

NATIONAL RECOVERY ADMINISTRATION

CODES OF FAIR COMPETITION

Nos. 544-553



VOLUME XXI

JANUARY 24 TO MARCH 5, 1935

★
No 9381.1 A40

v. 21



**NATIONAL RECOVERY ADMINISTRATION
NATIONAL INDUSTRIAL RECOVERY BOARD**

CODES OF FAIR COMPETITION

Nos. 544-553

AS APPROVED

JANUARY 24-MARCH 5, 1935

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

VOLUME XXI



**UNITED STATES
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v. 21

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CODES OF FAIR COMPETITION

Approved Code No. 544

CODE OF FAIR COMPETITION

FOR THE

AUTO REBUILDING AND REFINISHING TRADE

As Approved on January 24, 1935

BY

PRESIDENT ROOSEVELT

EXECUTIVE ORDER

CODE OF FAIR COMPETITION FOR THE AUTO REBUILDING AND REFINISHING 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 my approval of a Code of Fair Competition for the Auto Rebuilding and Refinishing Trade, and hearings having been duly held thereon, and the National Industrial Recovery Board having rendered its report containing an analysis of the said Code of Fair Competition, together with its recommendations and findings with respect thereto, and the National Industrial Recovery Board having found that the said Code of Fair Competition complies in all respects with the pertinent provisions of Title I of said Act, and that the requirements of Clauses (1) and (2) of Sub-Section (a) of Section 3 of the said Act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations, and findings of the National Industrial Recovery Board, and do order that the said Code of Fair Competition be and it is hereby approved; provided, however, that Sections 2 and 3 of Article VII and Rule 14 of Article VIII be and they are hereby stayed pending the further order of the National Industrial Recovery Board.

FRANKLIN D. ROOSEVELT.

Approval recommended:

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN,
Administrative Officer.

THE WHITE HOUSE,
January 24, 1935.

LETTER OF TRANSMITTAL

The PRESIDENT,

The White House.

SIR: This is a report on the Code of Fair Competition for the Auto Rebuilding and Refinishing Trade as revised after the hearing conducted in Washington on March 14, 1934 and in accordance with the provisions of the National Industrial Recovery Act.

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

This Code provides for a maximum work week of forty-four hours with the following exceptions and exemptions:

(a) Clerical or office employees, who may work two additional hours in any two twenty-four hour periods in any thirty day period;

(b) Watchmen, who may work not in excess of fifty-six hours in any seven day period but not over twelve hours in any twenty-four hour period nor over six days in any seven day period;

(c) Employees engaged wholly in outside selling;

(d) Apprentices (subject to Executive Order No. 6750-C);

(e) Persons engaged in a managerial or executive capacity who earn regularly thirty-five dollars per week or more.

Owners, managers or other executives shall, when engaged in performing any work not of a managerial or executive nature, conform to the maximum hours provided for employees performing such work.

This Code establishes a minimum rate of pay of sixteen dollars per week except that no productive employee not "on call" shall be paid less than fifty cents per hour. Other exceptions apply to productive employees "on call", apprentices, and handicapped persons.

No person under eighteen years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health and no person under sixteen years of age shall be employed in any capacity.

Employees shall have the right to organize and bargain collectively through representatives of their own choosing and no one shall be required as a condition of employment to join any company union or refrain from joining a labor organization of his own choosing. No employee shall be discharged, demoted or otherwise discriminated against by reason of making a complaint or giving evidence with respect to an alleged violation of this Code.

IMPORTANCE OF TRADE

The Auto Rebuilding and Refinishing Trade is nation-wide in character, and has steadily increased in members through a period of years and, at the present time, consists of approximately eight thou-

sand, with a total annual volume of approximately three hundred and ninety million dollars and employs approximately seventy thousand individuals.

Highly skilled craftsmen in painting, upholstering, woodworking, metal working and blacksmithing are required in this Trade, the majority of whom must serve as apprentices for an extensive period. Therefore, it is necessary to employ apprentices in this Trade and provisions are made in the Code to conform with Executive Order No. 6750-C, issued June 27, 1934.

FINDINGS

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

The National Industrial Recovery Board finds 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 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 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.

(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 the approval of said Code.

(f) The Auto Rebuilding and Refinishing Trade normally employs approximately seventy thousand employees and is classified by us as a major Industry.

For these reasons, therefore, the National Industrial Recovery Board recommends the approval of this Code.

For the National Industrial Recovery Board.

W. A. HARRIMAN,
Administrative Officer.

CODE OF FAIR COMPETITION FOR THE AUTO REBUILDING AND REFINISHING 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 Auto Rebuilding and Refinishing Trade, and shall be the standards of fair competition for this Trade and binding upon every member thereof.

ARTICLE II—DEFINITIONS

SECTION 1. The term "Auto Rebuilding and Refinishing Trade" or "Trade" as used herein, is defined to mean and include:

(a) The rebuilding, refinishing, renovating, reconditioning and/or repainting of any motor vehicle body or part thereof (excepting commercial vehicle bodies not manufactured by or sold to the manufacturers or assemblers of motor vehicle chassis), including general blacksmith work on a motor vehicle chassis incidental to such operations, and including inspections to determine the necessity for any such operations, and also including the repainting of any motor vehicle chassis or part thereof, by way of service to the general public for a consideration implied or expressed, and may include (but subject solely to the provisions of this Code and not to those of the Code of Fair Competition for the Motor Vehicle Maintenance Trade) any operation upon the hood, hood sill, fenders, running board, shields (front, side and rear aprons), and the radiator shell, core and tank; and/or

(b) The sale of body hardware, body parts and accessories, and other parts, by members of this trade incidental to the operations set forth in paragraph (a) of this Section; and/or

(c) The transferring of customers' motor vehicles and/or parts thereof by members of this Trade, as herein defined, to and from any places which circumstances may require as incidental to any of the above mentioned operations.

The term "Trade" as used herein includes such related branches and/or subdivisions which may from time to time be included under the provisions of this Code after such notice and hearing as the National Recovery Administration may prescribe.

SECTION 2. The term "motor vehicle" as used herein is defined to mean automobiles including: passenger cars, busses, taxi-cabs, hearses, ambulances, fire apparatus, commercial vehicles, trucks, and truck-tractors, for use on the highways, but exclusive of motorcycles.

SECTION 3. The term "member of the trade" as used herein includes, but without limitation, any individual, partnership, associa-

tion, corporation or other form of enterprise engaged in the Trade, 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 trade, however compensated, except a member of the trade.

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

SECTION 6. (a) The term "salesman" as used herein is defined to mean and include an employee engaged in the selling and/or promoting the sale of the products and/or services of this trade, and the functions of selling or promoting the sale are hereinafter referred to as "selling."

(b) The activities of selling are divided into two classes: the first including those activities requiring the presence of a salesman on or in the premises of the member of the trade; and the second requiring the presence of the salesman away from the premises of the member of the trade except for the demonstration of the product and/or service to be sold or for the making, recording or execution of an estimate, order or other document in connection with any sale or for the receiving of instructions. For the purposes of this Code all time of a salesman occupied in the first class is referred to as "inside selling" and all time in the second class as "outside selling."

SECTION 7. The term "productive employee" as used herein is defined to mean and include any employee (including an apprentice) engaged in any of the operations described in paragraph (a) of Section 1 of this Article.

SECTION 8. The term "apprentice" as used herein, shall mean a person of at least sixteen (16) years of age who has entered into a written contract with an employer or an association of employers and which contract provides for at least two thousand (2000) hours of reasonably continuous employment for such person and his participation in an approved program of training as provided for in Article IV, Section 4 of this Code.

SECTION 9. The term "Association" as used herein is defined to mean the "Auto Rebuilders Association of the United States", an incorporated trade association.

SECTION 10. The terms "President" and "Act" as used herein, mean respectively, the President of the United States and Title I of the National Industrial Recovery Act. The term "National Recovery Administration" as used herein means such person or persons, board or agency, as may from time to time be designated by the President, pursuant to Section 2 (b) of the Act, to administer the provisions of this Code.

ARTICLE III—HOURS

SECTION 1. *Maximum Hours.*—No employee shall be permitted to work in excess of forty-four (44) hours in any seven (7) day period or eight (8) hours in any twenty-four (24) hour period or six (6) days in any seven (7) day period, except as herein otherwise provided.

SECTION 2. *Exceptions to Section 1.*—(a) A person employed in clerical or office work may be permitted to work two (2) additional

hours in each of, but not more than, two (2) twenty-four (24) hour periods in any thirty (30) day period.

(b) A watchman may be permitted to work not in excess of fifty-six (56) hours in any seven (7) day period nor in excess of twelve (12) hours in any twenty-four (24) hour period, nor in excess of six (6) days in any seven (7) day period.

SECTION 3. The provisions of Section 1 of this Article shall apply to salesmen engaged in inside selling in whole or in part.

SECTION 4. *Exemptions to Section 1.*—(a) The provisions of this Article respecting hours of employment shall not apply to salesmen engaged only in outside selling, nor to apprentices as herein otherwise provided by Section 4 of Article IV of this Code, nor to persons engaged in a managerial or executive capacity who earn regularly thirty-five dollars (\$35.00) per week or more except as herein otherwise provided by Section 6 of this Article.

SECTION 5. (a) An employee shall be deemed to be continuously in the employ of his employer during all periods of time his employer requires him to be "on call" or to be "available" waiting for the performance of specific work.

(b) Employment "on call" or "available" waiting for the performance of specific work is not to be construed as affecting the classification or occupation of an employee.

SECTION 6. Members of the trade, themselves, shall not work, nor permit their executives or managers to work, when engaged in performing any work not of a managerial or executive nature, in excess of the maximum hours herein prescribed for other employees performing such work.

