practice Committees appointed under such other Codes as may be related to the Subdivision for the purpose of formulating fair trade practices to govern the relationships between production and distribution employers under this Supplemental Code and under such others to the end that such fair trade practices may be proposed to the Administrator as amendments to this Supplemental Code and such other codes.

ARTICLE VI—ACCOUNTING AND COSTING

The Code Authority shall cause to be formulated an accounting system and methods of cost finding and/or estimating capable of use by all employers of the Subdivision. After such system and methods have been formulated, full details concerning them shall be made available to all employers. Thereafter all employers shall determine and/or estimate costs in accordance with the principles of such methods.

ARTICLE VII—SELLING BELOW REASONABLE COST

SECTION 1. When the Code Authority determines that an emergency exists in this Subdivision and that the cause thereof is destructive price-cutting such as to render ineffective or seriously endanger the maintenance of the provisions of this Supplemental Code, the Code Authority may cause to be determined the lowest reasonable cost of the products of this Subdivision, such determination to be subject to such notice and hearing as the Administrator may require. The Administrator may approve, disapprove, or modify the determination. Thereafter, during the period of the emergency, it shall be an unfair trade practice for any employer of the Subdivision to sell or offer to sell any products of the Subdivision for which the lowest reasonable cost has been determined at such prices or upon such terms or conditions of sale that the buyer will pay less therefor than the lowest reasonable cost of such products.

When it appears that conditions have changed, the Code Authority, upon its own initiative or upon the request of any interested party, shall cause the determination to be reviewed.

SECTION 2. The foregoing Section 1 shall not apply to (a) dropped lines, or (b) seconds, or (c) inventories which must be converted into cash to meet emergency needs, all of which may be disposed of by any employer at any price and on any terms or conditions, but only if such employer, not less than two weeks before such proposed disposal, has filed with Code Authority a statement in writing setting forth the facts of, and reasons for, such proposed disposal and the price and terms and conditions of sale, and Code Authority has not (with the approval of the Administrator), before the termination of such two week period, in writing, disapproved the proposed disposal. Notice of such disposal, if not disapproved, shall be sent immediately to all employers manufacturing products of equivalent design, character, quality or specifications, who may sell such products at prices and on terms and conditions as favorable as those stipulated in the proposed disposal, when meeting the competition of such proposed disposal.

SECTION 3. The foregoing Section 1 shall not apply to a sale made in order to meet competition on products manufactured outside the United States. For such disposal, any employer may sell, at prices and on terms and conditions as favorable as those of the competing foreign product, but only if he has first reported to the Code Authority his intention so to sell, and the facts as to the competition which justifies such action.

ARTICLE VIII—PRICE LISTS

(a) If and when Code Authority determines that in any group of the Subdivision it has been the generally recognized practice to sell a specified product on the basis of net price lists, or price lists with discount sheets, and fixed terms of sale and payment, each employer engaged in the manufacture of such product shall, within ten (10) days after notice of such determination, file with Code Authority a net price list, or a price list with discount sheet, as the case may be, individually prepared by him, showing his current prices, or prices and discounts, and terms of sale and payment for such specified product, and Code Authority shall immediately publish and send copies thereof to all known employers who are cooperating under this Supplemental Code as described in Article V (d) and engaged in the manufacture of such specified products.

Revised price lists and/or discount sheets and/or terms of sale and payment may be filed from time to time thereafter with the Code Authority by any such employer, to become operative upon the date specified therein, but such revised price lists and/or discount sheets and/or terms of sale and payment shall be filed with the Code Authority ten (10) days in advance of the operative date. The Code Authority or the Group Code Authority may establish a shorter period at any time provided no revisions waiting operative date shall be affected thereby. Copies thereof, with notice of the operative date specified, shall be immediately published and sent to all employers cooperating under this Supplemental Code as described in Article V (d), any of whom may file, if he so desires, revisions of his price lists and/or discount sheets and/or terms of sale and payment, which shall become effective upon the date when the revised price list and/or discount sheet and/or terms of sale and payment first filed shall go into effect.¹

(b) If and when Code Authority shall determine that in any group of the Subdivision not now selling its product on the basis of price lists, with or without discount sheets, with fixed terms of sale and payment, the distribution or marketing conditions in the group are the same as, or similar to, the distribution or marketing conditions in a group where the use of price lists, with or without discount sheets and fixed terms of sale and payment is well recognized, and that a system of selling on net price lists or price lists and discount sheets with fixed terms of sale and payment for such specified product should be put into effect in such group, then each employer in such group shall within twenty (20) days after notice of such determination, file with Code Authority net price lists or price lists and discount sheets, with fixed terms of sale and payment, showing his prices and discounts and terms of sale and payment, and such price lists and/or discount sheets and/or terms of sale and payment may be thereafter revised in the manner hereinbefore provided; and such methods of pricing and revisions thereof shall be "published and sent" as described in Article VIII (a). Provided that Code Authority shall make no determination, to place any product of the Subdivision (not now on a price list basis) on a price list basis, as provided in this Section unless affirmative consent to such

¹ See paragraph 2 of order approving this Code.

determination is given by a 66 $\frac{2}{3}$ % vote of employers who are at that time cooperating under this Supplemental Code as described in Article V (d), and are engaged in manufacturing such product. The eligibility requirements, methods, and effect of such voting shall be the same as is provided by Article V.

(c) No employer shall sell directly or indirectly by any means whatsoever, any product of the Subdivision covered by provisions of this Article VIII at a price or at discounts or on terms of sale and payment, different from those provided in his own current net price lists, or price lists and discount sheets, and terms of sale and payment.

ARTICLE IX—TRADE PRACTICES

1. No employer shall indulge in destructive price cutting.

2. No employer shall secretly, directly or indirectly, offer to make any payment or allowance of a rebate, refund, commission, credit, unearned discount, or excess allowance, whether in the form of money or otherwise, nor shall an employer secretly offer or extend to any customer any special service or privilege not extended to all customers of the same class, for the purpose of influencing a sale.

3. No employer shall publish advertising (whether printed, radio, display or of any other nature), which is misleading or inaccurate, in any material particular, nor shall any employer in any way misrepresent any goods (including, but without limitation, its use, trade mark, grade, quality, quantity, origin, size, substance, character, nature, finish, material, content, or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted.

4. No employer shall publish or circulate unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harassing competitors or intimidating their customers.

5. No employer shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal or party. This provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

ARTICLE X—EXPORT TRADE

No provision of this Code relating to prices or terms of selling, shipping or marketing, shall apply to export trade or sales or shipments for export trade. "Export Trade" shall be as defined in the Export Trade Act adopted April 10, 1918.

ARTICLE XI—MODIFICATIONS

(a) As provided by Section 10 (b) of the Act, the President may from time to time cancel or modify any order, approval, license, rule or regulation issued under Title I of the Act.

(b) Any amendments, additions, revisions, or supplements of this Supplemental Code, proposed by Code Authority, and authorized by the affirmative vote of 66 $\frac{2}{3}$ % of the employers shall be in full force and effect upon approval by the President. The eligibility requirements, method and effect of such voting shall be the same as provided by Article V hereof.

(c) This Supplemental Code shall terminate June 16, 1935, or on such date prior thereto when the Act shall be repealed or the President shall, by proclamation, or the Congress shall, by joint resolution, direct that the emergency recognized by Section I of the Act has ended.

ARTICLE XII—WITHDRAWAL

Upon thirty days notice to the Basic Code Authority and to the Administrator, this Subdivision may, upon the concurring affirmative vote of employers, within the said Subdivision entitled to cast two-thirds or more of all the votes that might be cast by all employers within the Subdivision entitled to vote thereon, withdraw from the jurisdiction of the Basic Code Authority. The eligibility of voters and the method and effect of such voting shall be in accordance with the provisions of Article V hereof. After and in the event such withdrawal is accomplished this Supplemental Code, together with the provisions of the Code shall become and be the sole code governing this Subdivision, and the Code Authority shall for this Subdivision, become and be the sole Code Authority and shall perform all the functions with respect thereto.

ARTICLE XIII—MONOPOLIES

Applicant imposes and shall impose no inequitable restrictions on membership therein. The Supplemental Code presented by it is not designed to promote monopoly, and shall not be so construed or applied as to oppress or eliminate small enterprise or discriminate against them, and is designed to effectuate the policy of the Act.

ARTICLE XIV—EFFECTIVE DATE

This Supplemental Code shall become effective and binding on all persons engaged in the Subdivision on the eleventh day after its approval.

Approved Code No. 347—Supplement No. 23.
Registry No. 1421-03.

SUPPLEMENTARY CODE OF FAIR COMPETITION

FOR THE

SPROCKET CHAIN INDUSTRY

As Approved on July 21, 1934

ORDER

**APPROVING SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE
SPROCKET CHAIN INDUSTRY**

A DIVISION OF THE MACHINERY AND ALLIED PRODUCTS INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for Sprocket Chain Subdivision of Machinery and Allied Products Industry, and a hearing having been duly held thereon and the annexed report on said Supplemental Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Supplemental Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Supplemental Code of Fair Competition be and it is hereby approved; provided, however, that the provisions of Article VIII, Section (a), insofar as they prescribe a waiting period between the filing with the Code Authority (or such agency as may be designated in the Supplemental Code) and the effective date of price lists, as originally filed and/or revised price lists or revised terms and conditions of sale, be and they hereby are stayed pending my further order.

HUGH S. JOHNSON,

Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 21, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Supplemental Code of Fair Competition for the Sprocket Chain Subdivision of Machinery and Allied Products Industry, a public hearing on which was held in Washington, D.C. on December 21, 1933. The hearing was conducted in full accordance with the provisions of Title I of the National Industrial Recovery Act.

GENERAL STATEMENT

The Sprocket Chain Subdivision, being truly representative of the manufacturers of the products defined in Article II of the Supplemental Code, has elected to formulate and submit a Supplemental Code of Fair Competition as provided in the second paragraph of Article I in the Code of Fair Competition for the Machinery and Allied Products Industry, approved by you on the seventeenth day of March, 1934.

The Subdivision includes the manufacture for sale of sprocket chains of malleable iron, steel, and other metals for conveying, elevating, and the transmission of power of the types generally known as roller chains, rollerless bushing chains, block chains, malleable and other cast detachable pintle and roller chains, balance and leaf chains, bar link chains, steel detachable link chains, combination cast and bar link chains, drop forged and rivetless chains, draw bench and haul-up chains, taintor gate and bridge chains, and parts for such chains and sprockets for same, and includes all those engaged in such manufacture for sale; except that there shall not be included therein the manufacture for sale of chains for hand hoists and those generally known as round link or coil chains, nor machine finished chains, as defined in the definition of the Roller and Silent Chain Subdivision. The manufacture of sprocket chain by farm equipment manufacturers is excluded from the manufacturing provisions of this Code but the marketing and trade provisions shall apply to all sprocket chain sold by such farm implement manufacturers for all purposes other than for use on farm implements.

ECONOMIC EFFECT

Annual sales of malleable iron sprocket chains and sprockets for elevating, conveying and transmission of power declined from \$5,431,000 in 1929 to \$1,408,000 in 1932, or 74 per cent. The Subdivision has estimated the value for the year 1933 at \$1,535,000 which indicates an increase of 9 per cent over the 1932 level.

Aggregate invested capital has declined 9 per cent since 1929, while production capacity has remained constant.

The trade association, in its code application, has estimated that this Subdivision employed approximately 585 employees in the year 1929. A tabulation of questionnaire returns from five establishments of the Subdivision shows that in 1929, 83.2 per cent of the total number of employees were factory workers; on this basis 98 office workers have been segregated from the 1929 figure, leaving 487 factory workers.

Factory employment declined from 487 workers in 1929 to a minimum of 216 in the third quarter of 1932, or nearly 56 per cent. Since then employment increased almost constantly to 256 factory workers in the third quarter of 1933, or nearly 19 per cent. Factory employment as of October 15, 1933 declined again to 234 workers or nearly 9 per cent.

A summarized tabulation of five National Recovery Administration questionnaire returns shows average hours per week for factory workers of this Subdivision as follows:

	<i>Hours per week</i>
June 15, 1929-----	49.4
June 15, 1933-----	24.4
October 15, 1933-----	34.2

After 1929 man-hours declined steadily from 24,060 to a minimum of 6,965 in the first quarter in 1933. For the third quarter of 1933 man-hours increased to 9,421 but since then have decreased again to 8,003 or 15 per cent as reported on October 15, 1933. Based on the man-hour requirements as of October 15, 1933, on the average the 40-hour provision will probably cause little further reemployment.

The wage provisions for the Subdivision, which is operating under the Code of the Machinery and Allied Products Industry, provide that employees engaged in plant operations shall be paid as follows: (1) in cities of more than 50,000 population and their immediate vicinity, 40 cents per hour; (2) in cities of more than 10,000 but not more than 50,000 population and their immediate vicinity, which cities are not in the immediate vicinity of a city of more than 50,000 population, 38 cents per hour; (3) in cities of 10,000 population or less and their immediate vicinity, which cities are not in the immediate vicinity of a city of more than 10,000 population, 36 cents per hour, except that employees engaged in plant operations in all localities in the states of Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Texas, and Oklahoma, shall be paid not less than 32 cents per hour.

When females do substantially the same work as males or replace males, they shall receive the same pay. However, no female employee shall be paid less than 87½% of the proper rate for the locality in which employed.

Office boys and girls and apprentices shall be paid not less than 80% of the minimum wage.

Employees other than those engaged in plant operations shall receive not less than \$15.00 per week.

Distributions of the number of factory workers receiving classified rates in the specified areas are not available. Consequently, it is only possible to estimate the approximate number of factory workers who

will receive the benefit of the proposed minimum hourly rates, regardless of location, on the basis of the number of factory workers receiving less than the designated hourly rates as of June 15, 1933.

Estimated number of factory workers receiving less than designated hourly rates

Proposed minimum hourly rates	Distribution of factory workers receiving less than the minimum regardless of location	
	Approximate percent	Approximate number
40 cents (other U.S.).....	45.1	115
38 cents (other U.S.).....	43.3	111
36 cents (other U.S.).....	41.5	106
32 cents (South).....	36.0	92

Based on the distribution as of June 15, 1933, and on the specified percentages of the number of factory workers receiving less than the designated rates shown in the above table, the adoption of the proposed minimum rates will probably cause an increase in factory pay rolls. The estimated increase as of June 15, 1933, regardless of location of the workers, will probably, under the most favorable conditions, not exceed 14.0 percent assuming only upward adjustment in the brackets below the 40 cent minimum and no change in man-hour requirements.

RÉSUMÉ OF SUPPLEMENTAL CODE

Article I states the purpose of the Supplemental Code.

Article II accurately defines specific terms applicable to the Subdivision as used in this Supplemental Code.

Article III provides for the adoption of the employment provisions of the Code of Fair Competition for the Machinery and Allied Products Industry, as approved by you, and as from time to time amended.

Article IV provides for the adoption of Articles II, VI, VIII, and IX of the Code of Fair Competition for the Machinery and Allied Products Industry.

Article V provides for the establishment of a Code Authority and defines its powers and duties.

Article VI provides for an accounting system and methods of cost finding and/or estimating.

Article VII provides that no products of the Subdivision shall be sold or offered for sale below a reasonable cost when the Code Authority determines that an emergency exists.

Article VIII provides for methods of setting up, revising and filing price lists and discount sheets and terms of sale and payment.

Article IX sets forth trade practices for the Subdivision.

Article X states that no provision of this Supplemental Code relating to pricing and marketing shall apply to export sales.

Article XI provides that this Supplemental Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with Subsection (b) of Section 10 of the Act,

from time to time to cancel or modify any order, approval, license, rule or regulation issued under said Act. Provision is also made that modifications may be submitted by the Code Authority to the Administrator for approval.

Article XII. No provision of this Supplemental Code shall be so applied as to permit monopolies, or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

Article XIII states the effective date of this Supplemental Code.

FINDINGS

The Assistant Deputy Administrator in his final report to me on said Supplemental Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) Said Supplemental Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Subdivision normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Supplemental Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Subdivision; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Supplemental Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Supplemental Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Supplemental Code.