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

SECTION 8. No employer shall permit any employee, engaged in performing work of more than one classification or occupation, to work for any time in excess of the least of the maximum number of hours prescribed herein for such classifications or occupations.

SECTION 9. For the purposes of calculating the time in any twenty-four (24) hour period for which wages are due and payable and for calculating the maximum hours, the time of employment shall be reckoned continuously from the starting time in any such twenty-four (24) hour period except for a meal-time period of not more than one (1) hour.

ARTICLE IV—WAGES

SECTION 1. *Minimum Wage.*—No employee shall be paid less than at the rate of Sixteen Dollars (\$16.00) per week, except as herein otherwise provided.

SECTION 2. *Minimum Wage for Productive Employees.*—No productive employee (except as herein otherwise provided by Sections 3 and 4 of this Article) shall be paid at less than the rate of fifty cents (\$0.50) per hour.

SECTION 3. *Minimum wage for time of employees "on call" or "available."*—No employee shall be paid for less than four (4) hours' work at his regular rate of pay, for his classification or occupation,

for the first four (4) hours, or any part thereof, that he is "on call" or "available" waiting for the performance of specific work in each twenty-four (24) hour period; nor less than one-half ($\frac{1}{2}$) his hourly rate of pay, for his classification or occupation, for all time "on call" or "available" waiting for the performance of specific work, in excess of four (4) hours in each twenty-four (24) hour period; provided, however, that in no event shall such latter "on call" or "available" rate be less than thirty-six cents (\$0.36) per hour.

SECTION 4. *Wages for Apprentices.*—Subject to such rules and regulations as may be issued or prescribed pursuant to the Act, including but without limitation, Executive Order No. 6750-C, issued June 27, 1934, and subject to the provisions of Section 1 of Article V, each employer may employ apprentices; provided, however, that for the first period of indenture no apprentice shall be paid at less than thirty per cent (30%) of the minimum rate for other productive employees in the trade or occupation in which the apprentice is indentured, and in no event at less than the rate of twenty-five cents (\$0.25) per hour; and provided, further, that at no time shall the number of such apprentices employed by any one employer exceed the ratio of one (1) apprentice to each five (5) other productive employees employed by such employer in the trade or occupation for which the apprentice is indentured. The rates of wages to be paid to apprentices during other periods of apprenticeship shall be in accordance with the contract or indenture which in no event shall provide for a rate, during the last period of indenture, less than eighty per cent (80%) of the minimum rate of other productive employees in the trade or occupation in which the apprentice is indentured. Each employer shall, within thirty (30) days after the constitution and organization of the Code Authority, file a certified copy of each apprenticeship indenture for each apprentice in his employ and, thereafter, shall likewise file similar documents within thirty (30) days after the employment of any other apprentice.

SECTION 5. Employees engaged in performing work of more than one classification or occupation shall be paid for all time during any twenty-four (24) hour period at not less than the highest of the minimum rates prescribed for such classifications or occupations in which such employee is engaged.

SECTION 6. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

SECTION 7. This Code provides for rates of pay which shall apply irrespective of whether an employee is compensated on a time rate, piecework, commission or other basis.

SECTION 8. 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. 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 9. Each member of the trade shall make payment for all wages and/or other form of compensation due, in lawful currency or by negotiable check, payable on demand. Wages and/or other form of compensation shall be due and payable at the end of each pay period, at least at semi-monthly intervals.

SECTION 10. Upon the effective date hereof each employer shall promptly adjust the schedule of wages of his employees in such an equitable manner as will conform to the provisions hereinabove set forth and still preserve wage differentials reasonably proportionate to those in effect prior to the effective date of this Code. All employers shall file with the Code Authority, within ninety (90) days after the effective date of this Code, complete reports setting forth wage and hour adjustments of all employees. Such reports shall be available to the National Recovery Administration.

SECTION 11. In no event, in effecting the adjustments made necessary by this Code, shall 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 provided in this Code.

ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. No person under eighteen (18) years of age shall be employed in the trade at operations or occupations which are hazardous in nature or dangerous to health. No person under sixteen (16) 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. Within ninety (90) days after effective date of this Code, the Code Authority shall submit to the National Recovery Administration a list of such operations or occupations in the trade which are hazardous in nature or dangerous to health.

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.

(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 or provisions of the Act or of this Code.

SECTION 4. 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 National Recovery Administration for approval within three (3) months after the effective date of this Code. The standards approved shall thereafter be a part of this Code and binding as such.

SECTION 5. 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 or insurance or fire protection than are imposed by this Code.

SECTION 6. All employers shall post and keep posted copies of this Code and/or any amendments thereto in conspicuous places accessible to all employees. Every member of the trade 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 National Recovery Administration.

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

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

A. ORGANIZATION

SECTION 1. A Code Authority is hereby established.

SECTION 2. The Code Authority shall consist of nine (9) trade members, to be selected in the following manner:

(a) The members of the trade shall elect the trade members of the Code Authority by a majority vote of the members of the trade participating in the election.

(b) Each member of the trade shall have equal voting rights.

(c) As many as, but not exceeding, two (2) of the trade members of the Code Authority shall be selected from members of the trade who are not members of the Association, and who are eligible as provided by Section 12 (i) of this Article, if any, and who will serve. The complement of the trade members of the Code Authority shall be selected from members of the trade who are members of the Association, who are likewise eligible as provided by Section 12 (i) of this Article and who will likewise serve.

(d) The trade members of the Code Authority shall be elected to serve for terms not to exceed one (1) year.

(e) In the event of any vacancy in the membership of the trade members of the Code Authority, due notice shall be given and an election held within thirty (30) days after such vacancy shall have occurred to fill the incomplete term of such membership.

(f) Notice of the time and place of each election shall be sent to all known and ascertainable members of the trade and to the National Recovery Administration at least twenty (20) days in advance of each election.

(g) Voting at any election may be in person, by proxy or by letter ballot.

SECTION 3. At no time shall the Code Authority include more than one (1) member affiliated or associated with or employed by

the same member of the trade and at no time shall the Code Authority include more than one (1) member selected from members of the trade who have a financial interest in or otherwise exercise control over each other.

SECTION 4. The Association is hereby designated as an agency to conduct the election of the first Code Authority within forty-five (45) days after the effective date of this Code.

SECTION 5.—(a) The National Recovery Administration may make such temporary appointments of Trade Members to the Code Authority as may be necessary: or in the case of, and for the period of, any vacancy on the Code Authority.

(b) The National Recovery Administration may make such temporary appointments of Trade Members to act as a Temporary Code Authority, with all the powers and duties as are herein prescribed for the Code Authority and to serve until such time as the first Code Authority is duly constituted and organized, as provided by this Code.

SECTION 6. In addition to the membership as hereinbefore provided, there may be not more than three (3) members, without vote and without expense to the trade, to be known as Administration Members, to be appointed by the National Recovery Administration to serve for such terms as it may specify. The representatives who may be appointed by the National Recovery Administration, together with the National Recovery Administration, shall be given notice of and may sit at all meetings of the Code Authority.

SECTION 7. No member of the Code Authority shall be permitted to act as a member of the Code Authority or any agency or committee under this Code in any matter involving a violation or an alleged violation by, or a complaint against, a member of the trade by which he is employed or with which he is associated or affiliated.

SECTION 8. 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 National Recovery Administration 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 National Recovery Administration may deem necessary to effectuate the purposes of the Act.

SECTION 9. 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 National Recovery Administration may prescribe such hearings as it may deem proper; and thereafter, if it 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 10. Nothing contained in this Code shall constitute the members of the Code Authority, or of any state, regional or district agency of the Code Authority, partners for any purpose. Nor shall any such member be liable in any manner to anyone for any act of any other member, officer, agent or employee of the Code Authority, or of any such agency of the Code Authority. Nor shall any member of the Code Authority, or of any such agency, 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 wilfull malfeasance or nonfeasance.

SECTION 11. If the National Recovery Administration 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 National Recovery Administration 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 National Recovery Administration approves or unless it shall fail to disapprove after thirty (30) days' notice to it of intention to proceed with such action in its original or modified form.

B. POWERS AND DUTIES

SECTION 12. Subject to such rules and regulations as may be issued by the National Recovery Administration, 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 trade 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 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 National Recovery Administration may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as it may designate; provided that nothing in this Code shall relieve any member of the trade of any existing obligations to furnish reports to any Government 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 National Recovery Administration.

(d) To use any trade association or other agency as it deems proper for the carrying out of any of its activities; 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 thereof.

(e) To make recommendations to the National Recovery Administration 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 trade.

(f) To cooperate with the National Recovery Administration in regulating the use of any N. R. A. insignia.

(g) To recommend to the National Recovery Administration 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 National Recovery Administration after such notice and hearing as it 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 trade for the purpose of formulating fair trade practices to govern the relationships between employers under this Code and under other codes to the end that such fair trade practices may be proposed to the National Recovery Administration as amendments to this Code and such other codes.

(i) 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 National Recovery Administration for its approval, subject to such notice and opportunity to be heard as it 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 National Recovery Administration, 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 Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Recovery Administration. 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.

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 National Recovery Administration; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Recovery Administration shall have so approved.

(j) To prepare, and submit to the National Recovery Administration, a plan or plans for the establishment of state, regional or other districts for the further administration of this Code in such areas.

(k) To prepare and submit to the National Recovery Administration within ninety (90) days after the effective date of this Code, a plan or plans for the appointment or selection of any State, Regional or other Committees and their Chairmen.

(l) To provide for the appointment or the selection of any other regional, district or other committee for the further administration of this Code.

(m) To employ such agents and employees as it may deem necessary for the administration of this Code.