For these reasons, therefore, I have approved this Supplemental Code, provided that certain provisions relating to price publication are stayed, as stated in the Order.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 21, 1934.

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE SPROCKET CHAIN INDUSTRY

A DIVISION OF THE MACHINERY AND ALLIED PRODUCTS INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policy of Title I of the National Industrial Recovery Act, the following provisions are established as a Supplemental Code for the Sprocket Chain Subdivision of the Machinery and Allied Products Industry, and together with the Code of Fair Competition of Machinery and Allied Products Industry, to which it is a supplement, shall be the standard of fair competition for this Subdivision, and shall be binding on each employer therein.

ARTICLE II—DEFINITIONS

“Applicant” means the Association of Sprocket Chain Manufacturers, a trade organization, all members of which are engaged in the manufacture for sale of the products of the Sprocket Chain Subdivision of Machinery and Allied Products Industry.

“Industry” means the Machinery and Allied Products Industry, as defined in its Code of Fair Competition, as approved by the President, and as such definition may from time to time be amended.

“Subdivision” means the Sprocket Chain Manufacturing Subdivision of the Machinery and Allied Products Industry as defined and set forth in Paragraph 32 of Article II of the Code of Fair Competition for the Machinery and Allied Products Industry, as follows:

“‘Sprocket Chain Subdivision’ means the manufacture for sale of sprocket chains of malleable iron, steel and other metals for conveying, elevating, and the transmission of power of the types generally known as roller chains, rollerless bushing chains, block chains, malleable and other cast detachable, pintle, and roller chains, balance and leaf chains, bar link chains, steel detachable link chains, combination cast and bar link chains, drop forged and rivetless chains, draw bench and haul-up chains, taintor gate and bridge chains, and parts for such chains and sprockets for same, and includes all those engaged in such manufacture for sale; except that there shall not be included therein the manufacture for sale of chains for hand hoists and those generally known as round link or coil chains, nor machine finished chains, as defined in the definition of the Roller and Silent Chain Subdivision. The manufacture of sprocket chain by farm equipment manufacturers is excluded from the manufacturing provisions of this Code but the marketing and trade provisions shall apply to all sprocket chain sold by such farm implement manufacturers for all purposes other than for use on farm implements.”

“Code” means the Code of Fair Competition for the Machinery and Allied Products Industry, as approved by the President, March 17th, 1934, and as from time to time amended.

“Person” means a natural person, a partnership, a corporation, an association, a trust, a trustee, a trustee in bankruptcy, a receiver, or other entity.

“Employer” means any person engaged in this Subdivision of the Industry, either on his own behalf or as an employer of labor.

“Employee” means any one who is employed in this Subdivision by any such employer.

“Act” means Title I of the National Industrial Recovery Act.

“President” means the President of the United States.

“Administrator” means the Administrator for Industrial Recovery.

“Basic Code Authority” means the Code Authority for the Machinery and Allied Products Industry as constituted by the Code.

“Code Authority” means the Code Authority constituted for this Subdivision or provided by the Code and by this Supplemental Code.

“Group Code Authority” means the Code Authority for any Group or product classification within this Subdivision, constituted under the authority of Article V of this Supplemental Code.

ARTICLE III—EMPLOYMENT PROVISIONS

The following Articles of the Code, viz: Article III, “Working Hours”; Article IV, “Wages”; and Article V, “General Labor Provisions”, are hereby made a part of this Supplemental Code, with the same effect as if they were written into this Supplemental Code.

The following Articles of the Code, viz: Article II, “Definitions”; Article VI, “Administration”, to the extent that they shall be applicable to this Supplemental Code as such or as it may hereafter be administered as an autonomous Code; Article VIII, “Modifications and Termination”; and Article IX, “Withdrawal”, are hereby made a part of this Supplemental Code with the same effect as if they were written into this Supplemental Code.

ARTICLE V—ADMINISTRATION

(a) During the period not to exceed sixty days, following the effective date of this Supplemental Code, the code committee of the Applicant shall constitute a temporary Code Authority. The Administrator, in his discretion, may appoint one additional member (without vote and without expense to this Subdivision).

This Subdivision, having held an election for permanent Code Authority under the provisions of the Code of Fair Competition for the Machinery and Allied Products Industry, the Code Authority so elected shall constitute the first permanent Code Authority for this Subdivision if this method of election meets with the approval of the Administrator. If this method of election does not meet with the approval of the Administrator then the provisions hereinbelow provided shall apply for the election of the first permanent Code Authority. For elections after the first, the provisions of this Supplemental Code for election of a permanent Code Authority shall apply.

To permit representation of employers who are not members of Applicant, the latter shall, within sixty days after this Supplemental Code becomes effective, set up a permanent Code Authority to succeed the temporary Code Authority to administer, supervise and facilitate the enforcement of this Supplemental Code. Such permanent Code Authority shall be elected at a meeting called for this purpose to which all known employers in this Subdivision shall be invited, with the right to vote either in person or by proxy, or by mail. This permanent Code Authority shall consist of not less than 3 and not more than 8 members, and in addition thereto, the representative of the Administrator as referred to in the paragraph above. Of the elective members of Code Authority, one member may be chosen in any fair manner approved by the Administrator, by the employers (if any) who are not members of the Applicant provided such representation shall be desired by such employers. Action by the Subdivision at any meeting for the transaction of business, adoption of procedural rules and regulations, subsequent election of Code Authority, and amendment of this Supplemental Code, shall be by vote of the employers in the Subdivision, present in person or by proxy, or voting by mail, wherein each such employer shall have one vote; provided, however, that on any question except the election of Code Authority, any such employer shall have the right to call for an additional vote and to have the same voted upon by each employer, weighted on the basis of one vote for each \$100,000.00 of sales within the Subdivision, made by such employer in the two preceding years, each such employer, however, being entitled to one vote, and in every such case action on the question shall be by both such methods of voting. Members of the Code Authority so elected shall hold office for terms provided for in the procedural Rules and Regulations adopted by this Subdivision.

(b) 1. If being found necessary in order to support the administration of this Supplemental Code and to maintain the standards of fair competition established by this Supplemental Code and to effectuate the policy of the Act, the Code Authority is authorized; subject to such rules and regulations as may be issued by the Administrator:

a. To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Supplemental Code;

b. To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary, (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Subdivision.

c. After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contributions as above set forth by all employers of the Subdivision, and to that end, if necessary, to institute legal proceedings therefor in its own name.

2. Each employer of the Subdivision shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and

regulations pertaining thereto issued by the Administrator. Only employers of the Subdivision complying with the Supplemental Code and contributing to the expenses of its administration as hereinabove provided shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

3. The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budgets estimates except those which the Administrator shall have so approved.

(c) For the purpose of administering and facilitating the enforcement of the provisions of this Supplemental Code, Code Authority, by its duly authorized representatives (who shall not be in the employ of any employer affected by this Supplemental Code), shall have access to any and all statistics, data and information, filed in accordance with the provisions of the Code and this Supplemental Code. All individual statistics, data and information of individual employers as filed in accordance with the provisions of the Code and this Supplemental Code shall be kept confidential, except with the consent of such employer pertaining to his own statistics, and providing that nothing herein shall prevent publication of general summaries of such statistics of this Subdivision.

(d) For administrative purposes, employers may be grouped by Code Authority to bring into working association employers having common interests and problems that are not common to all employers in this Subdivision. Each such group shall designate from among its members a Group Code Authority, and may adopt such rules for the conduct of the business of the Group as are not inconsistent with the provisions of this Supplemental Code and the Code; provided, however, that provisions of this Article V shall control the making of all examinations or audits and the use to be made of information so obtained with respect to any employer.

(e) Except as otherwise provided in this Supplemental Code, a Group Code Authority shall have power to hear all matters pertaining to the provisions of this Supplemental Code having relation to the employers in said Group, or any of them, and to that end may, to the extent permitted by the Act, investigate and ascertain the facts through such examination or audit as such Group Code Authority may deem necessary. Provided, however, that nothing in this Article shall preclude the Code Authority from taking action, to the extent permitted by the Act, either upon complaint of an employer, or upon its own initiative, with respect to any matter.

Any decision of the Group Code Authority shall be final, unless appeal is taken to the Code Authority or such decision involves matters requiring to be reported to the Code Authority, in which case pertinent information, papers and data in the possession of the Group Code Authority shall be turned over by it to the Code Authority, and the Code Authority shall pass on the merits of the case and make final decision or report thereon to the Basic Code Authority or the Administrator.

(f) The Code Authority or a Group Code Authority may not, within its powers, on the affirmative vote of not less than three-fourths of its members entitled to vote; provided that any proposal receiving less than the three-fourths majority vote shall be submitted upon the request of any member of the Code Authority or Group Code Authority having jurisdiction to a vote of all employers cooperating under this Supplemental Code or the cooperating employers comprising the Group affected, and the Code Authority or Group Code Authority having jurisdiction shall act as determined by the majority of the number of votes so cast.

(g) If formal complaint be made to Code Authority that provisions of this Supplemental Code have been violated by any employer, the Code Authority shall investigate the facts, and to that end may, to the extent permitted by the Act, cause such examination to be made as it may deem necessary, subject to the limitations contained in Section (c) of this Article V.

(h) If any employer in this Subdivision is also an employer in any other Subdivision of the Industry, or in any other industry, the provisions of this Supplemental Code, and the jurisdiction of the Code Authority hereunder, shall apply to and affect only that part of his business and product which is included in this Subdivision.

(i) An appeal from any action taken, or any rule or regulation established affecting the right of any employer or employee in this Subdivision, may be taken to the Basic Code Authority and thereafter to the Administrator.

(j) Nothing contained in this Supplemental Code shall constitute the members of the Code Authority or any Group Code Authority as partners for any purpose. Nor shall any member of the Code Authority or of any Group Code Authority be or become liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Code Authority or any Group Code Authority. Nor shall any member of the Code Authority or Group Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be or become liable to anyone for any action or omission to act under this Supplemental Code and the Code, except for his own wilful misfeasance or non-feasance.

ARTICLE VI—ACCOUNTING AND COSTING

The Code Authority shall cause to be formulated an accounting system and methods of cost finding and/or estimating capable of use by all employers of the Subdivision. After such system and methods have been formulated, full details concerning them shall be made available to all employers. Thereafter all employers shall determine and/or estimate costs in accordance with the principles of such methods.

ARTICLE VII—SELLING BELOW REASONABLE COST

SECTION 1. When the Code Authority determines that an emergency exists in this Subdivision and that the cause thereof is destructive price-cutting such as to render ineffective or seriously endanger

the maintenance of the provisions of this Supplemental Code, the Code Authority may cause to be determined the lowest reasonable cost of the products of this Subdivision, such determination to be subject to such notice and hearing as the Administrator may require. The Administrator may approve, disapprove, or modify the determination. Thereafter, during the period of the emergency, it shall be an unfair trade practice for any member of the Subdivision to sell or offer to sell any products of the Subdivision for which the lowest reasonable cost has been determined at such prices or upon such terms or conditions of sale that the buyer will pay less therefor than the lowest reasonable cost of such products.

When it appears that conditions have changed, the Code Authority, upon its own initiative or upon the request of any interested party, shall cause the determination to be reviewed.

SECTION 2. The foregoing Section (1) shall not apply to (a) dropped lines, or (b) seconds, or (c) inventories which must be converted into cash to meet emergency needs, all of which may be disposed of by any employer at any price and on any terms or conditions, but only if such employer, not less than two weeks before such proposed disposal, has filed with Code Authority, a statement in writing setting forth the facts of, and reasons for, such proposed disposal and the price and terms and conditions of sale, and Code Authority has not, (with the approval of the Administrator), before the termination of such two week period, in writing, disapproved the proposed disposal.

Notice of such disposal, if not disapproved, shall be sent immediately to all employers manufacturing products of equivalent design, character, quality or specifications, who may sell such products at prices and on terms and conditions as favorable as those stipulated in the proposed disposal, when meeting the competition of such proposed disposal.

SECTION 3. The foregoing Section (1) shall not apply to a sale made in order to meet competition on products manufactured outside the United States. For such disposal, any employer may sell, at prices and on terms and conditions as favorable as those of the competing foreign product, but only if he has first reported to the Code Authority his intention so to sell, and the facts as to the competition which justifies such action.

ARTICLE VIII—METHODS OF PRICING AND TERMS OF PAYMENT

(a) If and when the Code Authority determines that in any branch or group of the Subdivision, it has been the generally recognized practice of at least two-thirds of such branch or group of the Subdivision, to sell a specified product on the basis of net price lists or price lists with discount sheets and terms of sale and payment, each manufacturer of such product, shall, within ten days after notice of such determination, file with the proper Group Code Authority (or with Code Authority if there is no Group Code Authority having jurisdiction), net price lists or price lists with discount sheets and terms of sale and payment, individually prepared by him, and the Group Code Authority shall immediately send copies thereof to the employers of this Subdivision cooperating under this Code, as

described in Article V, and who manufacture like products. Revisions of the price lists and/or discount sheets and/or terms of sale and payment may be filed, in like manner, from time to time thereafter with the proper Group Code Authority or Code Authority by any manufacturer of such products, each such revision to become operative upon the date specified therein, but such revised price lists and/or discount sheets and/or terms of sale and payment shall be filed with the proper Group Code Authority or Code Authority ten days in advance of the operative date. Copies thereof with notice of the operative date specified, shall immediately be sent to all manufacturers of such product, cooperating under this Supplemental Code, as described in Article V, any of whom may file, if he so desires, revisions of his price lists and/or discount sheets and/or terms of sale and payment which shall become effective upon the date when the revised price lists and/or discount sheets and/or terms of sale and payment first filed shall go into effect.

All price lists and/or discount sheets and/or terms of sale and payment so filed shall be published on the operative date by making available to each consumer or resale buyer the price lists and/or discount sheets and/or terms of sale and payment applicable respectively to such buyers trade classification.¹

(b) If and when a Group Code Authority or Code Authority shall determine that in any branch or group of the Subdivision not now selling its products on the basis of price lists, with or without discount sheets, with terms of sale and payment, the distribution or marketing conditions in said branch or group are the same as, or similar to, the distribution or marketing conditions in a branch or group of the Subdivision where the use of price lists, with or without discount sheets, is well recognized, and that a system of selling on net price lists or price lists with discount sheets and/or terms of sale and payment, should be put into effect in such branch or group, then each manufacturer of the product or products of such branch or group, shall within twenty days after notice of such determination, file with Group Code Authority or Code Authority net price lists, or price lists and/or discount sheets and/or terms of sale and payment, and such price lists and/or discount sheets and/or terms of sale and payment may be thereafter revised in the manner hereinabove provided, and copies of such methods of pricing and revisions thereof shall be sent in accordance with paragraph (a) of this Article; provided that Group Code Authority or Code Authority shall make no determination to place any product of the Subdivision (not now on a price list basis) on a price list basis as provided in this Paragraph (b) of Article VIII, unless two thirds of the employers cooperating under this Supplemental Code, as described in Article V, who are at that time engaged in manufacturing such product, shall affirmatively consent that such determination be made.

(c) No employer shall sell directly or indirectly any product of this Subdivision at prices or discounts different than those provided in his own current price lists and/or discount sheets and/or terms of sale and payment or on more favorable terms of sale and payment as covered by the provisions of this Article VIII and proceedings

¹ See paragraph 2 of order approving this Code.

thereunder unless such employer is meeting competitive prices as provided in Article VII, Sections 2 and 3, of this Supplemental Code.

ARTICLE IX—TRADE PRACTICES

Each of the following acts and practices is deemed to be inimical to the best interests of the Subdivision and of the public, and each is therefore, hereby declared to be and to constitute an unfair method of competition, viz:

1. No employer shall secretly offer or make any payment or allowance of a rebate, refund, commission, credit, unearned discount or excess allowance, whether in the form of money or otherwise, nor shall an employer secretly offer or extend to any customer any special service or privilege not extended to all customers of the same class, for the purpose of influencing a sale.