(n) To delegate, subject to the limitations as provided herein by paragraph (d) of this Section, such of its powers and duties to such State, Regional or other Committees as it may deem appropriate for the further administration of this Code and to suspend and/or cancel any such delegated powers or duties at any time.

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

SECTION 13. Any interested party shall have the right to appeal to the National Recovery Administration from any decision, act or omission to act, of the Code Authority or any of its agencies.

ARTICLE VII¹—COST FINDING AND ACCOUNTING

SECTION 1. The standards of fair competition for the trade with reference to pricing practices are declared to be as follows:

SECTION 1 (a). 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 National Recovery Administration for review. If approved by the National Recovery Administration, 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, or any agent thereof, or any member of the trade, 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.

COSTS AND PRICE CUTTING

SECTION 2. Wilfully destructive price cutting is an unfair method of competition and is forbidden. Any member of the trade or of any other trade or the customers of either may at any time complain to the Code Authority that any offered 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 five (5) days afford an opportunity to the member offering such 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

¹ See paragraph 2 of order approving this Code.

Planning Division of N. R. A., which shall render a report and recommendation thereon to the National Recovery Administration.

(a) 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.

(b) When an emergency exists as to any given product or service, sale below the stated minimum price of such product or service, in violation of Section 3 hereof, is forbidden.

EMERGENCY PROVISIONS

SECTION 3. If the National Recovery Administration, 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 or service 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 National Recovery Administration a determination of the stated minimum price of the product or service affected by the emergency, and thereupon the National Recovery Administration may proceed to determine such stated minimum price.

(a) When the National Recovery Administration shall have determined such stated minimum price for a specified product or service 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, it shall publish such price. Thereafter, during such stated period, no member of the trade shall sell such specified products or services 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 National Recovery Administration may cause any determinations hereunder to be reviewed or reconsidered and appropriate action taken.

SECTION 4. No member of the trade shall enter into an agreement, understanding, combination or conspiracy to fix or maintain price terms, nor cause or attempt to cause any member of the trade to change his price terms by the use of intimidation, coercion, or any other influence inconsistent with the maintenance of a free and open market. For the purposes of this Code the term "price terms" shall, but without limitation, be defined to mean and include all prices, discounts, rebates, allowances and all other terms or conditions of sale.

ARTICLE VIII—TRADE PRACTICE RULES

RULE 1. 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 or services (including, but without limitation, their use, trade-mark, grade, quality, quantity, origin, size, substance, character, nature, finish, material, content, or preparation thereof) or credit terms, value, policies, or the nature or form of the business conducted.

RULE 2. No member of the trade shall knowingly post-date or pre-date any contract, invoice, quotation or receipt; knowingly withhold from or insert in any contract, invoice, quotation or receipt any statement which makes such contract, invoice, quotation or receipt a misleading or inaccurate statement in any material particular; or accept or offer to accept any such contract for the purpose of and with the effect of injuring the business of a competitor or of violating or evading the provisions of this Code.

RULE 3. 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.

RULE 4. No member of the trade 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 falsely disparaging the grade or quality of his goods and/or services.

RULE 5. No member of the trade shall give, permit to be given or offer to give, money or any other thing 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 trade shall attempt to induce the breach of an existing contract between a competitor and his customer or source of supply; nor interfere with or obstruct the performance of such contractual duties or services.

RULE 7. No member of the trade 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 trade 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. No member of the trade shall offer or give prizes, premiums or gifts of any nature, including the products or services of this trade or any other trade or industry, in connection with the sale of the products and/or services of this trade, or as an inducement thereto (unless such prizes, premiums or gifts are offered or given to all buyers or potential buyers of the same class); or by any scheme which involves lottery, misrepresentation or fraud.

RULE 9. No member of the trade shall fail to include a complete, accurate and itemized list of all materials, parts or services and the selling prices thereof in either the contract, invoice, quotation or

receipt covering any sale or offer of sale thereof. All new and/or second-hand materials and/or parts shall be so designated.

RULE 10. No member of the trade shall fail to render an invoice or bill for each sale of the products or services of this trade.

RULE 11. No member of the trade shall combine, in quotations or contracts for the sale of the products or services of this trade, a quotation or a contract for the sale of the products or services of any other trade or industry, for the purpose or with the effect of concealing the true selling prices of the products or services of this trade.

RULE 12. No member of the trade shall coerce or otherwise constrain an employee to purchase or obligate himself, directly or indirectly, to purchase stocks, bonds, securities or other forms of ownership, mortgage, or indebtedness in its enterprise or in any other enterprise or to make any other purchase or obligation.

RULE 13. No member of the trade shall require that the purchase, sale or lease of any product or service of this trade or of any other trade or industry, shall be a requisite or a prerequisite to the purchase, sale or lease of the products or services of this trade.

RULE 14. No member of the trade shall recall or revise or offer to recall or revise any written quotation, proposal or bid submitted to a buyer or potential buyer of any products or services of this trade, for the purpose of submitting more favorable price terms, unless the buyer has proposed a revision in the quantity and/or quality of the products and/or services to be purchased.²

RULE 15. No member of the trade shall furnish any product or service of this trade to any person (except to charity), except for such consideration, expressed or implied, as may be included by a quotation, contract, guarantee, warranty or other agreement covering such product or service, except as herein otherwise provided by Rule 8.

RULE 16. No member of the trade shall fail to keep a complete, accurate and itemized record of all wages, salaries, commissions, drawing accounts or other allowances or credits paid to all employees, including salesmen and agents.

ARTICLE IX—GENERAL

SECTION 1. 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.

SECTION 2. 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 3. Such of the provisions of this Code as are not required to be included therein by the Act may, with the approval of the

² See paragraph 2 of order approving this Code.

President, be modified or eliminated as changes in circumstances or experience may indicate. It is contemplated that from time to time supplementary provisions of this Code, or additional codes, will be submitted for approval of the President to prevent unfair competition and other unfair destructive competitive practices and to effectuate the other purposes and policies of Title I of the Act.

SECTION 4. This Code shall become effective on the second Monday after its approval by the President.

Approved Code No. 544.

Registry No. 1405-11.



CODE OF FAIR COMPETITION
FOR THE
NATURAL ORGANIC PRODUCTS INDUSTRY

As Approved on January 25, 1935

ORDER

**APPROVING CODE OF FAIR COMPETITION FOR THE NATURAL ORGANIC
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 Code of Fair Competition for the Natural Organic Products 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate by reference said annexed report and does 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 does hereby order that said Code of Fair Competition be and it is hereby approved; provided, however, that the Code Authority shall obtain from members of the Industry and submit to the National Industrial Recovery Board at its request such labor statistics as said Board may deem necessary for determining the adequacy of the labor provisions of this Code and within four months from the effective date of this Code said Board shall conduct such hearings as it deems necessary to effectuate changes in said labor provisions of said Code and that any order the said Board may make as a result of such hearings, data and information shall have the effect of a condition on the approval of this Code.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

JOSEPH F. BATTLEY,
Division Administrator.

WASHINGTON, D. C.,
January 25, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,

The White House.

SIR: This is a report on the Hearing on the Code of Fair Competition for the Natural Organic Products Industry, held on April 20, 1934. The Code, which is attached, was presented by duly qualified and authorized representatives of the Industry, complying with statutory requirements and claiming to represent ninety percent, by volume, of the Industry.

In accordance with the customary procedure every person who had filed a request for appearance was freely heard in public, and regulatory requirements were complied with.

THE INDUSTRY

The Industry is divided into five divisions: The Botanical Drug Industry, the Essential Oil Industry, the Spirit and Oil Soluble Gum Industry, the Water Soluble Gum Industry, and the Vanilla Bean Industry. The Industry as a whole comprises about 170 establishments.

There are no figures available as to the capital investment in this Industry, but the volume of business in 1929 was about \$50,000,000 and declined to about \$25,000,000 in 1933. The Industry employed 1,958 persons in 1929. This number fell to 1,852 in 1930 and fell further to 1,736 in 1931, but rose sharply to 1,916 in 1932.

The five small industries comprising the Natural Organic Products Industry originally approached the National Recovery Administration separately, asking for separate Codes. Since it was found that they had common problems and overlapping functions they were asked to combine under one basic Code; a new trade association was formed to sponsor this Code, admitting members of all five industries. Since these industries were thus combined for the first time in their existence and since they were composed of many small and scattered units it was found difficult to obtain accurate and complete statistics and information covering the new Industry thus formed, and a clear picture of conditions within it was not obtainable.

PROVISIONS OF THE CODE

The Code provides for a basic forty (40) hour week and a thirty-five (35) cent minimum wage. The meagre statistics which are available tend to indicate that this will promote little if any re-employment or increased purchasing power in this Industry.

The hour, wage, general labor, and administration provisions in the Code are common to all five divisions of this Industry. In addi-

tion, each division has a separate schedule of trade practice rules to be administered by its Divisional Code Council. The Schedules, with minor differences, are identical and render enforceable under the Code certain basic rules of fair trade practice which have been followed by the majority of the Industry in the past.

FINDINGS

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

The Board finds 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 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 among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practice, by promoting the fullest possible utilization of the present production 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 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 of Fair Competition for the Natural Organic Products Industry has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

JANUARY 25, 1935.

CODE OF FAIR COMPETITION FOR THE NATURAL ORGANIC PRODUCTS 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 Natural Organic Products 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 "Natural Organic Products Industry" or "Industry" as used herein includes the following industries and such related branches or subdivisions thereof and such allied industries as may from time to time be included under the provisions of this Code:

(a) *The Botanical Drug Industry.*—The term "Botanical Drug Industry" as used herein includes the merchandising and/or importing and/or processing either as merchants or as custom millers, or as both, of botanical drugs and allied commodities.