2. No employer shall give, permit to be given, or offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal or party. This provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

3. No employer shall publish advertising (whether printed, radio, display or of any other nature), which is misleading or inaccurate in any material particular, nor shall any employer in any way misrepresent any goods (including but without limitation its use, trademark, grade, quality, quantity, origin, size, substance, character, nature, finish, material, content or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted.

4. No employer shall defame a competitor by falsely imputing to him dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representation, or by falsely disparaging the grade or quality of his goods.

5. No employer shall engage in destructive price cutting.

6. No employer shall cooperate in a violation of the provisions of this Supplemental Code or of the Code, or amendments thereto, either directly or indirectly through a distributor or agent.

7. No employer shall publish or circulate unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harassing competitors or intimidating their customers.

8. Each employer shall require compliance with the provisions of this Supplemental Code, and of the Code, by the agents of such employer, whether such agents are directly employed on salary or are employed on a commission basis.

ARTICLE X—SALES FOR EXPORT

The provisions of this Supplemental Code concerning pricing and marketing are not to apply to direct export sales of any product, or to any product destined ultimately for export. The term "export"

shall include all shipments to all places without the several states of the United States and the District of Columbia; provided, however, that no shipment to any territory or possession of the United States shall be considered an export when any employer is engaged in the industry in such territory or possession.

ARTICLE XI—MODIFICATIONS

(a) As provided by Section 10 (b) of the Act, the President may from time to time cancel or modify any order, approval, license, rule or regulation issued under Title I of the Act.

(b) As study of the needs of the Subdivision is continued after the effective date, amendments, additions, or revisions to this Supplemental Code may be proposed by Code Authority, which upon being assented to in writing by two-thirds vote of members cooperating under this Supplemental Code shall be in full force and effect from and after approval thereof by the Administrator.

ARTICLE XII—MONOPOLIES

This Supplemental Code is not designed to permit monopoly, and shall not be so construed or applied as to oppress or eliminate small enterprises or discriminate against them and is designed to effectuate the policy of the Act.

ARTICLE XIII—EFFECTIVE DATE

This Supplemental Code shall become effective and binding on all employers of the Subdivision on the eleventh day after its approval by the President.

Approved Code No. 347—Supplement No. 34.
Registry No. 1107-04.

Approved Code No. 84—Supplement No. 43

SUPPLEMENTARY CODE OF FAIR COMPETITION

FOR THE

**VITREOUS ENAMELED WARE MANUFACTURING
INDUSTRY**

As Approved on July 22, 1934

ORDER

**APPROVING SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE
VITREOUS ENAMELED WARE MANUFACTURING INDUSTRY**

**A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND
METAL FINISHING AND METAL COATING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, and in accordance with the provisions of Section 1 of Article VI of the Basic Code for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, approved November 2, 1933, for approval of a Supplementary Code of Fair Competition for the Vitreous Enameled Ware Manufacturing Industry, and hearing having been duly held thereon; and the annexed report on said Supplementary Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Supplementary Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Supplementary Code of Fair Competition be and it is hereby approved; provided, however, that the provisions of Article V, Rule A, insofar as they prescribe a waiting period between the filing with the Supplementary Code Authority (or such agency as may be designated in the Supplementary Code) and the effective date of price lists, as originally filed and/or revised price lists or

revised terms and conditions of sale, be and they hereby are stayed pending my further Order.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D. C.,
July 22, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Supplementary Code of Fair Competition for the Vitreous Enameled Ware Manufacturing Industry a division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, the hearing having been conducted thereon in Washington, D.C., March 9, 1934, in accordance with the provisions of Title I of the National Industrial Recovery Act.

GENERAL STATEMENT

The Vitreous Enameled Ware Manufacturing Industry being truly representative of this division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry has elected to avail itself of the option of submitting a Supplementary Code of Fair Competition, as provided for in Section 1 of Article VI of the Basic Code, for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry approved by you on the second day of November, 1933.

RÉSUMÉ OF THE CODE

Article I states the purpose of the Supplementary Code.

Article II accurately defines specific terms employed in the Supplementary Code.

Article III. This Industry is a division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry and the labor provisions of its Basic Code, as approved November 2, 1933, are the labor provisions of this Supplementary Code.

Article IV establishes a Supplementary Code Authority consisting of five (5) members to be elected by the members of the Industry at a meeting called by the Temporary Supplementary Code Committee, and gives the Administrator the authority to appoint one additional member without vote and provides machinery for obtaining statistics and the administration of the Supplementary Code.

Article V sets forth the unfair trade practices of this Supplementary Code which has been especially designed to offset unfair competition in this division of the Industry.

Article VI contains the mandatory provisions contained in Section 10 (b) and also provides for the submission of proposed amendments to the Supplementary Code.

Article VII provides against monopolies and monopolistic practices.

Article VIII recognizes that price increases be limited to actual additional increases in the seller's costs.

Article IX states the effective date and duration of this Supplementary Code.

FINDINGS

The Assistant Deputy Administrator in his final report to me on said Supplementary Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) Said Supplementary Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Supplementary Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant Council is an industrial Council truly representative of the aforesaid Industry; and that said Council imposes no inequitable restriction on admission to membership therein.

(d) The Supplementary Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Supplementary Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Supplementary Code.

For these reasons, therefore, I have approved this Supplementary Code; provided, however, that the provisions of Rule "A" of Article V insofar as they prescribe a waiting period between the filing with the Supplementary Code Authority (or such agency as may be designated in the Supplementary Code) and the effective date of price lists, as originally filed and/or revised price lists or revised terms and conditions of sale, be and they hereby are stayed pending my further Order.

HUGH S. JOHNSON,
Administrator.

JULY 22, 1934.

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE VITREOUS ENAMELED WARE MANUFACTURING INDUSTRY

A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND
METAL FINISHING AND METAL COATING INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policy of Title I of the National Industrial Recovery Act, the following provisions are established as a Supplementary Code of Fair Competition for the Vitreous Enameled Ware Manufacturing Industry, pursuant to Article VI of the Basic Code of Fair Competition for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry approved by the President of the United States on the second day of November 1933, and the provisions of this Supplementary Code shall be the standards of Fair Competition for such Industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

The term "Vitreous Enameled Ware Manufacturing Industry" hereinafter referred to as the Industry, is defined to mean the manufacture for sale of sheet metal utensils, coated with vitreous enamel and used in homes, hospitals, hotels and restaurants, and butcher shops or otherwise.

The term "member of the Industry", as used herein, includes, but without limitation, any individual, partnership, association, corporation or other form of enterprise engaged in the Industry either as an employer or on his or its own behalf.

The terms "President", "Act", and "Administrator", as used herein, shall mean, respectively, the President of the United States, Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery under said Act.

The term "Basic Code", as used herein, is defined to mean the Basic Code of Fair Competition for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, as approved by the President on the second day of November 1933.

The term "Basic Code Authority", as used herein, is defined to mean the Executive Committee of the Fabricated Metal Products Federation.

The term "Council", as used herein, is defined to mean the Vitreous Enameled Ware Council or its successor.

The term "Supplementary Code Authority", as used herein, means the agency which is to administer this Supplementary Code as hereinafter provided.

The term "Duly Authorized Agent" or "Agent" of the Supplementary Code Authority, as used herein, is defined to mean the Com-

missioner of the Vitreous Enameled Ware Council, or his successor in office, or such other person as the Supplementary Code Authority may designate. Said Agent, in order to qualify as such, shall be entirely free from any interest in or connection with any company engaged in the manufacture or sale of the products of the Industry.

The term "Federation", as used herein, is defined to mean the Fabricated Metal Products Federation or its successor.

ARTICLE III—EMPLOYMENT PROVISIONS

This Industry is a division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, and without limitation the wage, hour, and labor provisions in Article III of its Basic Code as approved by the President November 2, 1933, including Section 1 of said Article III by which the provisions of Subsections (1), (2) and (3) of Section 7 (a) of Title I of the Act are made conditions of this Code, are specifically incorporated herein and made a part hereof as the wage, hour, and labor provisions of this Supplementary Code.

ARTICLE IV—ORGANIZATION AND ADMINISTRATION

SECTION 1. During the period not to exceed sixty (60) days following the effective date, the Duly Authorized Agent shall constitute a temporary Supplementary Code Authority until the Supplementary Code Authority, consisting of five (5) members, is elected by the members of the Industry assenting to this Supplementary Code, as hereinafter provided, at a meeting called by the temporary Supplementary Code Authority, upon ten (10) days' notice sent by registered mail to all members of the Industry, whose names may be ascertained after a diligent search, who may vote either in person or by proxy. The members of the Supplementary Code Authority shall serve for a period of one year from the date of their election and subsequent elections shall be on the same basis as above provided. Immediately after the annual election of said Supplementary Code Authority, the members thereof shall appoint a Duly Authorized Agent to administer the provisions of this Supplementary Code.

The members of the Supplementary Code Authority shall be elected in the following manner: One (1) member, who shall be a member of the Industry, not a member of the Council (provided there are such members of the Industry who are not members of the Council), to be elected by a majority vote of the qualified members of the Industry who are not members of the Council, present in person or by proxy, each member to have one vote. Such one member to be nominated by the members of the Industry who are not members of the Council.

Four (4) members, who are members of the Industry and members of the Council, to be elected by a majority vote of the qualified members of the Industry who are members of the Council present in person or by proxy, each member to have one vote. Such four members to be nominated by the members of the Council.

A vacancy in the membership of the Supplementary Code Authority shall be filled by a majority vote of the remaining members of

the Supplementary Code Authority; provided, however, that the member of the Supplementary Code Authority who is chosen to fill such vacancy shall be elected from the class of membership in which the vacancy has occurred.

In addition thereto, the Administrator may appoint a member of the Supplementary Code Authority who, without vote, shall serve without expense to the Industry unless the Supplementary Code Authority agrees to pay such expenses. The representative who may be appointed by the Administrator shall be given reasonable notice of and may sit at all meetings of the Supplementary Code Authority.

SECTION 2. The Trade Associations directly or indirectly participating in the selection or activities of the Supplementary Code Authority shall (1) impose no inequitable restrictions on admission to membership and (2) submit to the Administrator true copies of their Articles of Association, By-Laws, Regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

SECTION 3. In order that the Supplementary Code Authority shall at all times be truly representative of the Industry, and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter if he shall find that the Supplementary Code Authority or its Agent is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification of selection of the Supplementary Code Authority.

SECTION 4. It being found necessary in order to support the administration of this Supplementary Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Supplementary Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Supplementary Code;

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry;

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Supplementary Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry complying with the Supplementary Code and contributing to the expenses of its administration as hereinabove provided, shall be entitled to participate in the selection of members of the Supplementary Code Authority or to receive the

benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

The Supplementary Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

SECTION 5. The Supplementary Code Authority, through its Duly Authorized Agent, is hereby constituted the agency to administer the provisions of this Supplementary Code and shall have all of the powers which shall be necessary and proper to enable it to fully administer this Supplementary Code and to effectuate its purposes.

The Supplementary Code Authority, through its Duly Authorized Agent, shall have the following further powers and duties:

(a) To insure the execution of the provisions of the Supplementary Code and provide for the compliance of the Industry with the provisions of the Act.

(b) To adopt By-Laws and Rules and Regulations for its procedure and for the administration of the Supplementary Code.

(c) To obtain from members of the Industry such information and reports as are required for the administration of the Supplementary Code. In addition to information required to be submitted to the Supplementary Code Authority, members of the Industry, subject to this Supplementary Code, shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as he may designate; provided that nothing in this Supplementary Code shall relieve any member of the Industry of any existing obligations to furnish reports to any Government agency. No individual report shall be disclosed to any other member of the Industry or any other party except to such other Governmental agencies as may be directed by the Administrator.

(d) To use such agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Supplementary Code Authority of its duties or responsibilities under this Supplementary Code and that such agencies shall at all times be subject to and comply with the provisions hereof.

(e) To make recommendations to the Administrator for the coordination of the administration of this Supplementary Code with such other codes, if any, as may be related to the Industry.

(f) To appoint a Trade Practice Committee which shall meet with the trade practice committees appointed under such other codes as may be related to the industry for the purpose of formulating fair trade practices to govern the relationships between production and distribution employers under this code and under such other codes to the end that such fair trade practices may be proposed to the Administrator as amendments to this code and such other codes.

(g) To furnish from time to time to the Basic Code Authority designated in said Basic Code, such information as may be required to be furnished under the terms of the Basic Code.

(h) To appoint, within one month after the effective date of this Supplementary Code, a committee so constituted as to give due con-

sumer and Governmental representation, to make a study, with a view to the establishment of classifications and standards of quality and the labeling of products of the Industry wherever such standards are deemed feasible. The findings and recommendations of this committee shall be submitted to the Administrator, within one year after the effective date of this Supplementary Code, and after such hearings as he may designate, and upon approval by him shall be made a part of this Supplementary Code and be binding upon every member.

SECTION 6. To the extent permitted by the Act and pursuant to such rules and regulations as the Administrator may prescribe any and all information furnished to the Supplementary Code Authority by any members of this Industry pursuant to the provisions of this Supplementary Code shall be subject to verification by an Impartial Agent appointed by the Supplementary Code Authority, and each member of the Industry shall furnish to such Impartial Agent so much of his pertinent books, accounts and records as may be required to verify the accuracy of the information submitted.

SECTION 7. Every employer shall provide for the safety and health of employees during the hours and at the places of their employment. Standards for safety and health shall be submitted by the Supplementary Code Authority to the Administrator within six (6) months after the effective date of this Supplementary Code.

SECTION 8. Complaints made by members of the Industry to the Agent of the Supplementary Code Authority, of alleged violations of any of the provisions of this Supplementary Code, shall be made in writing.

In the event of a complaint being registered against any corporate member of the Industry, alleging a violation of this Supplementary Code, the Supplementary Code Authority may cause an investigation to be made by a person mutually agreed upon by the Supplementary Code Authority and the member of the Industry against whom the complaint is filed, or, if they are unable to agree within a reasonable time, by a disinterested person appointed by the Administrator upon request by the Supplementary Code Authority. The Supplementary Code Authority may require the member complained against to file with such investigator, within such reasonable time after receipt of a copy of the complaint, as the Supplementary Code Authority shall determine, an answer to such complaint accompanied by supporting data. Both answer and data shall be verified by affidavit. The investigator shall examine so much of the pertinent books and records of such member as may be required to verify the statements contained in said answer and/or the accuracy of the data supporting such statements. If the matter cannot thereafter be satisfactorily adjusted within the Industry, the facts may be placed before the Basic Code Authority to be presented to the Administrator for such procedure as he may deem advisable under the Act.

Any representative appointed by the Agent of the Supplementary Code to make any investigation, shall be a disinterested person or persons, who shall be entirely free from any interest in or connection with any company engaged in the manufacture or sale of the products of the Industry.

SECTION 9. All individual and private information received by the Agent of the Supplementary Code Authority or his representative from reports, or as a result of investigation shall be held in strict confidence and not disclosed to any competitor or other persons outside the Agent's office, without the permission of the members of the Industry involved, except as provided in Section 6 of this Article. Provided, however, that such information may be disclosed to any authorized Governmental agency, and provided, further, that information pertaining to the reporting of prices, terms, and conditions may be disclosed to effectuate the purpose of this Supplementary Code.

SECTION 10. Nothing contained in this Supplementary Code shall constitute the members of the Supplementary Code Authority partners for any purpose, either as among themselves, or in connection with the Agent of the Supplementary Code Authority. No member of the Supplementary Code Authority shall be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Supplementary Code Authority, nor shall the Agent of the Supplementary Code Authority be liable in any manner to anyone for any act of any member of the Supplementary Code Authority or any other officer, agent, or employee thereof. No member of the Supplementary Code Authority, nor the Agent of the Supplementary Code Authority, exercising reasonable diligence in the conduct of their duties hereunder, shall be liable to anyone for any action or omission to act under this Supplementary Code except for his own willful malfeasance or non-feasance.

SECTION 11. If the Administrator shall determine that any action of the Supplementary Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Supplementary Code Authority or agency pending final action which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty (30) days' notice to him of intention to proceed with such action in its original or modified form.