(b) *The Essential Oil Industry.*—The term "Essential Oil Industry" as used herein includes the manufacture and/or redistillation and/or merchandising and/or importing and/or packaging and distributing of essential oils, floral products, animal fixatives, natural ethers and aldehydes, balsams and aromatic gums, fruit and other flavors for re-manufacturing purposes, natural aromatic products, oleo resins and allied natural products and mixtures of the above-named products and other aromatic chemicals known as "specialties" or "compounds"; and includes the importation for resale of synthetic aromatic chemicals, but does not include the manufacture or sale by the producer of synthetic aromatic chemicals.

(c) *The Spirit and Oil Soluble Gum Industry.*—The term "Spirit and Oil Soluble Gum Industry" as used herein includes the importing and merchandising of spirit and oil-soluble natural resins, except shellac and naval stores, used in the manufacture of paint, varnish, lacquer, and miscellaneous other products requiring natural resins.

(d) *The Water Soluble Gum Industry.*—The term "Water Soluble Gum Industry" as used herein includes the importing and merchandising and/or processing, either as merchants or as custom millers, or as both, of water-soluble gums and allied commodities.

(e) *The Vanilla Bean Industry.*—The term "Vanilla Bean Industry" as used herein includes the importing, merchandising and distributing of tonka and vanilla beans.

SECTION 2. (a) 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; but does not include any person whose principal line of business is wholesaling or retailing under the operation of any wholesale or retail code unless such person imports for resale, and/or purchases for resale from the primary source of raw materials, and/or performs any processing or packaging operation upon any of the products of this Industry or any of its branches.

(b) The term "person" as used herein includes, but without limitation, a natural person, or any partnership, association, corporation or other form of enterprise, or any government, governmental subdivision or agency thereof.

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 terms "President", "Act", and "Board" as used herein mean, respectively, the President of the United States, Title I of the National Industrial Recovery Act, and the National Industrial Recovery Board.

SECTION 6. The term "establishment" as used herein means any plant, laboratory, or office or any branch thereof in which any of the activities included in this Industry are carried on.

SECTION 7. The term "Association" as used herein means the National Organic Products Association.

SECTION 8. *Definitions of Personnel.*—(a) The term "executive" as used herein means an employee solely responsible for the management of a business or a recognized subdivision thereof.

(b) The term "outside salesman" as used herein means a salesman who is engaged not more than fifteen (15) hours per week inside the establishment or any branch thereof by which he is employed.

(c) The term "watchman" as used herein shall mean an employee engaged primarily in safeguarding the premises and property of a member of the Industry.

SECTION 9. The term "continuous process" as used herein means a process which once begun, cannot be interrupted until complete without spoiling the goods processed or rendering the work done valueless; and which must be attended throughout by the same individual or individuals; and which cannot be begun at a sufficiently early hour to allow of its completion within the eight-hour shift in which it is begun.

ARTICLE III—HOURS

SECTION 1 (a) No employee except as provided below shall be permitted to work more than forty (40) hours in any calendar week nor more than eight (8) hours in any twenty-four (24) hour period except that during any eight (8) weeks in one year employees may be permitted to work not in excess of forty-eight (48) hours per

week, provided that all hours worked in excess of forty (40) in any one week or eight (8) in any twenty-four (24) hour period are compensated at one and one-third ($1\frac{1}{3}$) times the regular rate of pay.

(b) The provisions of Subsection (a) of this Section shall not apply to executives, supervisory employees, and scientific employees who are paid \$35.00 or more per week, nor to outside salesmen and commission salesmen.

(c) Watchmen may work not in excess of fifty-six (56) hours in any one week provided they shall have one full day off in each seven (7) day period.

(d) Employees whose work on continuous process requires it, may be permitted to work not in excess of twelve (12) hours in any twenty-four (24) hour period, and not in excess of forty (40) hours in any one week.

(e) In case of an epidemic, catastrophe, or any emergency involving breakdowns, or protection of life or property, such employees as are necessary may be permitted to work unlimited overtime, provided that such employee shall be paid at the rate of at least time and one-third ($1\frac{1}{3}$) for all hours worked in excess of the applicable maximum number of hours provided in Sub-sections (a), (c), and (d) of this Section. A report of each such emergency shall be sent to the Code Authority within thirty (30) days after such emergency overtime work shall have commenced, giving such details as the Code Authority may prescribe.

SECTION 2. No employer shall knowingly permit any employee to work for any time which when totalled with that already performed with another employer or employers in this or any other industry or trade exceeds the maxima permitted herein for such employee's class of work.

SECTION 3. Employers who personally perform manual work or engage in mechanical operations shall not work longer than the maximum permitted herein for such class of work.

ARTICLE IV—WAGES

SECTION 1. No employee shall be paid less than at the rate of thirty-five cents (35¢) per hour, except as herein otherwise provided.

SECTION 2. No hourly, daily or full time weekly compensation for employees who are paid less than \$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.

SECTION 3. No employer or his agent shall accept any rebate on wages directly or indirectly, or 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.

SECTION 4. No employee shall be discharged and reemployed at a lower rate.

SECTION 5. A person whose earning capacity is limited because of age, physical or mental handicap, or other infirmity, may be em-

ployed 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 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. No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge so as to defeat the purposes and provisions of the Act or 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. Wages shall be paid at least twice per month in lawful currency, or by negotiable check payable on demand.

SECTION 10. Wages shall be exempt from all fines or deductions and from all payments for pensions, insurance or sick benefits other than those voluntarily paid by employees or required by law.

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 Board, within six (6) months 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 the 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 age required by this Section.

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.

(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 3. Every employer shall provide for the safety and health of his employees at the places and during the hours of their employment. Standards for safety and health shall be submitted by the Code Authority to the Board within three (3) months after the effective date of this Code, and upon approval by the Board, shall become effective as a part of this Code.

SECTION 4. 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 5. All employers shall post and keep posted complete copies of the labor provisions of this Code and all amendments thereto when made in conspicuous places easily 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 Board.

SECTION 6. 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. Employers shall arrange that the hours worked by any employee during each day shall be consecutive, provided that an interval not longer than one 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.

SECTION 8. 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.

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

SECTION 1. (a) A Code Authority is hereby established consisting of one (1) member from each Divisional Code Council, elected by the members of each such Divisional Code Council to serve for one year and until their respective successors shall be elected.

(b) Pending the election of the permanent Code Authority, the Board of Directors of the Association shall act as a temporary Code Authority.

SECTION 2. (a) The following Divisional Code Councils are hereby established, consisting of five (5) members each, to administer the separate trade practice schedules of this Code applicable to their respective Divisions of this Industry:

- The Botanical Drug Code Council
- The Essential Oil Code Council
- The Spirit & Oil Soluble Gum Code Council
- The Water Soluble Gum Code Council
- The Vanilla Bean Code Council

(b) The members of each Divisional Code Council shall be elected in the following manner and shall serve for a term of one year or until their successors shall be elected:

(1) After the effective date of this Code, each Vice-President of the Association in charge of a Division shall appoint a nominating Committee of three (3) which shall nominate at least ten (10) candidates. Any ten (10) members of the Division may, in writing, submit an additional nomination. Each such Vice-President shall call an open meeting of his Division to which shall be invited all persons who are members of the Division and whose names can be ascertained by reasonable diligence.

Each member of the Division shall be entitled to the number of votes indicated upon the following table:

Aggregate Annual Sales Volume for the Calendar Year Preceding the Year in Which the Election is Held:	Corresponding number of votes
\$25,000 or less.....	5
\$25,000.01 to \$50,000.....	10
\$50,000.01 to \$100,000.....	15
\$100,000.01 to \$200,000.....	20
\$200,000.01 to \$400,000.....	25
\$400,000.01 to \$800,000.....	30
\$800,000.01 to \$1,600,000.....	35
More than \$1,600,000.....	40

NOTE.—Number of votes must be computed upon sales of products included under the definition of the Division. Sales in other Divisions or other Industries cannot be counted in determining votes.

Voting shall be cumulative and each member may cast his votes for any five or less number of nominees or may cast them all for one nominee. The five (5) individuals receiving the greatest number of votes shall be elected, and shall without delay elect one of their number to membership on the Code Authority.

SECTION 3. In addition to membership as above provided, there may be three (3) or less members on the Code Authority and on each Divisional Code Council, without vote and without compensation from the Industry, to be known as Administration Members, to be appointed by the Board to serve for such terms as it may specify.

SECTION 4. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority or any Divisional Code Council shall (1) impose no inequitable restriction on membership, and (2) submit to the Board 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 Board may deem necessary to effectuate the purposes of the Act.

SECTION 5. In order that the Code Authority and Divisional Code Councils shall, at all times, be truly representative of the Industry and in other respects comply with the provisions of the Act, the Board may provide such hearings as it may deem proper; and thereafter if it shall find that the Code Authority or any Divisional Code Council 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 Divisional Code Council.

SECTION 6. Nothing contained in this Code shall constitute the members of the Code Authority nor the members of the Divisional Code Councils partners for any purpose. Nor shall any member of the Code Authority or Divisional Code Councils be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Code Authority or Divisional Code Councils. Nor shall any member of the Code Authority or Divisional Code Councils, 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 nonfeasance.

SECTION 7. If the Board shall determine that any action of the Code Authority, Divisional Code Councils, or any agency thereof may be unfair or unjust or contrary to the public interest, the Board 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, Divisional Code Council, or agency pending final action which shall not be effective unless the Board approves or unless it shall fail to disapprove after thirty days' notice to it of intention to proceed with such action in its original or modified form.

POWERS AND DUTIES

SECTION 8. Subject to such rules and regulations as may be issued by the Board, 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 Board may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as it 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 to any other party except to such other Governmental agencies as may be directed by the Board.

(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 delegate to the Divisional Code Councils such duties as are necessary to the proper administration of this Code within their respective Divisions, and to receive from such Councils recommenda-

tions and suggestions for the betterment of conditions within the Industry and for the promotion of harmonious relations with the Consumer, labor and other industries upon matters of common interest, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code.

(f) To make recommendations to the Board 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.

(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 Board for its approval, subject to such notice and opportunity to be heard as it 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 Board, 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 such rules and regulations pertaining thereto issued by the Board. 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 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 Board; and no subsequent budget shall contain any deficiency budget item for expenditures in excess of the required budget estimates except which the Board shall have so approved.

(h) To recommend to the Board 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 Board after such notice and hearing as it may specify.

(i) 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 Board as amendments to this Code and such other Codes.

(j) 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 Board for review. If approved by the Board, 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 agency 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.

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

(l) To appoint representatives to serve on any Drug Industry Coordinating Council which may be established to be composed of representatives from the various code authorities governing codes which are directly related to the Drug Industry, and to act as a planning and coordinating agency, and as an agency for the stabilization of employment, for the entire Drug Industry.

(m) Within one month after the effective date of this Code, to appoint a committee to make a study with a view to the establishment, within three months following, of classifications and standards of dimensioning and quality, containers, weights, measures, and labelling for products of the Industry, in cooperation with the American Standards Association, the Bureau of Standards of the United States Department of Commerce, or any other organization which will guarantee both consumer and Government representation in the drafting of such standards.

(n) To make a study of the use by members of the Industry of long-term contracts and to recommend to the Board any additional trade practice rules that may be necessary to control such abuses as may be found to exist in the use of long-term contracts. Such trade practice rules shall become operative as a part of this Code upon approval by the Board after such notice and hearing as it may deem necessary.

ARTICLE VII—GENERAL

SECTION 1. Except as may be subsequently set forth in a specific or supplementary Export Code for the Industry, the provisions of this Code now or hereafter adopted with regard to prices, discounts, deductions, allowances, extras, commissions or methods and/or terms of sale are not to apply to direct export sales.

SECTION 2. In addition to Articles I to XI, inclusive, of this Code the attached Schedules (A, B, C, D and E) are supplementary to and constitute part of the Code of Fair Competition for the National Organic Products Industry, and are applicable each to its respective Division.

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 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 on 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 modifications to be based upon application to the Board and such notice and hearing as it shall specify, and to become effective on approval of the President.

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 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 XI—EFFECTIVE DATE

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

Approved Code No. 545.

Registry No. 613-04.

SCHEDULE A

SUPPLEMENTAL PROVISIONS APPLICABLE TO THE BOTANICAL DRUG INDUSTRY

The following supplemental provisions shall apply to the Botanical Drug Industry:

SECTION I—DEFINITIONS

The term "member of the Division" as used in this Schedule includes, but without limitation, any individual, partnership, association, corporation, or other type of enterprise engaged in the Botanical Drug Industry, either as an employer or on his or its own behalf.

SECTION II—TRADE PRACTICE RULES

RULE 1. No member of the Division shall use advertising or selling methods or credit terms which have the capacity or tendency to deceive or mislead the customer or prospective customer.

RULE 2. Each member of the Division shall abide by the following terms and specifications of sale:

(a) The cash discount shall not exceed one (1) percent, and shall not be allowed unless payment is made within ten (10) days from date of shipment.

(b) The net term of payment shall not exceed thirty (30) days from date of shipment.

(c) No guarantee or protection in any form shall be given a customer against decline in the selling price of any product.

(d) Crude and milled botanical products, except for delivery within their metropolitan districts, shall be sold on a delivery basis of ex-dock and ex-warehouse, or f. o. b. carrier.

(e) Each sales contract shall contain a definite expiration date, and a specific variation not to exceed fifteen (15) percent between the minimum and maximum quantity.

RULE 3. No member of the 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 any member 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 4. Allowances for weights of all containers shall be in accordance with provisions of the official Tares of the New York Board of Trade.

SCHEDULE B

SUPPLEMENTAL PROVISIONS APPLICABLE TO THE ESSENTIAL OIL INDUSTRY

The following supplemental provisions shall apply to the Essential Oil Industry:

SECTION I—DEFINITIONS

The term "member of the Division" as used in this Schedule, includes, but without limitation, any individual, partnership, association, corporation, or other type of enterprise engaged in the Essential Oil Industry, either as an employer or on his or its own behalf.

SECTION II—TRADE PRACTICE RULES

RULE 1. No member of the Division shall use advertising or selling methods or credit terms which have the capacity or tendency to deceive or mislead the customer or prospective customer.

RULE 2. No member of the Division shall withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any material particular.

RULE 3. No member of the Division shall brand or mark or pack any commodity in any manner which tends to deceive or mislead purchasers with respect to the brand, grade, quality, quantity, origin, size, material content, or preparation of such commodity.

RULE 4. No member of the Division 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. No member of the 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 6. No member of the Division shall make any unauthorized use of any copy, counterfeit, or colorable imitation of the trade mark, label, or identifying name or device of the products of another, so as to deceive or mislead purchasers or prospective purchasers.

RULE 7. No member of the 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 any member 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. Each member of the Division shall abide by the following terms and specifications of sale.

(a) No member of the Industry shall willfully 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.

(b) No guarantee or protection in any form shall be given a customer against decline in the selling price of any product.

(c) Each member of the Division shall use a contract form which states delivery specifications, price, style and size of container, delivery point, and terms of sale.

(d) The cash discount shall not exceed one (1) percent, and shall not be allowed unless payment is made within ten (10) days from date of shipment.

(e) The net term of payment shall not exceed thirty (30) days from date of shipment.

(f) No member of the Division shall ship upon consignment except as may be permitted by the Board.

RULE 9. Any natural impurity in or sophistication of a product of which a member of the Division knows or has reason to know or could reasonably determine shall be clearly set forth on the label and invoice for said product.

RULE 10. No member of the Division shall make any contract of sale relating to imported products and/or products of the Industry which are manufactured from imported raw materials or are a blend of imported and domestic products which is to endure for a period longer than six (6) months.

SCHEDULE C

SUPPLEMENTAL PROVISIONS APPLICABLE TO THE SPIRIT AND OIL SOLUBLE GUM INDUSTRY

The following supplemental provisions shall apply to the Spirit and Oil Soluble Gum Industry:

SECTION I—DEFINITIONS

The term "member of the Division" as used in this Schedule, includes, but without limitation, any individual, partnership, association, corporation, or other type of enterprise engaged in the Spirit and Oil Soluble Gum Industry, either as an employer or on his or its own behalf.

SECTION II—TRADE PRACTICE RULES

RULE 1. No member of the Division shall use advertising or selling methods or credit terms which have the capacity or tendency to deceive or mislead the customer or prospective customer.

RULE 2. No member of the Division shall withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any material particular.

RULE 3. No member of the Division shall brand or mark or pack any commodity in any manner which tends to deceive or mislead purchasers with respect to the brand, grade, quality, quantity, origin, size, material content, or preparation of such commodity.

RULE 4. No member of the Division 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. No member of the 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 6. No member of the 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 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 7. Each member of the Division shall abide by the following terms and specifications of sale:

(a) No guarantee or protection in any form shall be given any customer against decline in the selling price of any product.

(b) The cash discount shall not exceed one (1) percent, and shall not be allowed unless payment is made within ten (10) days from date of shipment.

(c) The net terms of payment shall not exceed thirty (30) days from date of shipment.

(d) Each member of the Division shall use a contract form which states delivery specifications, price, style, size of container, delivery point, and terms of sale.

(e) No member of the Division shall make any contract of sale relating to imported products and/or products of the Industry which are a blend of imported and domestic products which is to endure for a period longer than six (6) months.

SCHEDULE D

SUPPLEMENTAL PROVISIONS APPLICABLE TO THE WATER SOLUBLE GUM INDUSTRY

The following supplemental provisions shall apply to the Water Soluble Gum Industry:

SECTION I—DEFINITIONS

The term "member of the Division" as used in this Schedule, includes, but without limitation, any individual, partnership, association, corporation, or other type of enterprise engaged in the Water Soluble Gum Industry, either as an employer or on his or its own behalf.

SECTION II—TRADE PRACTICE RULES

RULE 1. No member of the Division shall use advertising or selling methods or credit terms which have the capacity or tendency to deceive or mislead the customer or prospective customer.

RULE 2. No member of the Division shall withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any material particular.

RULE 3. No member of the Division 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 4. Each member of the Division shall abide by the following terms and specifications of sale:

(a) The cash discount shall not exceed one (1) percent, and shall not be allowed unless payment is made within ten (10) days from date of shipment, in United States funds.

(b) The net terms of payment shall not exceed thirty (30) days from date of shipment, in United States funds.

(c) No guarantee or protection in any form shall be given any customer against decline in the selling price of any product.

(d) Each member of the Division shall use a contract form which states delivery specifications, price, style and size of container, delivery point, and terms of sale.

(e) Except for deliveries within their metropolitan trading areas, all members of the Division shall make all shipments F. O. B. cars point of shipment.

RULE 5. No member of the 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 any member 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. No member of the Division shall make any contract of sale relating to imported products and/or products of the Industry which are a blend of imported and domestic products which is to endure for a period longer than six (6) months.

SCHEDULE E

SUPPLEMENTAL PROVISIONS APPLICABLE TO THE VANILLA BEAN INDUSTRY

The following supplemental provisions shall apply to the Vanilla Bean Industry:

SECTION I—DEFINITIONS

The term "member of the Division" as used in this Schedule includes, but without limitation, any individual, partnership, association, corporation, or other type of enterprise engaged in the Vanilla Bean Industry either as an employer or on his or its own behalf.