ARTICLE V—RULES OF FAIR COMPETITION IN MANUFACTURING AND MARKETING

(Superseding all Trade Practices set forth in Article V of the Basic Code)

Any member of the Industry who shall directly or indirectly through any officer, employee, agent, or representative, fail to comply with any of the following rules of Fair Competition in Manufacturing and Marketing shall be deemed to have violated this Supplementary Code.

RULE A. No products of the Industry, in whole or in part, shall be sold or exchanged or offered for sale or exchange at prices less than the seller's cost of such products; such cost to be based on a formula which shall be at least as detailed and complete as the formula to be prepared by the Supplementary Code Authority and approved by the Administrator. Provided, however, that if any member of the Industry desires to sell below his cost in order to meet competitive prices on articles of similar style, grade and/or specifi-

ation filed in accordance with the provisions of this Section, he shall first report to the agent of the Supplementary Code Authority and in such report cite the competition that would cause him to take such action. This revised price and/or condition of sale shall become effective immediately upon receipt thereof by said agent. Immediately upon receipt thereof said agent shall, by telegraph or by some other equally prompt means, notify said member of the time of such receipt.

When the Supplementary Code Authority determines that an emergency exists in this Industry and that the cause thereof is destructive price-cutting such as to render ineffective or seriously endanger the maintenance of the provisions of this Supplementary Code, the Supplementary Code Authority may cause to be determined the lowest reasonable cost of the products of this Industry, such determination to be subject to such notice and hearing as the Administrator may require. The Administrator may approve, disapprove, or modify the determination. Thereafter, during the period of emergency, it shall be an unfair trade practice for any member of the Industry to sell or offer to sell any products of the Industry for which the lowest reasonable cost has been determined at such prices or upon such terms and conditions of sale that the buyer will pay less therefor than the lowest reasonable cost of such products.

When it appears that conditions have changed, the Supplementary Code Authority, upon its own initiative or upon the request of any interested party, shall cause the determination to be reviewed.

All members of the Industry shall, within ten (10) days after the effective date of this Supplementary Code publish for the benefit of all wholesalers and manufacturers of enameled ware and file with the Agent of the Supplementary Code Authority, net price lists and/or price lists and discount sheets, including terms, and other conditions at which they will sell the products of the Industry to the recognized wholesale distributors.

Revised price lists and/or discount sheets and/or all other conditions of sale may be filed from time to time thereafter with the Agent of the Supplementary Code Authority by any member of the Industry, to become effective ten (10) days after actual receipt by the Agent of the Supplementary Code Authority. Copies of such original price lists and revised lists and/or discount sheets and/or all other conditions of sale, with notice of the effective date thereof, shall be immediately sent to all members of the Industry, and shall be available to all interested parties; and any member of the Industry may file, if he so desires, revisions of his price list and/or discount sheets and/or conditions of sale, which shall become effective at the date when the revised list first filed becomes effective.

In the event that the Supplementary Code Authority shall find that competitive conditions in the sale of the products of the Industry to any one or more of the various classes of trade, have resulted in improper price cutting or other unfair competitive practices, it may, with the approval of the Administrator, require the filing of net price lists and/or discount sheets by all members of the Industry, setting forth the prices, terms, bases of delivery and other conditions at which they will sell the products of the Industry to such other class or classes of trade. The manner and effect of such

filing shall be the same in all respects as set forth in the two (2) preceding paragraphs.

When filing net price lists and/or price lists and discount sheets, as set forth in this Rule A, each member of the Industry shall file with the Agent of the Supplementary Code Authority the number of such price lists and/or price lists and discount sheets required by him for the purpose set forth in this Rule.

The sale of dropped lines, or inventories which must be converted into cash to meet emergency needs may be made by any member of the Industry upon two weeks' notice of intention to do so, in writing, to the Supplementary Code Authority setting forth the facts and the reasons for such proposed disposal. If any member of the Industry shall, within six months after any such disposal, manufacture any product which he has classified as a dropped line, the emergency sale of such product below cost shall be deemed prima facie to have been in violation of this Supplementary Code.

No member of the Industry shall sell or offer to sell directly by any means whatsoever, any products of the Industry, covered by provisions of this Article V, at a price or at discounts or on other conditions of sale more favorable than those provided in his own current net price lists or price lists and discount sheets.¹

RULE B. Withholding from or inserting in any invoice a false record, wholly or in part, of the transaction represented on the face thereof, and the payment or allowance of secret rebates, illegitimate credits or unearned cash discounts, (whether in the form of money or otherwise), are unfair trade practices.

RULE C. To defame or disparage a competitor directly or indirectly, by words or acts which untruthfully impugn his business integrity, his ability to keep his contracts, his credit standing, or the quality of his products, is an unfair trade practice.

RULE D. To imitate or simulate the trade mark, trade name, package, wrapper, or label of a competitor's product to such a degree as to deceive or have a tendency to deceive customers, is an unfair trade practice.

RULE E. To give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal or party, is an unfair trade practice. Provided, however, that nothing in this Rule contained shall be so construed as to prohibit free and general distribution of articles commonly used for advertising except as far as such articles are actually used for commercial bribery as hereinabove defined.

RULE F. The false marking, branding or labeling of any product of the Industry which has the tendency to mislead or deceive customers, prospective customers or competitors, whether as to the grade, quality, quantity, substance, character, nature, origin, size, finish or preparation of any product of the Industry, is an unfair trade practice.

RULE G. The making or causing or knowingly permitting to be made or published any false, materially inaccurate or deceptive

¹ See paragraph 2 of order approving this Code.

statement, by way of advertisement or otherwise, whether concerning the grade, quality, substance, character, nature, origin, size, finish or preparation of any product of the Industry, or the credit terms, values, policies, or services of any member of the Industry, or otherwise, having the tendency or capacity to mislead or deceive customers or prospective customers, is an unfair trade practice.

RULE H. Inducing, or attempting to induce, the breach of any contract between a competitor and his customer, or accepting the repudiation of contracts, or the sale of any of the products of the Industry with the privilege of return except for defects, are unfair trade practices.

RULE I. *Shipping goods on consignment is an unfair trade practice.*—The term “consignment”, as used in this section, means the supplying of goods to a consignee for sale by the consignee under any contract, agreement or understanding whereby title to the goods remains in the consignor until such time as they are withdrawn from the consigned stock and/or sold by the consignee, and under which no liability for the purchase price of said goods arises on the part of the consignee until such withdrawal and/or sale by him.

RULE J. No member of the Industry shall grant to any purchaser more favorable terms than two (2) percent for cash payment within ten (10) days from date of invoice, thirty (30) days net and date of invoice shall be the date of shipment with the following exceptions:

1. In cases where numerous invoices are rendered to any customer during a month by any member of the Industry, such invoices dated from the 1st to the 15th of the month inclusive may be discounted on the 25th of the same month and invoices dated from the 16th to the end of the month inclusive may be discounted on the 10th of the next following month.

2. Terms to department stores shall not be more favorable than two (2) percent ten (10) days E.O.M.

3. Terms to the retail trade (other than department stores) shall not be more favorable than two (2) percent ten (10) days, net sixty (60) days.

4. Enameled roasters shipped and billed direct to the retail trade after August 1st of each year may be accorded November 1st dating of the same year. Enameled roasters shipped and billed direct to jobbers after July 1st of each year may be accorded October 1st dating of the same year.

In no case may the provisions of this Rule be varied by any allowance for anticipated payment.

RULE K. *The sale of kiln run ware is an unfair trade practice.*—The term “kiln run ware”, as used herein, is defined to mean Vitreous Enameled Ware as it is removed from the kiln after burning, without such inspection as will determine which articles are of first grade quality and which are of second grade quality, the resulting mixture of first and second grade articles being packed and sold as “kiln run ware.”

RULE L. In order that the consuming public may be properly informed, the sale of Vitreous Enameled Ware manufactured after the effective date of this Supplementary Code, as “seconds”, without so labeling it, is an unfair trade practice.

Such labeling may include a brand name and the name of the manufacturer, but must include the word “second” in bold-face type.

RULE M. The giving of free goods except as samples, or the granting of advertising or catalog allowances in connection with the sale of Vitreous Enameled Ware, is an unfair trade practice.

Provided, however, that the restrictions of this Section shall not apply to the furnishing of electrotypes, or stock catalog pages or other advertising matter.

RULE N. Because of the fact that the leasing, by manufacturers, of space in department stores and other retail mercantile establishments selling the products of this Industry has been used as a means of granting rebates and price concessions to favored customers and has worked to the detriment of small manufacturers, such leasing of space in connection with the sale of the products of the Industry, is declared to be an unfair trade practice.

ARTICLE VI—MODIFICATIONS

SECTION 1. This Supplementary Code and all the provisions thereof, are expressly made subject to the right of the President, in accordance with the provisions of subsection (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under said Act.

SECTION 2. This Supplementary Code except as to provisions required by the Act, may be modified and/or amended on the basis of experience or changes in circumstances, such modifications and/or amendments to be based upon application by the Supplementary Code Authority or other representative group within the Industry to the Administrator and such notice and hearing as he shall specify and to become effective as part of this Supplementary Code on approval by the President and/or the Administrator.

ARTICLE VII—MONOPOLIES

No provision of this Supplementary Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

ARTICLE VIII—PRICE INCREASES

Whereas the policy of the Act to increase real purchasing power will be made more difficult of consummation if prices of goods and services increase as rapidly as wages, it is recognized that price increases except such as may be required to meet individual cost should be delayed, but when made such increases should, so far as possible, be limited to actual additional increases in the seller's costs.

ARTICLE IX—EFFECTIVE DATE AND DURATION

This Supplementary Code shall become effective at 12:01 o'clock a.m. on the 10th day after it is approved by the President and shall continue in effect until June 16, 1935, or the earliest date prior thereto on which the President shall, by proclamation, or the Congress shall, by joint resolution, declare that the emergency recognized by Section 1 of the National Recovery Act, has ended.

Approved Code No. 84—Supplement No. 43.
Registry No. 1018-1-01.

ADMINISTRATIVE ORDERS

ADMINISTRATIVE ORDER NO. 334-3

ALLOWING EXCEPTION FOR CABINET, MILL AND ARCHITECTURAL
WOODWORK INSTITUTEEXCEPTION TO AND STAY FOR CERTAIN PERSONS AFFECTED BY
BEVERAGE DISPENSING EQUIPMENT CODE

Whereas, the Cabinet, Mill and Architectural Woodwork Institute has applied for an exception to and a stay of the provisions of the Code of Fair Competition for the Beverage Dispensing Equipment Industry, approved March 16, 1934, and

Whereas, the applicant Institute has complied in all respects with the provisions of the Executive Order of July 15, 1933;

NOW, THEREFORE, I, A. R. Glancy, Division Administrator for Industry Division No. 2, do hereby except the members of the Cabinet, Mill and Architectural Woodwork Institute, severally and individually, from the provisions of the Code of Fair Competition for the Beverage Dispensing Equipment Industry, and grant a stay of its provisions affecting them until such time as a public hearing may be held and a decision reached.

A. R. GLANCY,
Division Administrator.

Recommended:

WILLIAM LAWSON,
Assistant Deputy Administrator.

Recommended:

BARTON W. MURRAY,
Deputy Administrator.

APRIL 17, 1934.

ADMINISTRATIVE ORDER NO. 176-6

ORDER, CODE OF FAIR COMPETITION FOR THE PAPER DISTRIBUTING TRADE—APPROVAL OF APPLICATION FOR ALLOWANCE FOR WAGES OF LABOR

An application having been duly made pursuant to the provision of Article VIII, Section 4 (a) of the Paper Distributing Trade Code for an allowance for the actual wages of labor to be included in the selling price of merchandise in the Paper Distributing Trade, and it appearing that said allowance will tend to effectuate the purposes of the Code and the policies of Title I of the National Industrial Recovery Act.

NOW, THEREFORE, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me, do hereby order that said allowance be, and it is hereby established as follows, the percentages to be based on the replacement cost of materials:

	<i>Percentage for Labor Costs</i>
<i>Fine Paper Division</i>	
(1) Warehouse Sales.....	12%
(2) Indirect Sales.....	3%
(3) Direct Sales.....	2%
	<i>Percentage for Labor Costs</i>
<i>Wrapping Paper Division</i>	
(1) Warehouse Sales.....	9%
(2) Indirect Sales.....	2%
(3) Direct Sales.....	1%

Said allowance shall be effective until December 31, 1934, subject to my further order.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

GEO. L. BERRY,
Division Administrator.

WASHINGTON, D.C.,
June 7, 1934.

ADMINISTRATIVE ORDER NO. 280-36

RE GOVERNING COLLECTION OF EXPENSES OF CODE ADMINISTRATION

ORDER, CODE OF FAIR COMPETITION FOR THE RETAIL SOLID FUEL INDUSTRY—GRANTING APPLICATION OF THE RETAIL SOLID FUEL INDUSTRY THROUGH THE NATIONAL CODE AUTHORITY, 1001 FIFTEENTH STREET NW., WASHINGTON, D.C., FOR AN EXEMPTION FROM THE PROVISIONS OF PARAGRAPH III OF ADMINISTRATIVE ORDER X-36, DATED MAY 26, 1934

WHEREAS, an application has been made by the above-named applicant for an exemption from the provisions of Paragraph III of Administrative Order X-36, dated May 26, 1934; and

WHEREAS, hearings have been duly held thereon and the Deputy Administrator has reported, and it appears to my satisfaction that the exemption hereinafter granted is necessary and will tend to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, pursuant to authority vested in me, it is hereby ordered that the above-named applicant be and hereby is exempted from said provision of said Order so that each member of said applicant shall be required to contribute to the expense of the National and Divisional administration of the Code of Fair Competition for the Retail Solid Fuel Industry in addition to any contribution required of such member to the expense of the administration of any other Code or Codes.

C. E. ADAMS,
Division Administrator.

Approval recommended:

W. P. ALICE,
Deputy Administrator.

JULY 7, 1934.

ADMINISTRATIVE ORDER NO. 278-33

EXTENDING TIME FOR REGISTRATION AND DISPLAY OF INSIGNIA

ORDER, EXTENDING CERTAIN TIME PROVISIONS OF THE CODE OF FAIR COMPETITION FOR THE TRUCKING INDUSTRY IN THE STATE AREAS OF NEW MEXICO AND THE DISTRICT OF COLUMBIA

WHEREAS, the Code of Fair Competition for the Trucking Industry was approved by the President on the 10th day of February 1934, and became effective fifteen (15) days thereafter, and

WHEREAS, Article VI of said Code requires that every member of the Industry shall register his name, number and type of vehicle operated, and submit such other information as may be prescribed by the National Code Authority with the approval of the Administrator within thirty (30) days after the effective date of said Code, and

WHEREAS, said Article VI further requires that after forty-five (45) days after the effective date of said Code, it shall be a violation of said Code for any member of the Industry to operate any vehicle without a registration insignia, and

WHEREAS, Section 3 of Article III of said Code provides that an election of the State Code Authorities by the members of the Industry, who have registered as required under Article VI, be held within sixty (60) days after the effective date of the Code, and

WHEREAS, by Administrative Order issued on June 18th the time within which members of the Trucking Industry were required to register was extended to June 28, 1934, and the requirement for the display of registration of the vehicle was extended to July 13, 1934, and the time within which elections must be held was extended to July 28, 1934, and

WHEREAS, the Budget of the Trucking Industry was not approved until May 10, 1934, and registration could not be commenced until after the approval of said Budget, and

WHEREAS, the appointment of temporary members of the State Code Authority for New Mexico was not approved by the Administrator until June 5, 1934, and the Secretary of said State Code Authority was unavoidably absent, and

WHEREAS, the appointment of temporary members of the State Code Authority for the State area of the District of Columbia was not approved until July 2, 1934, and

WHEREAS, the National Code Authority for the Trucking Industry has requested that the time within which members of the Trucking Industry operating in the area subject to the jurisdiction of the State Code Authority for New Mexico must register and file schedules of minima for rates and tariffs, be extended to July 15, 1934, and the time within which display of registration insignia on the vehicle is required, be extended to July 30, 1934, and that any "for hire" member who has registered and assented to the Code on or before July 15, 1934, shall be entitled to vote in the first elections

of the permanent members of the State and Divisional Code Authorities to be held within thirty (30) days after June 28, 1934, and

WHEREAS, the National Code Authority for the Trucking Industry has requested that the time within which members of the Trucking Industry operating in the area subject to the jurisdiction of the State Code Authority for the District of Columbia must register and file schedules of minima for rates and tariffs, be extended to July 13, 1934, and the time within which display of the registration insignia on the vehicle is required, be extended to July 28, 1934, and that any "for hire" member who has registered and assented to the Code on or before July 13, 1934, shall be entitled to vote in the first elections of the permanent members of the State and Divisional Code Authorities to be held within thirty (30) days after June 28, 1934, and

WHEREAS, it appears that because of the recent approval date of the appointment of members to the temporary State Code Authority for the State of New Mexico (June 5) and for the District of Columbia (July 2) and because of the unavoidable absence from the State of the Secretary of the temporary New Mexico State Code Authority, the registration of members of the Industry in that State was temporarily delayed, it is necessary that the above extensions be made in order that members of the Industry in these areas will be enabled to comply with the Code.