SECTION II—TRADE PRACTICE RULES

RULE 1. No member of the Division shall use advertising or selling methods or credit terms which have the capacity or tendency to deceive or mislead the customer or prospective customer.

RULE 2. No member of the Division shall withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any material particular.

RULE 3. No member of the Division shall brand or mark or pack any commodity in any manner which tends to deceive or mislead purchasers with respect to the brand, grade, quality, quantity, origin, size, material content, or preparation of such commodity.

RULE 4. No member of the Division 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. No member of the 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 any member 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. Each member of the Division shall abide by the following terms and specifications of sale:

(a) The cash discount shall not exceed one (1) percent, and shall not be allowed unless payment is made within ten (10) days from date of shipment, unless it takes longer than ten (10) days to make deliveries, and in such case the cash discount period shall not exceed thirty (30) days.

(b) The net terms of payment shall not exceed thirty (30) days unless, it takes longer than ten (10) days to make deliveries, and in such case the net terms of payment shall not exceed forty-five (45) days.

(c) No guarantee or protection in any form shall be given any customer against decline in the selling price of any product.

(d) Merchandise, except for delivery within metropolitan limits, shall be sold only upon a delivery basis from home office of seller, ex-dock, ex-warehouse, or F. O. B. carrier.

(e) Each member of the Division shall use a contract form which states delivery specifications, price, style and size of container, delivery point, and terms of sale.

RULE 7. No member of the Division shall make any contract of sale relating to imported products and/or products of the Industry which are a blend of imported and domestic products which is to endure for a period longer than six (6) months.

Approved Code No. 546

CODE OF FAIR COMPETITION

FOR THE

PACIFIC COAST DRIED FRUIT INDUSTRY

As Approved on January 26, 1935

ORDER

**CODE OF FAIR COMPETITION FOR THE PACIFIC COAST DRIED FRUIT
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 Pacific Coast Dried Fruit 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does find that said Code complies in all respects with the pertinent provisions and will promote the policies and purposes of said title of said act; and does hereby order that said Code of Fair Competition be and it is hereby approved.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

ARMIN W. RILEY,
Division Administrator.

WASHINGTON, D. C.,
January 26, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,

The White House.

SIR: This is a report on the Code of Fair Competition for the Pacific Coast Dried Fruit Industry, the hearing having been conducted thereon in Washington, D. C., August 1, 1934, in accordance with the provisions of Title I of the National Industrial Recovery Act.

GENERAL

Members of the Industry buy the dried fruit from the farmer, after which it is cleaned, graded, sorted, washed, dried, packed, and shipped.

The production and volume for 1929, latest Census figures available, total 938,698,695 pounds, valued at \$75,891,568.

The production of dried fruits has increased over 500 per cent during the last forty years.

The 1932 estimate is 515,654 tons produced in California and 30,500 tons in the Pacific Northwest and this represents a 10 per cent increase over 1931. It is estimated that the 1933 crop was 12 per cent under 1932.

Consumption of dried fruit is best indicated by the following per capita figures:

	<i>Pounds</i>
1923 -----	6.39
1925 -----	7.51
1927 -----	5.22
1929 -----	4.71
1932 -----	5.16

The Industry is divided into the following seven divisions:

Dried Prunes
Dried Raisins
Dried Peaches
Dried Apricots
Dried Apples
Dried Figs
Dried Pears

Prunes are the most important in volume and California produced 90 per cent thereof, the balance being produced in the Pacific Northwest.

Raisin production is confined almost entirely to California. The same applies to dried peaches and apricots.

Sixty per cent of the dried apples is produced in California and 40 per cent in the Pacific Northwest. Approximately 85 per cent is exported to Continental Europe.

Practically all the dried figs are produced in California.

Dried pears are of minor importance in the Dried Fruit Industry.

EXPORTS

Europe is the principal foreign market.

Our prune exports compete in foreign markets with Yugo-Slavia; Germany is our largest importer. As to raisins, our foreign competition is Australia, Turkey, and Greece.

EMPLOYMENT

Complete employment figures are not available. It is estimated that in 1929 there were 3,000 employed during the slack season and approximately 8,600 during the peak season.

For 1933, it is estimated that during the slack season the Industry employed approximately 3,600 and during the peak season, 12,200.

Answers to questionnaires to members of the Industry (representing approximately 95 per cent of the Industry) show a peak employment for 1932 of 9,700; peak for November, 1933, 11,400.

PROVISIONS AS TO HOURS

The Code provides for a forty (40) hour week and eight (8) hour day, with the following exceptions:

(a) Employees in managerial, executive, supervisory or technical capacities who regularly receive not less than thirty-five dollars (\$35.00) per week in cities of one hundred thousand (100,000) population, or over, or thirty dollars (\$30.00) per week in cities and towns of less than one hundred thousand (100,000) population and more than twenty-five thousand (25,000) population, or twenty-five dollars (\$25.00) elsewhere; also outside salesmen who regularly receive not less than thirty dollars (\$30.00) per week; and buyers.

(b) Employees in packing houses or receiving stations which employ not more than three (3) persons, in towns of less than twenty-five hundred (2500) population, may, during any two (2) weeks' period, be permitted to work not to exceed an average of forty-eight (48) hours per week.

(c) Watchmen, provided they shall not be permitted to work in excess of fifty-six (56) hours in any one week.

(d) Chauffeurs, deliverymen and their helpers, provided they shall not be permitted to work in excess of forty-eight (48) hours in any one week.

(e) Engineers and firemen, provided they shall not be permitted to work in excess of forty-eight (48) hours in any one week, nor more than nine (9) hours in any one day.

(f) During the season when shipments must be made in peak volume to meet consumptive demands and distribution requirements, employees whose maximum hours under other provisions of this Article are forty (40) hours per week, may, during not more than fourteen (14) weeks in any calendar year be permitted to work not in excess of forty-eight (48) hours per week.

(g) Any employee on emergency maintenance or emergency repair work involving breakdowns or protection of life or property, or 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 may be permitted to work

in excess of the maximum hours hereinabove provided, but in any such case at least one and one-third ($1\frac{1}{3}$) times their normal rates shall be paid to employees for hours worked in excess of maximum hours.

PROVISIONS AS TO WAGES

The Code provides as follows:

No person employed in clerical, accounting or other office work shall be paid less than at the rates of:

Sixteen dollars (\$16.00) per week in cities of over one hundred thousand (100,000) population or in the immediate trade areas thereof.

Fifteen dollars (\$15.00) per week in cities of less than one hundred thousand (100,000) and more than twenty-five thousand (25,000) population or in the immediate trade areas thereof.

Fourteen dollars (\$14.00) per week elsewhere.

No watchman shall be paid less than at the rate of eighteen dollars (\$18.00) per week.

No other employee shall be paid less than at the rate of forty cents (40¢) per hour; provided, however, that employees doing light work, such as preparing or handling small consumer packages, sorting, "hand-picking", or checking fruit, labeling, or paper-lining boxes, etc., shall be paid not less than at the rate of thirty-three and one-third cents ($33\frac{1}{3}$ ¢) per hour, provided that beginners doing such light work shall be limited to a sixty (60) day period of learning, and shall not exceed fifteen per cent (15%) of the total number of employees of each employer and shall be paid during the period of learning not less than at the rate of twenty-seven cents (27¢) per hour. The number of beginners to be employed, as mentioned in this paragraph, is subject to review by the Code Authority with the right to increase the number if good cause be shown, subject to the disapproval of the National Industrial Recovery Board.

In the States of Washington, Oregon and Idaho employees may be paid not less than at rates of five cents (5¢) below the minima provided in Section 3 (a) of Article IV.

Provision is also made for the protection of minimum rates whether on a time rate, piece-work, or other basis. Provision is made for the protection of female workers performing substantially the same work as male employees; for the maintenance of fair differentials and wage adjustments; employment of physically handicapped persons on light work; the posting of labor provisions; the maintenance of health and safety standards, and that working members of a family are classed as employees and subject to the labor provisions of the Code. Child labor is prohibited; no person under 18 years of age may be employed in a dangerous occupation.

WAGES AND EMPLOYMENT

The Code payroll increase over November, 1932 is 52.9 per cent, of which reduction in hours accounts for 31.8 per cent and minimum wages, 21.1 per cent. The Code also realizes approximately a $31\frac{1}{2}$ per cent spread of employment.

ADMINISTRATION

Article VI of the Code provides for an administrative body, insuring proper representation of all divisions of the Industry.

FINDINGS

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

(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 Board has approved this Code.
For the National Industrial Recovery Board :

W. A. HARRIMAN,
Administrative Officer.

JANUARY 26, 1935.

CODE OF FAIR COMPETITION FOR THE PACIFIC COAST DRIED FRUIT 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 Pacific Coast Dried Fruit 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. As used in this Code:

(a) The terms "President", "Act", and "Administrator" mean respectively the President of the United States, the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

(b) The terms "dried fruit industry" and "industry" mean the commercial packing and/or processing of dried fruits and/or the sale of packed dried fruits by the packer or processor thereof.

(c) The term "member of the industry" includes any individual, partnership, association, corporation or other form of enterprise engaged in the dried fruit industry, either as an employer or on his or its own behalf. Any person who shall cause dried fruits to be processed or packed for his account by another, whether on toll or otherwise, shall with respect to any sale or other disposition thereof, except a sale in the regular course of operating a wholesale or retail grocery business, be deemed a member of the industry and bound by the provisions of the Code.

(d) The term "employee" includes any and all persons engaged in the industry however compensated, except a member of the industry.

(e) The term "employer" includes any one by whom any such employee is compensated or employed.

(f) The term "watchman" includes any employee who devotes ninety per cent (90%) of his working time to watching and guarding the premises and property of an establishment in the industry.