NOW, THEREFORE, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to the authority vested in me by Executive Orders of the President and the Code of Fair Competition for the Trucking Industry, and otherwise, do hereby order that (1) the time within which members of the Trucking Industry operating in the area set up as the jurisdiction of the State Code Authority for the State of New Mexico, must register and file schedules of minima for rates and tariffs be extended to July 15, 1934, and the time within which display of registration insignia on the vehicle is required, be extended to July 30, 1934, and that any "for hire" member who has registered and assented to the Code on or before July 15, 1934, shall be entitled to vote in the first elections of the permanent members of the State areas and Divisional Code Authorities to be held within thirty (30) days after June 28, 1934; (2) the time within which members of the Trucking Industry operating in the area set up as the jurisdiction of the State Code Authority for the State area of the District of Columbia must register and file schedules of minima for rates and tariffs be extended to July 13, 1934, and the time within which display of the registration insignia on the vehicle is required, be extended to July 28, 1934, and that any "for hire" member who has registered and assented to the Code on or before July 13, 1934, shall be entitled to vote in the first elections of the permanent members of the State area and Divisional Code Authorities to be held within thirty (30) days after June 28, 1934.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

SOL A. ROSENBLATT,
Division Administrator.

JULY 7, 1934.

ADMINISTRATIVE ORDER NO. 64-15

EXTENSION OF TIME TO REPORT ON WAGE DIFFERENTIALS

ORDER, CODE OF FAIR COMPETITION FOR THE DRESS MANUFACTURING INDUSTRY—EXTENDING ORDER NO. 64-3, DATED DECEMBER 14, 1933

WHEREAS, an order has been signed heretofore by me on December 14, 1933, providing among other things, wage differentials for the western area as defined in the Code of Fair Competition for the Dress Manufacturing Industry and to be enforced until July 1, 1934, prior to which date the Code Authority should make recommendations to the Administrator as to the continuance or change of the provisions of said order: and

WHEREAS, representations have been made to me by the Code Authority that additional time is necessary for study and preparation of a report concerning wage differentials for the western area; and

WHEREAS, it appears to my satisfaction that the policy of the National Industrial Recovery Act will be effectuated by granting an extension of time for the preparation of said report by the Code Authority:

NOW, THEREFORE, pursuant to authority vested in me by Executive Orders and otherwise, it is hereby ordered that said Order No. 64-3, dated December 14, 1933, be and the same hereby is extended and is continued to be in full force and effect in all its provisions until August 1, 1934.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

SOL A. ROSENBLATT,
Division Administrator.

JULY 9, 1934.

ADMINISTRATIVE ORDER NO. 334-5

INCLUSION OF CABINET, MILL AND ARCHITECTURAL WOODWORKERS
UNDER THE CODEREMOVAL OF EXCEPTION TO AND STAY FOR CERTAIN PERSONS
AFFECTED BY THE BEVERAGE DISPENSING EQUIPMENT IN-
DUSTRY CODE

WHEREAS, the Cabinet, Mill and Architectural Woodwork Institute applied for, and its members, severally and individually, were, by Order 334-3 of April 17, 1934, granted, an exception from the provisions of the Code of Fair Competition for the Beverage Dispensing Equipment Industry, approved March 16, 1934, and a stay of its provisions affecting them until such time as a public hearing might be held and a decision reached, and

WHEREAS, the said Cabinet, Mill and Architectural Woodwork Institute, for and on behalf of itself and its members, has now petitioned for a removal of the exception and stay granted as aforesaid,

NOW, THEREFORE, I, Barton W. Murray, Division Administrator for Industry Division No. 2, do hereby remove the said exception and stay, granted by Order No. 334-3, of April 17, 1934, effective from and after the date of this Order, and do order that the provisions of the Code of Fair Competition for the Beverage Dispensing Equipment Industry henceforth shall be applicable to the Cabinet, Mill and Architectural Woodwork Institute and to the members thereof, severally and individually.

BARTON W. MURRAY,
Division Administrator.

Recommended:

WILLIAM LAWSON,
Assistant Deputy Administrator.

NEAL W. FOSTER,
Deputy Administrator.

JULY 10, 1934.

Approved:

CHESTER F. PRICE,
Legal Division.

ADMINISTRATIVE ORDER NO. X-62

SUPPLEMENTING ADMINISTRATIVE ORDER NO. X-61, DATED JULY 10, 1934, AND THE BASIC CODE ANNEXED THERETO

By virtue of the authority vested in me as Administrator for Industrial Recovery under Title I of the National Industrial Recovery Act and to supplement Administrative Order No. X-61, dated July 10, 1934, and the Basic Code annexed thereto, it is hereby ordered that:

A. *General N.R.A. Code Authority.*

1. The General N.R.A. Code Authority, provided for in Article IV of said Basic Code, shall be appointed by the Administrator and shall serve without expense to the Industries subject to such Code.

2. Such Code Authority shall have the following powers and duties:

- (a) To insure the execution of the provisions of the Code and to provide for the compliance of the trade/industry with the provisions of the Act.
- (b) To adopt by-laws and rules and regulations for its procedure.
- (c) To obtain from members of the trade/industry such information and reports as are required for the administration of the Code. In addition to information required to be submitted to the Code Authority, members of the trade/industry subject to said Basic Code shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3(a) of the Act to such Federal and State agencies as he may designate; provided that nothing in the Code shall relieve any member of the trade/industry of any existing obligations to furnish reports to any Government agency. No individual report shall be disclosed to any other member of the trade/industry or any other party except to such other Government agencies as may be directed by the Administrator.
- (d) The General N.R.A. Code Authority shall submit to the Administrator within 90 days after the approval of this Basic Code a list of industries covered by the Basic Code, in which work on any part of the product is performed in the home and/or work is contracted out. The General N.R.A. Code Authority may also submit a list of special problems affecting particular industries operating under the Basic Code, and recommendations pertaining thereto.

- (e) To make recommendations to the Administrator for the coordination of the administration of the Code and such other codes, if any, as may be related to or affect members of the trade/industry.
- (f) To recommend to the Administrator any action or measure deemed advisable, including further fair trade practice provisions to govern members of the trade/industry in their relations with each other or with other trades/industries; measures for industrial planning, and stabilization of employment.

B. Open Price Filing.

As provided for in Section (b) of Article V of said Basic Code, prices, rebates, discounts, commissions, and conditions of sale shall be filed in accordance with the following provisions:

1. Each member of the trade/industry shall file with a confidential and disinterested agent of the code authority or, if none, then with such an agent designated by the Administrator, identified lists of all of his prices, discounts, rebates, allowances, and all other terms or conditions of sale, hereinafter in this article referred to as "price terms", which lists shall completely and accurately conform to and represent the individual pricing practices of said member. Such lists shall contain the price terms for all such standard products of the industry as are sold or offered for sale by said member and for such non-standard products of said member as shall be designated by the code authority. Said price terms shall in the first instance be filed within 30 days after the date of approval of this provision. Price terms and revised price terms shall become effective immediately upon receipt thereof by said agent. Immediately upon receipt thereof, said agent shall by telegraph or other equally prompt means notify said member of the time of such receipt. Such lists and revisions, together with the effective time thereof, shall upon receipt be immediately and simultaneously distributed to all members of the industry and to all of their customers who have applied therefor and have offered to defray the cost actually incurred by the code authority in the preparation and distribution thereof and be available for inspection by any of their customers at the office of such agent. Said lists or revisions or any part thereof shall not be made available to any person until released to all members of the industry and their customers, as aforesaid; provided, that prices filed in the first instance shall not be released until the expiration of the aforesaid 30 day period after the approval of this code. The code authority shall maintain a permanent file of all price terms filed as herein provided, and shall not destroy any part of such records except upon written consent of the Administrator. Upon request the code authority shall furnish to the administrator or any duly designated agent of the Administrator copies of any such lists or revisions of price terms.

2. When any member of the trade/industry has filed any revision, such member shall not file a higher price within forty-eight (48) hours.

3. No member of the trade/industry shall sell or offer to sell any product, services of the trade/industry, for which price terms have been filed pursuant to the provisions of this article, except in accordance with such price terms.

4. No member of the industry shall enter into any agreement, understanding, combination or conspiracy to fix or maintain price terms, nor cause or attempt to cause any member of the industry to change his price terms by the use of intimidation, coercion, or any other influence inconsistent with the maintenance of the free and open market which it is the purpose of this Article to create.

C. Costs and price cutting.

1. The standards of fair competition for the trade/industry with reference to pricing practices are declared to be as follows:

- (a) Wilfully destructive price cutting is an unfair method of competition and is forbidden. Any member of the trade/industry or of any other trade/industry or the customers of either may at any time complain to the Code Authority that any filed price constitutes unfair competition as destructive price cutting, imperiling small enterprise or tending toward monopoly or the impairment of code wages and working conditions. The Code Authority shall within 5 days afford an opportunity to the member filing the price to answer such complaint and shall within 14 days made a ruling or adjustment thereon. If such ruling is not concurred in by either party to the complaint, all papers shall be referred to the Research and Planning Division of N.R.A. which shall render a report and recommendation thereon to the Administrator.
- (b) When no declared emergency exists as to any given product, there is to be no fixed minimum basis for prices. It is intended that sound cost estimating methods should be used and that consideration should be given to costs in the determination of pricing policies.
- (c) When an emergency exists as to any given product, sale below the stated minimum price of such product, in violation of Section 2 hereof, is forbidden.

2. Emergency Provisions.

- (a) If the Administrator, after investigation shall at any time find both (1) that an emergency has arisen within the trade/industry adversely affecting small enterprises or wages or labor conditions, or tending toward monopoly or other acute conditions which tend to defeat the purposes of the Act; and (2) that the determination of the stated minimum price for a specified product within the trade/industry for a limited period is necessary to mitigate the conditions constituting such emergency and to effectuate the purposes of the Act, the Code Authority may cause an impartial agency to investigate costs and to recommend to the Administrator a determination of the stated minimum price of the product affected by the emergency and thereupon the Administrator may proceed to determine such stated minimum price.

(b) When the Administrator shall have determined such stated minimum price for a specified product for a stated period, which price shall be reasonably calculated to mitigate the conditions of such emergency and to effectuate the purposes of the National Industrial Recovery Act, he shall publish such price. Thereafter, during such stated period, no member of the trade/industry shall sell such specified products at a net realized price below said stated minimum price and any such sale shall be deemed destructive price cutting. From time to time, the Code Authority may recommend review or reconsideration or the Administrator may cause any determinations hereunder to be reviewed or reconsidered and appropriate action taken.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

WASHINGTON, D.C.,
July 10, 1934.

ADMINISTRATIVE ORDER NO. X-61

PLAN FOR COMPLETION OF CODE MAKING

By virtue of authority vested in me as Administrator for Industrial Recovery under Title I of the National Industrial Recovery Act, and in order to provide a simple means of giving a code forthwith to those industries remaining uncodified who desire a code and in order thereby to free N.R.A. for administration of approved codes, it is hereby ordered that:

1. This Plan is available to any industry not yet codified under said Act (with the exception of industries, including local service trades, for specific cause designated by the Administrator for different treatment). Any such industry may apply to the Administrator for codification by application of the Basic Code (Exhibit "A", annexed) as the code for such industry. The hour and wage provisions to be included in said Basic Code, as to any applicant industry, shall be those already approved for the proper kindred industry, as determined by the Administrator, after due consideration of representations of the applicant industry and other relevant data. An uncodified industry, instead of applying for the Basic Code, may apply for consolidation and complete coverage by the existing code for the proper kindred industry, subject to stay as to applicant industry of provisions then inconsistent with policy.

2. If any such application is made by a truly representative body of the industry and if there be no objection by any party in material interest after ten (10) days published notice to all concerned, such Code shall, without further hearing, reference to Advisory Boards or other administrative action, become effective ten (10) days after its approval by the Administrator, in industries employing less than fifty thousand (50,000) persons, or by the President in all other industries.

3. All uncodified industries which desire codification (excepting those specially designated as above) are requested so to apply for such Basic Code or for consolidation with codes for kindred industries. If, after the approval of such application for any industry, it desires additional fair trade practice provisions or modifications as to such industry of the Basic Code, or the code with which consolidated, such industry may apply therefor at any time and will be accorded a prompt hearing and determination with respect thereto. Any industry which desires to consolidate under the code of a kindred industry may do so on approval of the Administrator even after becoming subject to the Basic Code.

4. It is not intended by this Plan to force all remaining uncodified industries under codes, but as to any such industry not yet codified which does not apply for such Basic Code, or for consolidation as above, within thirty (30) days after the date hereof and in which the Administrator shall determine that wages, hours, and conditions of

labor constitute an abuse inimical to the public interest and contrary to the policy of said Act, the Administrator will within forty (40) days after the date hereof provide for a hearing in accordance with Section 3 (d) of said Act to determine whether a code covering hours of labor, rates of pay, and other working conditions shall not be prescribed thereunder.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

WASHINGTON, D.C.,
July 10, 1934.

BASIC CODE

July 10, 1934

ARTICLE I

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a basic Code of Fair Competition which shall govern every industry applying therefor in accordance with Administrative Order No. X-61, dated July 10, 1934.

ARTICLE II

SECTION 1. *Hours*.—No employee shall be permitted to work in excess of ----- hours in any one week, except that for ----- weeks in any one calendar year, any employee may be permitted to work not more than ----- hours per week. All hours in excess of ----- per day or ----- per week shall be paid for at not less than one and one-half ($1\frac{1}{2}$) times the employee's regular rate.

SECTION 2. *Exceptions*.—The provisions of Section 1 shall not apply to employees engaged in emergency maintenance or emergency repair work involving breakdown or the protection of life or property, nor to persons employed in a managerial or executive capacity who earn regularly Thirty-five Dollars (\$35.00) per week or more, nor to any other class of employees which the Administrator shall find upon application of true representatives of the trade or industry should be subjected to an exemption or modification in accordance with N.R.A. policy; provided, however, that employees engaged in such emergency maintenance and emergency repair work shall be paid at one and one-half ($1\frac{1}{2}$) times their normal rate for all hours worked in excess of forty (40) hours per week.

SECTION 3. *Minimum Wages*.—No employee shall be paid in any pay period less than at the rate of ----- per week for ----- hours of labor, except in ----- in which region no employee shall be paid in any pay period less than at the rate of ----- per week for ----- hours of labor.

SECTION 4. *Wages in General*.—All wages shall be adjusted so as to maintain a differential at least as great in amount as that existing on June 16, 1933, between wages for such employment and the then minima. In no case shall there be any reduction in hourly rates; nor in weekly earnings for any reduction in hours of less than thirty per cent.

ARTICLE III

SECTION 1. *Child Labor*.—No person under sixteen years of age shall be employed in the industry in any capacity. No person under eighteen years of age shall be employed at operations or occupations

which are hazardous in nature or dangerous to health. The Code Authority shall submit to the Administrator for approval before October 1, 1934, a list of such operations or occupations. In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a valid certificate or permit duly signed by the authority in such State empowered to issue employment or age certificates or permits, showing that the employee is of the required age.

SECTION 2. *Apprentices.*—The hours and wages of regularly indentured apprentices in skilled trades or occupations of the industry may depart from the standards hereinabove prescribed; provided that the terms of employment and the course of instruction of such apprentices shall conform to standards uniform throughout the trade or industry and approved by the Administrator.

SECTION 3. *Handicapped Persons.*—A person whose earning capacity is limited because of age, physical or mental handicap, or other infirmity, may be employed on light work at a wage below the minimum established by this Code, if the employer obtains from the State authority designated by the United States Department of Labor, a certificate authorizing such person's employment at such wages and for such hours as shall be stated in the certificate. Such authority shall be guided by the instructions of the United States Department of Labor in issuing certificates to such persons. Each employer shall file monthly with the Code Authority a list of all such persons employed by him, showing the wages paid to, and the maximum hours of work for such employee.

SECTION 4. *Safety and Health.*—Every employer shall make reasonable provisions for the safety and health of his employees at the place and during the hours of their employment. Standards for safety and health shall be submitted by the Code Authority to the Administrator for approval within six months after the effective date of this Code. The standards approved shall thereafter be a part of this Code and enforceable as such.

SECTION 5. *Required Labor Clauses.*—The provisions of Section 7 (a) of said Act are hereby incorporated herein by this reference and shall be complied with.

ARTICLE IV

Administration.—This Code shall be administered by the General N.R.A. Code Authority which shall be selected pursuant to, have the powers specified in and function in accordance with Administrative Order X-62, dated July 10, 1934; provided, however, that, on approval by the Administrator, any industry so desiring may elect its own Code Authority to have powers and to function in the manner prescribed for the General N.R.A. Code Authority and under such rules and regulations as the Administrator may prescribe.

ARTICLE V

Trade Practices.—(a) It shall be an unfair method of competition for any member of any trade or industry subject hereto to violate any rule of fair trade practice for such trade or industry even if not herein contained when approved by the Administrator, or, in the case of

trade practice provisions for trades or industries under the jurisdiction of the Secretary of Agriculture when approved by such Secretary, on application concurred in by seventy-five (75) per cent of the members of such trade or industry.

(b) Prices, rebates, discounts, commissions and conditions of sale shall be filed as prescribed in Administrative Order No. X-62, dated July 10, 1934, and it shall be an unfair method of competition to violate or fail to comply with the terms of that Order.

ARTICLE VI

Section 10 (b) of said Act is hereby incorporated herein by reference and this Code is expressly made subject thereto.

ADMINISTRATIVE ORDER NO. X-63

PRESCRIBING RULES AND REGULATIONS TO SUPPLEMENT ADMINISTRATIVE ORDER NO. X-61, DATED JULY 10, 1934, AND THE BASIC CODE ANNEXED THERETO

By virtue of authority vested in me as Administrator for Industrial Recovery under Title I of the National Industrial Recovery Act the following rules and regulations are hereby prescribed to supplement the above-mentioned Administrative Order and Code:

1. The minimum rates of pay provided for in Article II of said Basic Code shall apply, irrespective of whether an employee is actually compensated on a time rate, piecework, or other basis.

2. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

3. No employer shall permit any employee to work for any time which, when totaled with that already performed for another employer or employers exceeds the maximum permitted herein.

4. No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge so as to defeat the purposes or provisions of the Act or of said Basic Code.

5. No employer shall dismiss or demote any employee for making a complaint or giving evidence with respect to an alleged violation of the provisions of any Code of Fair Competition.

6. Code Authorities selected by industry in accordance with Article IV of said Basic Code shall function at the expense of the industry in accordance with such further rules and regulations as the Administrator may prescribe.

7. No provision hereof, of said Administrative Order No. X-61 or of said Basic Code, shall supersede any State or Federal law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, safety, health and sanitary conditions, insurance, fire protection or general working conditions, than are imposed thereby.

8. No provision hereof, of said Administrative Order No. X-61, or of said Basic Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

WASHINGTON, D.C.,
July 10, 1934.

ADMINISTRATIVE ORDER NO. X-65

RE GOVERNMENT CONTRACTS AND CONTRACTS INVOLVING THE USE
OF GOVERNMENT FUNDS

APPLICATION OF EXECUTIVE ORDER 6646

EXCEPTION No. 29

JULY 10, 1934.

UPON THE RECOMMENDATION OF THE NAVY DEPARTMENT, THROUGH
THE DIVISION OF PROCUREMENT OF THE TREASURY DEPARTMENT

By virtue of the delegation of authority by the President of the United States in Paragraph 5 of the Executive Order 6646, the following exception from the operation of Paragraph 1 of the Order is hereby made:

“Crowley Launch and Tugboat Company for transportation of stores on San Francisco Bay or waters tributary thereto during the fiscal year beginning July 1, 1934;

“Crowley Launch and Tugboat Company for fresh water supplied to vessels in San Francisco Bay during the fiscal year beginning July 1, 1934;

“Shipowners and Merchants Towboat Company for necessary tug services for docking and undocking battleships at Hunter’s Point Dry Dock during the fiscal year beginning July 1, 1934;

“San Pedro Tugboat Company (Branch of Shipowners and Merchants Towboat Company, Ltd.) for services of tugs for towage in Los Angeles Harbor during the fiscal year beginning July 1, 1934.”

HUGH S. JOHNSON,
Administrator.

ADMINISTRATIVE ORDER NO. X-64

RE GOVERNMENT CONTRACTS AND CONTRACTS INVOLVING THE
USE OF GOVERNMENT FUNDS

APPLICATION OF EXECUTIVE ORDER 6646

EXCEPTION No. 24

JULY 10, 1934.

UPON THE RECOMMENDATION OF THE WAR DEPARTMENT, THROUGH THE
DIVISION OF PROCUREMENT OF THE TREASURY DEPARTMENT

By virtue of the delegation of authority by the President of the United States in Paragraph 5 of the Executive Order 6646, the following exception from the operation of Paragraph 1 of the Order is hereby made:

“Contract between the War Department and the Shipowners and Merchants Towboat Company, Limited, for tug for towing targets at the 250th Coast Artillery Camp, Camp McQuaide, Capitola, California.”

HUGH S. JOHNSON,
Administrator.

ADMINISTRATIVE ORDER NO. 88-10

RE QUOTATIONS MADE TO GOVERNMENTAL AGENCIES

ORDER, CODE OF FAIR COMPETITION FOR THE BUSINESS FURNITURE, STORAGE EQUIPMENT AND FILING SUPPLY INDUSTRY—STAY OF SUBPARAGRAPHS (A) AND (E) OF ADMINISTRATIVE ORDER NO. X-48, DATED JUNE 12, 1934.

WHEREAS, Sub-paragraph (a) of Administrative Order No. X-48, provides:

“Quote prices and terms of sale to governmental agencies as favorable as those permitted to be quoted to any commercial buyer for like quantities”; and

WHEREAS, Sub-paragraph (e) of said Administrative Order X-48, provides:

“Quote prices f.o.b. point of origin and/or f.o.b. destinations”; and

WHEREAS, justice requires that appropriate relief be granted from the said provisions of the said Order;

NOW, THEREFORE, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me under Title I of the National Industrial Recovery Act, by Executive Orders of the President, including Executive Order No. 6543-A, and other wise, do hereby

ORDER, that the said Sub-paragraphs (a) and (e) of Administrative Order X-48, as hereinabove set forth, be and the same are hereby permanently stayed, in so far as the said Sub-paragraphs in anywise affect the Code for the Business Furniture, Storage Equipment and Filing Supply Industry.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

C. E. ADAMS,
Division Administrator.

JULY 11, 1934.

ADMINISTRATIVE ORDER NO. 176-10

STAY OF ORDER PROVIDING ALLOWANCE FOR WAGES OF LABOR

ORDER, CODE OF FAIR COMPETITION FOR THE PAPER DISTRIBUTING TRADE—TERMINATION OF STAY OF ORDER 176-6

WHEREAS, my Order 176-6, dated June 7, 1934, established an allowance for wages of labor to be included in the selling price of merchandise in the Paper Distributing Trade under Article VIII, Section 4, of the Code of Fair Competition for said trade; and my Order 176-9, dated June 20, 1934, stayed the provisions of the foregoing Order from July 1 to October 1, 1934; and my Order 176-8, dated June 20, 1934, concurrently extended the time limit of the provisions of Section 4 of Article VIII of said Code until October 1, 1934;

AND, WHEREAS, the said Code Authority has presented orally additional information for determination of the issue raised;

AND, WHEREAS, it is the intent that a hearing shall be held on or before September 15, 1934, to determine whether the provisions of Section 4 of Article VIII of the said Code shall be further extended beyond October 1, 1934; and that, preparatory to such hearing, the Code Authority shall submit to the Division of Research and Planning such data as said Division may reasonably require to obtain a factual basis for the determination to be made, and shall report to such Division upon the operation of the allowance for wages of labor;

AND, it appearing that justice requires that said stay be terminated;

NOW, THEREFORE, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby order that said stay established by my Order No. 176-9, dated June 20, 1934, be and it is hereby terminated, subject to my further orders;

PROVIDED, however, that any provisions of my Orders numbered 176-6, 176-8 and 176-9, which are in conflict herewith are hereby to that extent modified and rescinded.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

GEO. L. BERRY,
Division Administrator.

WASHINGTON, D.C.,
July 11, 1934.

ADMINISTRATIVE ORDER NO. 3-1A

WOOL TEXTILE, STAY OF LIMITATION ON USE OF PRODUCTIVE
MACHINERY

EXECUTIVE ORDER OF ADMINISTRATOR

A Code of Fair Competition for the Wool Textile Industry has been heretofore approved by the President on certain terms and conditions. In accordance with the provisions of a further Executive Order of the President, dated July 15, 1933, after such approval, hearings have been granted by the Administrator to certain persons directly affected by the said Code and who have claimed that applications thereof have been unjust to them and have applied for an exemption therefrom with reference to the limitations of the use of productive machinery (namely: woolen spinning spindles, and worsted combs) as applied to the production of woolen yarns, and worsted tops.

Pursuant to the authority vested in me under Title I of the National Industrial Recovery Act, approved June 16, 1933, and by virtue of Executive Orders thereunder issued by the President and pursuant to the provisions of the Executive Order dated July 15, 1933, providing for a stay of the application of Codes under certain circumstances where justice may require; it appearing to me on the basis of the showing made at the hearings above mentioned, that a temporary scarcity and disruption of the supply of woolen yarns, and worsted tops may result if this stay be not granted pending adjustment to the requirements of such Code and in order that there may be equality of treatment:

The application of the Wool Textile Code is hereby stayed pending determination by the President of the issues raised by the applications for exemptions hereinbefore referred to, insofar as such Code, including therein the interpretations and conditions contained in Executive Orders of the President relating thereto, applies to limitations of the use of machinery (namely: woolen spinning spindles, and worsted combs), in use for the production of woolen yarns, and worsted tops.

HUGH S. JOHNSON,
Administrator.

Recommended for approval by:
A. D. WHITESIDE,
Deputy Administrator.

AUGUST 11, 1933.

ADMINISTRATIVE ORDER NO. 466-4

PRICES, DETERMINATION OF BASIS FOR FIXING MINIMUM

ORDER, CODE OF FAIR COMPETITION FOR THE RETAIL
TOBACCO TRADE

WHEREAS, by reason, among other things, of the extensive use of cigarettes as "loss leaders" by retail stores which are not primarily engaged in the retail tobacco trade, imperiling small enterprises and endangering the maintenance of code wages and working conditions, an emergency has arisen within the Retail Tobacco Trade tending to defeat the purposes of Title I of the National Industrial Recovery Act, and

WHEREAS, the finding of a basis for determining minimum retail prices for cigarettes is necessary for a limited period to correct the conditions constituting such emergency, and to effectuate the purposes of said Act, and

WHEREAS, the Code Authority established pursuant to the Code of Fair Competition for the Retail Tobacco Trade has caused an impartial agency to investigate costs (including the costs of retail distribution) of said products, and has submitted to me said agency's recommendations as to a basis for determining minimum retail prices for said products, and

WHEREAS, said agency has reported twenty per cent of the selling price to be the lowest reasonable cost of the retail distribution of said products, but that a basis adequately providing for such lowest reasonable cost would raise prevailing prices to the consumer of said products.

NOW, THEREFORE, I, Hugh S. Johnson, pursuant to the authority vested in me as Administrator for Industrial Recovery, under Title I of the National Industrial Recovery Act, by the provisions of Article VI, Part II, Section 2, of the Code of Fair Competition for the Retail Tobacco Trade, as approved by the President; hereby find (1) that an emergency has arisen within said Trade, adversely affecting small enterprises and wage and labor conditions, tending to defeat the purposes of said Act and (2) that the finding of the following basis for determining minimum prices for cigarettes is necessary for a limited period to correct the conditions constituting such emergency and to effectuate the purposes of said Act; and hereby fix and order the publication of the following basis for the computation of minimum retail prices for cigarettes, subject to the conditions hereinafter set forth:

1. The minimum retail price of cigarettes of which the Manufacturers' list price is less than five dollars per thousand, shall be such Manufacturers' list price, plus five and one-quarter per cent ($5\frac{1}{4}\%$) thereof; and the minimum retail price for other cigarettes shall be

the Manufacturers' list price plus six and one-half per cent (6½%) thereof.

2. In computing minimum unit prices, a fraction of a cent shall be treated as a full cent, and in case of sales of a combination of two or more different articles, the price of each article shall be plainly indicated. In computing minimum prices for more than one unit of the same article, such minimum unit price shall be multiplied by the number of units sold; if the resulting total be one dollar or less, a discount of not more than five per cent (5%) may be allowed; if it be greater than one dollar, a discount of not more than eight per cent (8%) may be allowed; and any fraction of a cent in such net multiple price shall be treated as a full cent.

3. Any change by a manufacturer in discount from his list price occurring after the date hereof shall be translated into an equivalent change of his list price, and all the calculations above referred to shall be based on such equivalent list price.

4. The foregoing minimum prices shall be subject to the limitations and exceptions contained in Article VI, Part II, Sections 3, 4 and 5 of said Code, as approved; provided that not more than one pad of matches may be given with each unit sold.

5. The Research and Planning Division of NRA is directed to devise a plan for the study and supervision of the operation of the foregoing minimum prices; and tobacco retailers shall, pursuant to Article VIII, Section 7(c) of said Code, submit to said Division such reports as it may require pursuant to the plan.

6. The foregoing minimum prices shall become effective on Monday, July 16, 1934, unless good cause to the contrary is shown to the Administrator before that time and he issues a subsequent order to that effect; and they shall, upon becoming effective, remain in effect until Saturday, October 13, 1934, unless the Administrator, upon causing this Order to be reviewed at any time, shall otherwise order.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

ARMIN W. RILEY,
Division Administrator.

WASHINGTON, D.C.,
July 12, 1934.

ADMINISTRATIVE ORDER NO. 405-5

ORDER, CODE OF FAIR COMPETITION FOR THE SHOE LAST AND SHOE FORM INDUSTRIES.—EXTENSION OF TIME WITHIN WHICH TO FORMULATE UNIFORM METHOD OF COST INCLUSION AND APPLICATION

WHEREAS, on the 23rd day of April, 1934, I approved a Code of Fair Competition for the Shoe Last and Shoe Form Industries, and

WHEREAS, Article VII, Section 1, of said Code provides that the Code Authority shall formulate within sixty (60) days from the effective date of said Code, a uniform method of cost inclusion and application which shall specify the items which shall be included in determining cost of production of each member of the Industry, and

WHEREAS, good cause has been shown to me that said period should be extended for a further period of sixty (60) days, to a period of one hundred twenty (120) days after the effective date of said Code,

NOW, THEREFORE, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me, do hereby extend the time within which the Code Authority shall formulate a uniform method of cost inclusion and application for an additional period of sixty (60) days, to a period of one hundred twenty (120) days after the effective date of said Code.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 12, 1934.