(g) The term "outside salesmen" means salesmen who, at the time involved, are engaged not less than sixty per cent (60%) of their working hours outside of the establishment of the employer and who do not deliver merchandise.

(h) The term "buyer" means an employee who is engaged in purchasing dried fruit from growers or producers thereof.

(i) The term "council" means the Pacific Coast Dried Fruit Council herein provided for.

(j) The term "trade buyer" means any commercial purchaser buying for resale, baking or other manufacturing purposes as distinguished from an ultimate consumer purchaser.

(k) The term "dried fruits" means and includes any dried or dehydrated fruits (including raisins, bleached or unbleached and apricot kernels, but not including dates or nuts) produced in California, Oregon, Washington or Idaho.

(l) The term "packing" means and includes the packing of any dried fruits, whether in "natural" or processed condition, in boxes, cartons, paper bags, "export bags", transparent wraps or any other type of package or container in which dried fruits are or may be sold or shipped in interstate or foreign commerce. The manufacture of dried fruits by the drying, curing or dehydration of fresh fruits is not processing or packing within the meaning of the Code, but the packing (as defined in this subdivision) of fruits so dried, cured or dehydrated, is packing within the meaning hereof, whether done by the person by whom such dried fruits are produced, dried, cured or dehydrated or by another. The placing of dried fruits by a grower in sacks or open containers to accomplish their delivery to a packing plant where they will in regular course be removed from such sacks or containers shall not be deemed packing.

(m) The term "sell" includes contracting to sell and "sale" includes a contract to sell.

SECTION 2. Population shall be determined by reference to the latest Census of the United States (U. S. Department of Commerce, Bureau of Census).

ARTICLE III—HOURS

SECTION 1. No employee shall be permitted to work in excess of forty (40) hours in any week or eight (8) hours in any day, except as follows:

(a) Employees in managerial, executive, supervisory or technical capacities who regularly receive not less than thirty-five dollars (\$35.00) per week in cities of one hundred thousand (100,000) population, or over, or thirty dollars (\$30.00) per week in cities and towns of less than one hundred thousand (100,000) population and more than twenty-five thousand (25,000) population, or twenty-five dollars (\$25.00) elsewhere; also outside salesmen who regularly receive not less than thirty dollars (\$30.00) per week; and buyers;

(b) Employees in packing houses or receiving stations which employ not more than three (3) persons, in towns of less than twenty-five hundred (2500) population, may, during any two (2) weeks' period, be permitted to work not to exceed an average of forty-eight (48) hours per week.

(c) Watchmen, provided they shall not be permitted to work in excess of fifty-six (56) hours in any one week;

(d) Chauffeurs, deliverymen and their helpers, provided they shall not be permitted to work in excess of forty-eight (48) hours in any one week;

(e) Engineers and firemen, provided they shall not be permitted to work in excess of forty-eight (48) hours in any one week, nor more than nine (9) hours in any one day;

(f) During the season when shipments must be made in peak volume to meet consumptive demand and distribution requirements, employees whose maximum hours under other provisions of this Article are forty (40) hours per week, may, during not more than

fourteen (14) weeks in any calendar year be permitted to work not in excess of forty-eight (48) hours per week;

(g) Any employee on emergency maintenance or emergency repair work involving breakdowns or protection of life or property, or 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 may be permitted to work in excess of the maximum hours hereinabove provided, but in any such case at least one and one-third ($1\frac{1}{3}$) times their normal rates shall be paid to employees for hours worked in excess of maximum hours.

SECTION 2. 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 3. No employee shall be permitted to work more than six (6) days in any seven (7) day period, except employees included in paragraphs (a), (c) and (g) of Section 1 of this Article.

ARTICLE IV—WAGES

SECTION 1. No person employed in clerical, accounting or other office work shall be paid less than at the rate of:

Sixteen dollars (\$16.00) per week in cities of over one hundred thousand (100,000) population or in the immediate trade areas thereof;

Fifteen dollars (\$15.00) per week in cities of less than one hundred thousand (100,000) and more than twenty-five thousand (25,000) population or in the immediate trade areas thereof;

Fourteen dollars (\$14.00) per week elsewhere.

SECTION 2. No watchman shall be paid less than at the rate of eighteen dollars (\$18.00) per week.

SECTION 3. (a) No other employee shall be paid less than at the rate of forty cents (40¢) per hour; provided, however, that employees doing light work, such as preparing or handling small consumer packages, sorting, "hand-picking", or checking fruit, labeling or paper-lining boxes, etc., shall be paid not less than at the rate of thirty-three and one-third cents ($33\frac{1}{3}$ ¢) per hour, provided that learners doing such light work shall be limited to a four (4) weeks' period of learning, and shall not exceed fifteen per cent (15%) of the total number of employees of each employer and shall be paid during the period of learning not less than at the rate of twenty-seven cents (27¢) per hour. The number of learners to be employed, as mentioned in this Section, is subject to review by the Code Authority with the right to increase the number if good cause be shown, subject to the disapproval of the Administrator.

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 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 5. Female employees performing substantially the same work as male employees shall receive the same rates of pay as male employees.

SECTION 6. This Article establishes minimum rates of pay which shall apply, irrespective of whether an employee is actually compensated on a time rate, piece work, or other basis.

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 sixty (60) days after the effective date of this Code, 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. (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 3. 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 4. 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. 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 6. The provisions of this Code governing hours of labor, rates of pay, and other conditions of employment shall apply to all persons who would ordinarily be classed as employees in the industry, and no employer shall exempt any such person from said provisions because he is related to the employer, or for any other reason.

SECTION 7. Wages shall be exempt from fines; and from charges and deductions, except charges or deductions covering employees' voluntary contributions to pension, insurance or benefit funds; and no employer shall withhold wages except upon service of legal process or other papers lawfully requiring the same. 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 months after the termination of the contract.

SECTION 8. 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 in order to defeat the purposes of the Act or the provisions of this Code, nor engage in any other subterfuge to effect the defeat of such purposes or provisions.

SECTION 9. Whenever the minimum rates adopted by this Code result in decreasing differentials existing between different classes of employees on June 15, 1933, there shall be an equitable adjustment in order to maintain such differentials as of said date. In no case shall hourly wage rates be reduced.

SECTION 10. Employers shall make payment of all wages in lawful currency or by negotiable checks payable on demand. All contracts of employment shall prescribe payment of wages at least semimonthly.

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

SECTION 1. To effectuate further the policies of the Act, supervise the operation of the Code, assure its observance, and carry out its provisions, the Pacific Coast Dried Fruit Council is hereby created and provision made for a Code Authority.

SECTION 2. There shall be five (5) divisions of the council, namely:

(a) "A" Division, to which shall be eligible as a member any member of the industry who during the fiscal years 1932 and 1933 (and later fiscal years during which this Code remains in effect), has packed an average of five thousand (5,000) tons or more of California dried fruits a year.

(b) "B" Division, to which shall be eligible as a member any member of the industry regularly engaged in packing California dried fruits but who is not eligible to membership in "A" Division.

(c) "C" Division, to which shall be eligible as a member any member of the industry who shall be regularly engaged in packing dried or dehydrated California apples.

(d) "D" Division, to which shall be eligible as a member any member of the industry regularly engaged in packing dehydrated bleached raisins.

(e) "E" Division, to which shall be eligible as a member any member of the industry regularly engaged in packing dried fruits produced in Oregon, Washington or Idaho.

A fiscal year wherever referred to in this Article means a full twelve months' period ending June 30 of the calendar year.

SECTION 3. Any member of the industry may become a member of any division in which such person is eligible to membership upon written application addressed to the Code Authority. Until the Code Authority is organized such application may be made to the person at the time Secretary of Dried Fruit Association of California or to the person at the time Secretary of Northwest Dried Fruit Association. Any person eligible and desiring to become a member of more than one division may do so.

SECTION 4. The members of each division having a majority of the votes in such division may by their vote or written approval adopt by-laws for such division, fixing the time and place for meetings of members of that division or of its Board of Directors and the notice to be given of any such meetings, fixing the number of directors who shall constitute the Board of Directors of such division and providing for the election thereof, defining the powers and duties of such Board of Directors, the manner in which members of the Code Authority to be elected by the members of such division shall be elected, providing for the formulation and submission for approval by the Administrator and/or the President of any Code of Fair Competition supplementary thereto, which shall govern members of that division, providing the manner in which the by-laws of the division may be amended, and for any other matters that may appropriately be provided for in such by-laws, provided that such by-laws and any such supplementary Code shall in all cases be consistent with the provisions of this Code, and subject to the approval of the Administrator.

SECTION 5. A Code Authority is hereby established consisting of fifteen (15) persons, to be selected in the following manner: Nine (9) members shall be elected by members of the A Division, two (2) by members of the B Division, one (1) by members of the C Division, one (1) by members of the D Division, and two (2) by members of the E Division. In voting for members of the committee or for members of the Board of Directors of the A Division, or upon any other matter, any member of the A Division who during the fiscal year last expired has packed fifteen thousand (15,000) tons or more of dried fruits shall be entitled to cast three (3) votes and any other member of that division shall be entitled to cast two (2) votes: provided that in any such election each member of the A Division shall have the right to cumulate its votes and give one (1) candidate a number of votes equal to the number of members of the committee, or (as the case may be) of directors of A Division, to be elected by the A Division, multiplied by the number of votes to which such member is entitled or to distribute its votes on the same principle among as many candidates as the member desires. In voting for members of the committee or for directors of a division, or upon any other matter, each member of any division other than the A Division shall have one (1) vote. If any question shall arise as to the tonnage packed during any fiscal year by any member of the A Division, it shall be settled by the supervisor who shall have full access to all books and records of such member relating to the matter and the decision of the supervisor thereon shall be final, subject to the disapproval of the Administrator.