ADMINISTRATIVE ORDER NO. 462-5

PRICES, DETERMINATION OF BASIS FOR FIXING MINIMUM

ORDER, CODE OF FAIR COMPETITION FOR THE WHOLESALE
TOBACCO TRADE

WHEREAS, by reason, among other things, of the extensive use of cigarettes as "loss leaders" by retail stores which are not primarily engaged in the retail tobacco trade, imperiling small enterprises and endangering the maintenance of code wages and working conditions, an emergency has arisen within the Retail Tobacco Trade tending to defeat the purposes of Title I of the National Industrial Recovery Act, and whereas the conditions causing said emergency affect the Wholesale Tobacco Trade, and

WHEREAS, the finding of a basis for determining minimum retail prices for cigarettes is necessary for a limited period to correct the conditions constituting such emergency, and to effectuate the purposes of said Act, and whereas the finding of such basis cannot be fully effective without also finding a basis for determining minimum wholesale prices for cigarettes, and

WHEREAS, the Code Authority established pursuant to the Code of Fair Competition for the Wholesale Tobacco Trade has caused an impartial agency to investigate costs (including the costs of wholesale distribution) of said products, and has submitted to me said agency's recommendations as to a basis for determining minimum prices for said products, and

WHEREAS, said agency has reported seven and five-tenths per cent (7.5%) of the selling price to be the lowest reasonable cost of the wholesale distribution of said products, but that a basis adequately providing for such lowest reasonable cost would tend to raise prevailing prices to the consumer of said products,

NOW, THEREFORE, I, Hugh S. Johnson, pursuant to the authority vested in me as Administrator for Industrial Recovery, under Title I of the National Industrial Recovery Act, by the provisions of Article VI, Part II, Section 2, of the Code of Fair Competition for the Wholesale Tobacco Trade, as approved by me; hereby find (1) that an emergency has arisen within said Trade, tending to defeat the purposes of the Act, and (2) that the finding of the following basis for determining minimum prices for cigarettes is necessary for a limited period to correct the conditions constituting such emergency and to effectuate the purposes of said Act; and hereby fix and order the publication of the following basis for the computation of minimum wholesale prices for cigarettes, subject to the conditions hereinafter set forth:

1. In sales by jobbers or subjobbers to tobacco retailers, the minimum price shall be the net purchase price to such jobber or subjobber

(after deduction of all discounts except cash discounts) plus one per cent (1%) thereof.

2. In sales by jobbers to subjobbers, the minimum price shall be the net purchase price to such jobber (after deduction of all discounts except cash discounts.)

3. Notwithstanding the foregoing provisions, the total percentage added to the wholesaler's purchase price (after deduction of all discounts including cash discounts) need in no case be greater than three and one-tenth per cent (3.1%) in the case of sales to retailers and two and one-tenth per cent (2.1%) in the case of sales to subjobbers.

4. The foregoing minimum prices shall be subject to the exceptions contained in Article VI, Part II, Sections 3 and 4 of said Code, as approved.

5. The Research and Planning Division of NRA is directed to devise a plan for the study and supervision of the operation of the foregoing minimum prices; and tobacco retailers shall, pursuant to Article VIII, Section 7 (c) of said Code, submit to said Division such reports as it may require pursuant to the plan.

6. The foregoing minimum prices shall become effective on Monday, July 16, 1934, unless good cause to the contrary is shown to the Administrator before that time and he issues a subsequent order to that effect; and they shall, upon becoming effective, remain in effect until Saturday, October 13, 1934, unless the Administrator, upon causing this Order to be reviewed at any time, shall otherwise order.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

ARMIN W. RILEY,
Division Administrator.

WASHINGTON, D.C.,
July 12, 1934.

ADMINISTRATIVE ORDER NO. 408-7

WAGES, STAY OF PROVISIONS RELEVANT TO

 ORDER, CODE OF FAIR COMPETITION FOR THE UNDERGARMENT AND NEGLIGEE INDUSTRY—GRANTING APPLICATION FOR A STAY OF PART OF ARTICLE IV, SECTION 1

WHEREAS, an application has been made by the Code Authority of the Undergarment and Negligee Industry for a stay of operation of that portion of the provisions of Article IV, Section 1 of the Code of Fair Competition for the Undergarment and Negligee Industry reading: "No operators employed in factories located outside of the "Metropolitan Area" shall be paid at less than the rate of Fourteen (\$14.00) Dollars per week of thirty-seven and one-half (37½) hours"; and

WHEREAS, the Deputy Administrator has reported, and it appears to my satisfaction, that the stay hereinafter granted is necessary and will tend to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, pursuant to authority vested in me, it is hereby ordered that the operation of so much of said Section 1 of Article IV of the Code reading: "no operators employed in factories located outside of the metropolitan areas shall be paid at less than the rate of \$14.00 per week of 37½ hours." be and the same hereby is stayed as to all parties subject thereto up to and including the 15th day of July, 1934; provided, however, that no such operators shall be paid at less than the rate of \$13.00 per week of 37½ hours.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Order recommended:

SOL A. ROSENBLATT,
Division Administrator.

JULY 13, 1934.

ADMINISTRATIVE ORDER NO. 308D-5

ORDER, SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE ATLANTIC MACKEREL FISHING INDUSTRY (A DIVISION OF THE FISHERY INDUSTRY)—APPROVAL OF PLAN OF CURTAILMENT OF PRODUCTION ARTICLE VIII, TITLE C, SECTION 1, PARAGRAPHS (C) AND (D)

WHEREAS, Article VIII, Title C, Section 1, paragraphs (c) and (d) of the Supplementary Code of Fair Competition for the Atlantic Mackerel Fishing Industry (a Division of the Fishery Industry) provides:

(c) In order to conserve natural resources by the elimination of conditions leading to gluts in the mackerel market and consequent wastage through dumping of mackerel at sea, and by the development of the maximum usable yield compatible with future productivity through prevention of the take of small mackerel during those portions of the season when larger sizes are available to supply the demand for mackerel, and to rehabilitate the mackerel fishery by maintaining a reasonable balance between the production of mackerel and the consumption of mackerel, and by assuring minimum prices for mackerel not below the cost of production:

(1) The Executive Committee, with the approval of the Administrator, from time to time may estimate consumer demand for mackerel. When any such estimate shall have been approved by the Administrator, the same shall be deemed to be the net reasonable market demand for mackerel; and therefrom the Executive Committee, with the approval of the Administrator, may determine (according to the run of the fish and other conditions in the ocean) whether the exploitation of the mackerel fishery should be unrestricted, or whether a total or partial limitation on the take of small mackerel by purse seine boats should be effected.

(2) Any determination by the Executive Committee pursuant to the provisions of subdivision (1) of this paragraph shall be revised from time to time to conform with the net reasonable market demand for mackerel as found as aforesaid, and all estimates and determinations by the Executive Committee pursuant to the provisions of said subdivision shall be subject to the approval of the Administrator, and shall be based upon a published finding and statement of the reasons therefor. Any limitation on the take of small mackerel shall accord due consideration to the effect of such limitation on the cost of production of mackerel larger in size.

(3) In estimating consumer demand for mackerel, due account shall be taken of probable withdrawals from storage of frozen and salt mackerel, of anticipated imports of frozen and salt mackerel, and of production and consumption of groundfish.

(d) In the event that any determination of the Executive Committee pursuant to the provisions of paragraph (c) of this Section fails to effectuate the conservation and/or rehabilitation policies hereinbefore stated, the Executive Committee, upon due showing to the Administrator and with his approval, may determine from the net reasonable market demand for mackerel found as aforesaid the poundage of mackerel, with reasonable tolerance, that may be landed from any trip by purse seine boats engaged in the mackerel fishery. In allocating trip poundage quotas to such boats due consideration shall be given to boat tonnage and crew size.

WHEREAS, said Executive Committee (after due consideration of probable withdrawals from storage of frozen and salt mackerel, of anticipated imports of frozen and salt mackerel, and of the production and consumption of groundfish) estimates that consumer demand for mackerel will be approximately one million, one hundred thousand pounds per week for the balance of the mackerel season;

WHEREAS, said Executive Committee has determined (from said estimate, and from the run of the fish and other conditions in the ocean) that there should be no limitation on the take of small mackerel by purse seine boats, but that the exploitation of the mackerel fishery should not be wholly unrestricted;

WHEREAS, said Executive Committee (from said estimate, and after due consideration of boat tonnage and crew size) has determined that the poundage of mackerel that may be landed from any trip by purse seine boats of twenty or less gross tons shall be five thousand pounds, plus one thousand pounds for each crew member including the captain; and that the poundage of mackerel that may be landed from any trip by purse seine boats of more than twenty gross tons shall be five thousand pounds, plus one thousand pounds for each crew member including the captain, plus fifty pounds for each gross ton in excess of twenty; and

WHEREAS, justice requires that appropriate relief be granted in accordance with said provisions of said divisional code;

NOW, THEREFORE, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to the authority in me vested, do hereby approve said estimate of the Executive Committee of consumer demand for mackerel in the amount of approximately one million, one hundred thousand pounds per week and the same shall be deemed to be the net reasonable market demand for mackerel; and do hereby approve said determination of said Executive Committee limiting the poundage of mackerel that may be landed from any trip by purse seine boats engaged in the mackerel fishery, said determination to remain in effect until August 31, 1934, unless by further order I shall direct otherwise; and do hereby order that, to avoid violation of the letter rather than the spirit hereof, said Executive Committee shall allow reasonable tolerances in the poundage of mackerel landed from any trip by said boats; and do hereby order further that the provisions hereof shall not become effective until said finding of said Executive Committee as to consumer demand for mackerel and as to restriction of the exploitation of the mackerel fishery, together with a statement of the reasons therefor, shall be published to the members of the Atlantic mackerel fishing industry; and do hereby order further

that said publication may be effected by news items in the Gloucester Daily Times, Boston Post, Boston Globe, Boston Herald, and Portland Press Herald.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

ARMIN W. RILEY,
Division Administrator.

JULY 14, 1934.

ADMINISTRATIVE ORDER NO. LP 12-5

RE GOVERNING COLLECTION OF EXPENSES OF CODE ADMINISTRATION

EXEMPTING THE LIVE POULTRY INDUSTRY OF THE METROPOLITAN AREA IN AND ABOUT THE CITY OF NEW YORK FROM CERTAIN PROVISIONS OF ADMINISTRATIVE ORDER X-36

It appearing to me necessary in order to effectuate the purposes of Title I of the National Industrial Recovery Act that the Live Poultry Industry of the metropolitan area in and about the City of New York be exempted from certain provisions of Administrative Order No. X-36, dated May 26, 1934;

Pursuant to the authority vested in me under said Title of said Act by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise it is hereby ordered that the Live Poultry Industry of the metropolitan area in and about the City of New York be and it hereby is exempted from compliance with the provisions of sub-paragraph (1) of paragraph I, paragraph II, and paragraph IV of Administrative Order No. X-36, dated May 26, 1934, from the date hereof until I, by my further order, otherwise direct.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

ARMIN W. RILEY,
Division Administrator.

WASHINGTON, D.C.,
July 16, 1934.

ADMINISTRATIVE ORDER NO. 410-11

RE GOVERNMENT CONTRACTS AND CONTRACTS INVOLVING THE USE
OF GOVERNMENT FUNDS

ORDER, CODE OF FAIR COMPETITION FOR THE RETAIL RUBBER
TIRE AND BATTERY TRADE—AFFECTING TOLERANCE PRO-
VIDED FOR IN JUNE 29, 1934 EXECUTIVE ORDER MODIFYING
EXECUTIVE ORDER NO. 6646

Complaint having been made to me that the tolerance of 15% provided for in the June 29, 1934 Executive Order modifying Executive Order No. 6646 dated March 14, 1934, in so far as it applies to sales of tires and tubes to any agency or instrumentality of the United States or any state, municipality, or other public authority (all of which are hereinafter described as "governmental agencies") is resulting in destructive price-cutting in the Retail Rubber Tire and Battery Trade, and I having heretofore determined that such sales are by definition included under the Code of Fair Competition for the Retail Rubber Tire and Battery Trade and having by Administrative Order No. 410-3 declared that an emergency due to destructive price-cutting exists in the Trade and I by Administrative Order No. 410-9 having granted a limited exemption from selling below the lowest reasonable cost provisions of said Administrative Order No. 410-3 in connection with sales of tires and tubes to governmental agencies, and the Division Administrator having reported and it appearing to my satisfaction that a reduction in such tolerance for such sales is necessary to prevent such destructive price cutting,

NOW, THEREFORE, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President and otherwise, do hereby find that the tolerance granted under said Executive Order of June 29, 1934, is resulting in destructive price-cutting in said trade and do hereby order that the limited exemption embodied in the provisions of the last paragraph marked "(b)" in Administrative Order No. 410-9 dated June 28, 1934, be and the same is hereby revoked and do hereby further order that the tolerance granted by said Executive Order of June 29, 1934 in so far as it is applicable to sales of tires and tubes by members of the Retail Rubber Tire and Battery Trade subject to the Code of Fair Competition for said Trade, duly approved on May 1, 1934, shall in no event exceed ten percent (10%) below the lowest reasonable costs of the respective brands and classifications of tires and tubes as set forth in exhibits attached to and made a part of said Administrative Order No. 410-3, dated May 3, 1934.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

C. E. ADAMS,
Division Administrator.

JULY 16, 1934.

ADMINISTRATIVE ORDER NO. X-66

RE GOVERNMENT CONTRACTS AND CONTRACTS INVOLVING THE USE
OF GOVERNMENT FUNDS

APPLICATION OF EXECUTIVE ORDER 6646

EXCEPTION No. 31

JULY 17, 1934.

UPON THE RECOMMENDATION OF THE DEPARTMENT OF AGRICULTURE,
THROUGH THE DIVISION OF PROCUREMENT OF THE TREASURY
DEPARTMENT

By virtue of the delegation of authority by the President of the United States in Paragraph 5 of the Executive Order 6646, the following exception from the operation of Paragraph 1 of the Order is hereby made:

“Lease of space in the stockyards at Indianapolis, Indiana, as headquarters for the packers and stockyards unit of the Bureau of Animal Industry, upon premises owned by the Belt Railroad and Stockyards Company.”

HUGH S. JOHNSON,
Administrator.

ADMINISTRATIVE ORDER NO. 439-6

RE GOVERNING COLLECTION OF EXPENSES OF CODE ADMINISTRATION

ORDER, CODE OF FAIR COMPETITION FOR THE TANK CAR SERVICE INDUSTRY—TERMINATION OF EXEMPTION GRANTED IN ADMINISTRATIVE ORDER X-36

WHEREAS, an application has been made by the Code Authority of the Tank Car Service Industry for termination of the exemption conferred in Paragraph III of Administrative Order X-36, dated May 26, 1934; and

WHEREAS, an opportunity to be heard has been duly afforded to all interested parties and the Deputy Administrator has reported, and it appears to my satisfaction that termination of said exemption is merited and will tend to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, pursuant to authority vested in me, it is hereby ordered that any exemption conferred by Paragraph III of Administrative Order X-36, dated May 26, 1934, upon any member of this industry be and it is hereby terminated.

C. E. ADAMS,
Division Administrator.

Order recommended:

L. H. PEEBLES,
Deputy Administrator.

JULY 17, 1934.

ADMINISTRATIVE ORDER NO. 237-5

RE GOVERNING COLLECTION OF EXPENSES OF CODE ADMINISTRATION

ORDER, CODE OF FAIR COMPETITION FOR THE ALLOY CASTING INDUSTRY—GRANTING OF APPLICATION MADE BY THE CODE AUTHORITY FOR AN EXCEPTION TO PARAGRAPH III OF ADMINISTRATIVE ORDER X-36, DATED MAY 26, 1934

The Code Authority for said Industry having made application to the Administrator for, and showing cause why, an exception to paragraph III of Administrative Order X-36, dated May 26, 1934, should be granted to the Code Authority for the said Industry so that all members of said industry may be assessed to cover the expense of administering the Code for the said Industry, and an opportunity to be heard having been afforded all members of said Industry and any objections filed having been duly considered and the application for such exception appearing to be reasonable and necessary to support the authorized activities of the Code Authority,

NOW, THEREFORE, pursuant to authority vested in me, it is hereby ordered, subject to any pertinent rules and regulations issued by the Administrator, that

Said application for said exception to paragraph III of Administrative Order X-36, to empower the Code Authority to assess all members of the Industry to cover the expense of administering the said Code, whether or not their principal line of business is embraced within the definition of the Alloy Casting Industry as defined in Article I of the Code of Fair Competition for said Industry approved January 30, 1934, provided that assessments shall affect only that portion of the business of such members as is embraced in the Industry as so defined,

be, and it is hereby granted; provided, however, that such exception be limited to those members of industry whose foundries produce alloy castings, whether processed or not, for sale as castings; and provided further, that this exception shall not apply to those members of industry whose foundries produce processed alloy castings all of which castings are sold as parts or products covered by the definitions of other codes.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

By BARTON W. MURRAY,
Division Administrator.

Approval recommended:

J. G. COWLING,
Deputy Administrator.

JULY 18, 1934.

ADMINISTRATIVE ORDER NO. X-67

RE GOVERNMENT CONTRACTS AND CONTRACTS INVOLVING THE USE OF
GOVERNMENT FUNDS

APPLICATION OF EXECUTIVE ORDER 6646

EXCEPTION No. 32

JULY 18, 1934.

UPON THE RECOMMENDATION OF THE PROCUREMENT DIVISION OF THE
TREASURY DEPARTMENT

By virtue of the delegation of authority by the President of the United States in Paragraph 5 of the Executive Order 6646, the following exception from the operation of Paragraph 1 of the Order is hereby made:

“All contracts for tug boat and tow boat services with all Departments and Agencies of the United States Government, pending the approval of the Code of Fair Competition for the industry and notice of such approval to the Procurement Division of the Treasury.”

HUGH S. JOHNSON,
Administrator.

ADMINISTRATIVE ORDER NO. 9-54

ORDER CODE OF FAIR COMPETITION FOR THE LUMBER AND TIMBER PRODUCTS INDUSTRIES—EXTENSION OF TIME WITHIN WHICH THE NORTHEASTERN SOFTWOOD DIVISION AGENCY SHALL CONDUCT AN ELECTION FOR THE PURPOSE OF ELECTING THE MEMBERS OF THE NORTHEASTERN SUBDIVISION ADMINISTRATIVE AGENCY OF THE POLE AND PILING DIVISION OF THE CODE OF FAIR COMPETITION FOR THE LUMBER AND TIMBER PRODUCTS INDUSTRIES

WHEREAS, on the 11th day of June, 1934, I approved Amendment No. XII to the Code of Fair Competition for the Lumber and Timber Products Industries, and,

WHEREAS, said Amendment provides in part that “within twenty days after the effective date hereof, the Western Red and Northern White Cedar Association, the Lodgepole Pine Pole Association and such divisional and/or subdivision Agencies of the Authority in the same region or locality as may be designated by the Authority, shall respectively conduct elections for the purpose of electing the Administrative Agencies of the respective subdivisions of the Pole and Piling Division”, and,

“The Northeastern Softwood Division Agency is designated by the Authority to conduct the election in this Subdivision”, and,

WHEREAS, good and substantial cause has been shown me that such period should be extended up to and including the 10th day of July, 1934.

NOW, THEREFORE, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me, do hereby extend the time within which the Northeastern Softwood Division Agency shall conduct an election for the purpose of electing the members of the Administrative Agency of the Northeastern Subdivision of the Pole and Piling Division up to and including July 10, 1934.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

JULY 18, 1934.

ADMINISTRATIVE ORDER NO. 9-53

ORDER, CODE OF FAIR COMPETITION FOR THE LUMBER AND TIMBER PRODUCTS INDUSTRIES—EXTENSION OF TIME WITHIN WHICH THE RAILWAY TIE ASSOCIATION AND THE LUMBER CODE AUTHORITY SHALL MAKE REPORTS AND FURNISH INFORMATION AND WITHIN WHICH THE CONSTITUTION OF THE COORDINATING COMMITTEE AND THE ADMINISTRATIVE AGENCIES OF THE RAILROAD CROSS TIE DIVISION SHALL BE REVIEWED

WHEREAS, on the 30th day of March, 1934, I approved Amendment No. VI to the Code of Fair Competition for the Lumber and Timber Products Industries, and

WHEREAS, my Order approving said Amendment provides in part that "within ninety (90) days after the date hereof, the Railway Tie Association and the Lumber Code Authority shall make further study and investigation with a view to determining whether the constitution of the Coordinating Committee and the Subdivision Administrative Agencies of the Railroad Cross Tie Division are truly representative of the Railroad Cross Tie Division in the respective Districts and shall report to me the results of such studies and such other information as I may request prior to the expiration of such ninety day period; and

"Within one hundred twenty (120) days after the date hereof the constitution of the Coordinating Committee and the Subdivision Administrative Agencies shall be reviewed by me and may be modified by my further order, if I should determine that such Committee and Agencies are not truly representative and in other respects do not comply with the provisions of the National Industrial Recovery Act," and

WHEREAS, prior to the expiration of those periods good cause has been shown to me that said periods should be extended to periods of 150 and 180 days, respectively, after the effective date of said Order,

NOW, THEREFORE, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me, do hereby extend the time within which the Railway Tie Association and the Lumber Code Authority shall make a report to me and shall furnish such other information as I may request until 150 days after the effective date of said Order, and do hereby extend the time within which the constitution of the Coordinating Committee and the Subdivision Administrative Agencies shall be reviewed by me and may be modified by my further order until 180 days after the effective date of said Order.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

JULY 18, 1934.

ADMINISTRATIVE ORDER NO. 347-13
WAGES, PROVIDING EXEMPTION FOR OVERTIME

ORDER, CODE OF FAIR COMPETITION FOR THE MACHINERY AND ALLIED PRODUCTS INDUSTRY—GRANTING APPLICATION OF THE BASIC CODE AUTHORITY FOR THE ABOVE INDUSTRY FOR AN EXEMPTION OF THE ENTIRE INDUSTRY FROM THE PROVISIONS OF ARTICLE III, SECTION 3, PARAGRAPH (C)

WHEREAS, an application has been made by the Basic Code Authority of the Machinery and Allied Products Industry on behalf of the entire Industry for a partial exemption from the provisions of Article III, Section 3, paragraph (c) of the Code of Fair Competition for that Industry; and

WHEREAS, an opportunity to be heard thereon has been duly afforded to all interested parties and the Deputy Administrator has reported, and it appears to my satisfaction that the exemption hereinafter granted is necessary and will tend to effectuate the policies of Title I of the National Industrial Recovery Act:

NOW, THEREFORE, pursuant to authority vested in me, it is hereby ordered that each employer subject to the above-mentioned Code be and it hereby is exempted from the provisions of Article III, Section 3, paragraph (c) of the above-mentioned Code insofar as that paragraph requires the payment of at least one and one-half (1½) times the regular wage rate for all work performed on any legal holiday, other than Sundays, except the following:

New Year's Day
Washington's Birthday
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Christmas

PROVIDED, HOWEVER, that the effective date of this Order be, and it hereby is, stayed for a period of fifteen (15) days, or for such additional period as I, by my further Order, may direct.

BARTON W. MURRAY,
Division Administrator.

Order recommended:
H. FERRIS WHITE,
Acting Deputy Administrator.

JULY 18, 1934.

ADMINISTRATIVE ORDER NO. 445-5

PRICE LISTS, STAY OF CODE PROVISIONS RELEVANT TO

ORDER, CODE OF FAIR COMPETITION FOR THE BAKING INDUSTRY—STAY OF THE PROVISIONS OF ARTICLE VII, SECTION 1 (C)

WHEREAS, Article VII, Section 1 of the Code of Fair Competition for the Baking Industry provides in part:

“(c) Each member of the Industry, within ten (10) days after the effective date of the Code, shall file with the local code authority or agency duly established therein his net price list for each market area wherein his bakery products are sold, showing his net current prices and terms of payment. If such local code authority or agency is not then established hereunder, and until such time as it is so established, each member shall file his net current prices and terms of payment for bakery products with the Code Authority. Each price list shall be accompanied by a statement from the member filing same to the effect that the prices therein are not below his cost as determined pursuant to the provisions of paragraph (c) of Section 2 of this Article. Revised price lists may be filed from time to time thereafter by any member of the Industry, to become effective five (5) days after the filing thereof. The filing of price lists in any market area shall be made with such local code authority or agency established hereunder for such area as may be designated by the Code Authority. Copies of all price lists shall be made available immediately to buyers and sellers generally by the Code Authority, local code authority or local agency, as the case may be. To meet a competitor's price not in violation of this code, any member of the Industry may sell at a price lower, or upon terms other, than those contained in his filed price lists but he shall within twenty-four (24) hours thereafter, file a price list or price lists revised accordingly. If it shall develop that the competitor's price was in violation of the Code, the member of the Industry so selling in contravention of his filed price to meet the competitor's price shall not be deemed to have violated the Code if within twenty-four (24) hours he shall have communicated all the facts to the local code authority or agency established hereunder and designated by the Code Authority to accept his price list for filing. Any dissemination by the Code Authority or any local code authority or agency established hereunder of information contained in the price lists of members of the Industry shall be effected without interpretation or comment.”

and

WHEREAS, justice requires that appropriate relief be granted from the said provisions of the said Code to the retail bakers (as defined in Section 15 of Article II of the Code);

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order 6543-A, dated December 30, 1933, and otherwise; do hereby order as follows:

That the provisions of Section 1 (c) of Article VII of the Code of Fair Competition for the Baking Industry, insofar as they apply to retail bakers (as defined in Section 15, Article II of the Code) who sell no bakery products whatsoever at wholesale, be and they are hereby stayed, subject to my further orders, for a period of sixty (60) days immediately following the effective date of the said Code, provided

(1) That such retail bakers shall post complete price lists conspicuously in their retail stores and

(2) That such retail bakers shall comply with all the provisions of Section 2 of Article VII of said Code.

HUGH S. JOHNSON.

Approval recommended:

ARMIN W. RILEY,
Division Administrator.

WASHINGTON, D.C.,
July 19, 1934.

ADMINISTRATIVE ORDER NO. 84-34

RE GOVERNING COLLECTION OF EXPENSES OF CODE ADMINISTRATION

ORDER, CODE OF FAIR COMPETITION FOR THE FABRICATED METAL PRODUCTS MANUFACTURING AND METAL FINISHING AND METAL COATING INDUSTRY—APPROVAL OF TERMINATION OF EXEMPTION

WHEREAS an application having been duly made by the Code Authority for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry for an exception from the exemption conferred in paragraph 3 of Administrative Order X-36, dated May 26, 1934, whereby such exemption would be terminated, and

WHEREAS opportunity to be heard having been afforded all members of said Industry and any objections filed having been duly considered, and

WHEREAS it further appearing that termination of said exemption is merited and will effectuate the policy and provisions of the Act

NOW, THEREFORE, pursuant to authority vested in me, it is hereby ordered, subject to any pertinent rules and regulations issued by the Administrator that any exemption conferred by paragraph 3 of Administrative Order X-36, dated May 26, 1934, upon any member of this Industry, be and it is hereby terminated and that the Code Authority for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry is authorized to collect contributions from all members of the Industry who manufacture products of the Industry for sale as such, in proportion to the dollar volume of sales of said products or such other equitable method of assessment as may be approved by the Administrator, even though said members of such Industry are operating the major part of their business under one or more additional codes.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

By BARTON W. MURRAY,
Division Administrator.

Approval recommended:

H. FERRIS WHITE,
Acting Deputy Administrator.

WASHINGTON, D.C.,
July 19, 1934.

ADMINISTRATIVE ORDER NO. 88-13

EXCEPTION FROM CODE PROVISIONS RELEVANT TO BIDS TO GOVERNMENTAL AGENCIES

ORDER, CODE OF FAIR COMPETITION FOR THE BUSINESS FURNITURE, STORAGE EQUIPMENT AND FILING SUPPLY INDUSTRY—STAY OF PROVISIONS OF A PORTION OF ARTICLE VI OF EXHIBITS C

WHEREAS, the following Section appears in Article VI of Exhibits C of the Code of Fair Competition for the Business Furniture, Storage Equipment and Filing Supply Industry, approved by the President on November 4, 1933:

“No member shall sell any industry product contrary to his published prices, discounts or terms of sale; * * * ”; and;

WHEREAS, in many cases, various United States Government Departments are entitled to use the facilities of various transportation companies at rates considerably lower than the published tariff rates of such transportation companies; and

WHEREAS, it appears that justice requires that appropriate relief be granted the Government of the United States from the said provisions of said Code;

NOW, THEREFORE, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to the authority vested in me under Title I of the National Industrial Recovery Act by Executive Orders of the President, including Executive Order No. 6543-A, and otherwise, do hereby

ORDER, that the said provisions of Article VI of Exhibits C, as hereinabove set forth, be, and the same hereby are, stayed, to the extent only that a member of the Industry in bidding to said Departments of the Federal Government may reduce his current, published, delivered price by an amount not greater than the maximum saving which the Government could obtain from any member through the application of land grant or other special Government freight rates.

BE IT FURTHER ORDERED, that Administrative Order No. 88-6, dated the 28th day of May, 1934, is hereby rescinded and hereby declared to be of no further force or effect.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

C. E. ADAMS,
Division Administrator.

WASHINGTON, D.C.,
July 20, 1934.

ADMINISTRATIVE ORDER NO. 98-5

ORDER, CODE OF FAIR COMPETITION FOR THE FIRE EXTINGUISHING
APPLIANCE MANUFACTURING INDUSTRY

Administrator's approval of a Uniform System of cost accounting, pursuant to provisions of Article VI, Section 2 (e) of Fire Extinguishing Appliance Manufacturing Industry Code.

An application having been duly made by the Code Authority of the Fire Extinguishing Appliance Manufacturing Industry, for the Administrator's approval of a Uniform System of Cost Accounting, as provided in Article VI, Section 2 (e) of Code for said Industry, and the Deputy Administrator having recommended that said system be approved;—

NOW, THEREFORE, pursuant to authority vested in me, it is hereby ordered that the said system be and the same is hereby approved.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

C. E. ADAMS,
Division Administrator.

JULY 20, 1934.

ADMINISTRATIVE ORDER NO. 463-5

EXTENDING STAY OF ONE TRADE PRACTICE PROVISION

ORDER, STAY OF ARTICLE VIII, RULE 19 OF CODE OF FAIR COMPETITION FOR THE CANDY MANUFACTURING INDUSTRY

WHEREAS, in the Executive Order dated June 11, 1934, approving Code of Fair Competition for the Candy Manufacturing Industry, it was therein provided that the provisions of Article VIII, Rule 19, of said code, were stayed and did not become effective for a period of ten (10) days in order to afford consideration of the objections of any interested parties; and

WHEREAS, in the Order approved June 21, 1934, said stay of Article VIII, Rule 19, was extended to July 15, 1934, to afford an opportunity to consider the objections of any interested parties; and

WHEREAS, after due notice a Public Hearing was held on July 10, 1934, to afford an opportunity for the presentation of objections to said Article VIII, Rule 19;

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, pursuant to authority vested in me by Executive Order No. 6543-A, dated December 30, 1933, and otherwise, do hereby stay the provisions of Article VIII, Rule 19, of the Code of Fair Competition for the Candy Manufacturing Industry, to July 30, 1934, in order to permit parties affected by said Article VIII, Rule 19, to dispose of stocks now on hand and on the date herein specified, the provisions of said Article VIII, Rule 19, shall become effective unless I shall by my further Order otherwise determine or extend such stay.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

ARMIN W. RILEY,
Division Administrator.

WASHINGTON, D.C.,
July 22, 1934.

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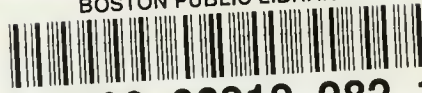
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