SECTION 6. In addition to membership as above provided, there may be one (1) to three (3) members, without vote, to be known as Administration members, to be appointed by the Administrator, for such terms as he may specify, and to serve without expense to the industry.

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 in the method of selection of the Code Authority.

SECTION 8. Nothing contained in this Code shall constitute the members of either the council or 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 9. 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 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 10. 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) 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 this 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 and 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 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.

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.

(e) To appoint sub-committees (whose members may be members of the industry committee and/or other persons) and to confer upon or delegate to any such sub-committee or to the supervisor the right to exercise any right or power which the committee might exercise. Any action by any such sub-committee or by the supervisor pursuant to authority granted by the committee and in conformity with any conditions prescribed by the committee shall be deemed the action of the committee. The committee may, however, require that any action of any sub-committee or of the supervisor shall be reported to and approved by the committee before having effect.

(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 responsibility 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 appoint a supervisor and such other officers or employees as it may deem proper, to define their powers and duties and fix their compensation which compensation may be paid by the Committee out of funds of the council.

(h) To arbitrate, settle and determine (or provide for the arbitration, settlement and determination of) any question or controversy that may arise between members of the industry agreeing to such arbitration, settlement or determination, or between any member of the industry and any other person agreeing to such arbitration (or other method of settlement or determination), in any way relating to the provisions of operation of this Code. Any decision, determination or award made by or as provided for by the Committee shall be final and binding.

(i) 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 Code and under such other codes to the end that such fair trade practices may be proposed to the Administrator as amendment to this Code and such other codes.

(j) To conduct, manage and control the property, funds and affairs of the council.

(k) To recommend to the Administrator further fair trade practice provisions to govern members of the industry in their relation with each other or with other trades or industries.

ARTICLE VII—TRADE PRACTICE RULES

SECTION 1. The following shall constitute unfair methods of competition and the same are hereby prohibited:

(a) Cancelling or permitting cancellation in whole or in part of any sale of dried fruits as a method of guaranteeing against price decline or of granting secret rebates. Any cancellation following a price decline shall within 24 hours be reported to the Code Authority with the reason therefor.

(b) The defamation of competitors by falsely imputing to them questionable credit standing or inability to perform contracts or by other false representation, with the purpose to mislead trade buyers or prospective trade buyers.

(c) Making or giving to a trade buyer of dried fruits any guaranty or protection in any form or by any device against decline in the market price thereof or in the seller's price therefor, or making or giving to any such trade buyer any reduction in price, allowance or other adjustment not authorized or permitted by the Administrator on account of any decline in the market price or the seller's price for such product.

(d) Making or giving to any trade buyer any guaranty or protection against the prices of any other member of the industry.

SECTION 2. All sales of dried fruits by members of the industry shall be made on the terms of such uniform contracts as shall be

prescribed by the Code Authority and approved by the Administrator. Unless and until other terms or forms of contract are so prescribed for a particular type of sale, the forms of contract to be used on such sales shall be those applicable to the appropriate mode and condition of sale designated in Schedule A attached hereto and by this reference made a part hereof. The terms and provisions of said contracts, and each of them, and any subsequent changes when approved in the manner prescribed above shall be filed with the Administrator and the Code Authority and shall be available for public inspection. Provided, however, that any member of the industry not entitled to obtain inspection of the goods sold (by Dried Fruit Association of California, or, as the case may be, by Northwest Dried Fruit Association) may in any sale of such goods provide that a certificate of inspection issued by any other competent neutral inspector or inspection agency specifically named in such sale, shall be a substitute for the certificate of inspection referred to in the applicable form of contract set forth in Schedule "A", and any member of the industry not entitled to demand arbitration before the Arbitration Board of Dried Fruit Association of California or (as the case may be) of Northwest Dried Fruit Association may in any sale by such member provide for such arbitration by or as directed by the Code Authority. Nothing herein contained is intended to or shall prohibit open billing of shipments made by truck or of shipments to points in domestic territory westerly of the easterly lines of Idaho, Utah and Arizona, it being frequently impracticable to arrange presentation of documents for collection before arrival of shipments within this territory.

SECTION 3. The provisions of this Code relating to sales practices and sales terms shall not apply to sales or like transactions both parties to which are members of the industry regularly engaged in packing dried fruits and neither party to which is regularly engaged in business as a wholesale or retail grocer.

SECTION 4. Nothing contained in this Code shall be deemed to prohibit or prevent performance by any member in accordance with its terms of any contract to which such member is a party in force at the effective date 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 Section 10 (b) of the Act, from time to time, to cancel or modify any order, approval, license, rule or regulation issued under the Act, and specifically, but without limitation, to the right of the President to cancel or modify his approval of the 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 modifications to be based on application by members of the industry to the Administrator and such notice and hearing as he shall specify, and to become effective on approval of the Administrator.

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—EFFECTIVE DATE

This Code shall become effective on the tenth day after its approval by the Administrator.

Approved Code No. 546.

Registry No. 121-05.

SCHEDULE A

(1) California Dried Fruit Contract (Water Shipment) adopted June 2, 1919, with revision to July 18, 1927, by National Wholesale Grocers' Association of the United States and Dried Fruit Association of California.

(2) California Dried Fruit Contract (Rail Shipment) adopted April 23, 1919, with revision to July 18, 1927, by National Wholesale Grocers' Association of the United States and Dried Fruit Association of California.

(3) Uniform California Pacific Coast Export Dried Fruit Contract, effective September 1, 1928, with revisions to October 2, 1930, adopted by California Dried Fruit Export Association, such form being "intended solely for use between buyers and sellers in California in export trade."

(4) Export Dried Fruit Contract, adopted by Dried Fruit Association of California and California Dried Fruit Export Association, Form A, effective October 1st, 1926.

(5) Export Dried Fruit Contract, adopted by Northwest Dried Fruit Association and Northwest Dried Fruit Export Association, Form A, effective September 1, 1927.

(6) Uniform Northwest Pacific Coast Export Dried Fruit Contract, adopted by the Northwest Dried Fruit Export Association, effective June 21, 1930, with revision to July 8, 1932.

(7) Memorandum of Purchase and Sale, adopted by Dried Fruit Association of California, and California Dried Fruit Export Association, effective April 15, 1926.

(8) Latin-American Dried Fruit Contract adopted by Dried Fruit Association of California and California Dried Fruit Export Association, Form A, effective March 1, 1931.

(9) Latin-American Dried Fruit Contract adopted by Dried Fruit Association, and Northwest Dried Fruit Export Association, Form A, effective May 27, 1931.

(10) Northwest Dried Fruit Contract for Water Shipment, effective June 2, 1929, with revision to July 8, 1932, adopted by National Wholesale Grocers' Association of the United States and Northwest Dried Fruit Association.

(11) Northwest Dried Fruit Contract (Rail Shipment) adopted May 13, 1919, with revision to July 8, 1932, by National Wholesale Grocers' Association of the United States and Northwest Dried Fruit Association.

(12) Northwest Dried Fruit Association Uniform Dried Fruit Contract (Rail Shipment) adopted May 13, 1919 (amended July 29, 1927) by National Wholesale Grocers' Association of the United States and Northwest Dried Fruit Association.



Approved Code No. 547

CODE OF FAIR COMPETITION

FOR THE

SEED TRADE

As Approved on February 2, 1935

ORDER

CODE OF FAIR COMPETITION FOR THE SEED 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 Seed Trade, 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does find that said code complies in all respects with the pertinent provisions and will promote the policies and purposes of said title of said act; and does hereby order that said Code of Fair Competition be and it is hereby approved; provided, however, that the provisions of Article VII, Sections 6 and 7 be and they are hereby stayed pending further order of the National Industrial Recovery Board.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN,

Administrative Officer.

Approval recommended:

ARMIN W. RILEY,
Division Administrator.

WASHINGTON, D. C.,
February 2, 1935.

REPORT TO THE PRESIDENT

The President,

The White House.

SIR: This is the report of the National Industrial Recovery Board on the Code of Fair Competition for the Seed Trade and on the Public Hearing held in Washington, D. C., on July 11, 1934, in accordance with the provisions of the National Industrial Recovery Act and the Executive Order dated June 26, 1933, and otherwise.

GENERAL

The functions of this trade are the processing and/or distribution of seeds at wholesale and/or retail, except the distribution at retail, by retail dealers, of seeds in packets or cartons of eight ounces or less.

The Code Committee representing this trade testified, at the formal hearing, as having received the necessary authority and proper instructions to represent the trade and that it was truly representative.

On the basis of figures contained in the Census of Distribution for 1929, it is estimated that there are approximately 13,000 employees in the trade. It is further estimated that the sale of seeds at retail totaled \$150,000,000 in 1929.

It is estimated that the net effect of this Code, as compared with conditions obtaining in the trade in June 1933, will be an approximate ten per cent increase in employment and an approximate seventeen per cent increase in the total wage bill paid by the trade.

The Code Authority will be elected by a method which insures equitable representation for all members of the trade.

PROVISIONS AS TO HOURS

The Code provides a forty (40) hour work week with the following exceptions:

(a) Employees in retail seed stores are permitted to work the same number of hours as are provided for retail store employees under the Code of Fair Competition for the Retail Trade approved October 21, 1933.

(b) Persons employed in managerial, executive or supervisory capacities who regularly receive not less than \$35.00 per week, and outside salesmen and buyers are not restricted as to the maximum number of hours they may be permitted to work.

(c) Watchmen are permitted to work not more than fifty-six (56) hours in any week.

(d) Engineers, firemen, and shipping clerks are permitted to work not more than forty-four (44) hours in any week, unless they are paid at the rate of time and one-third for all hours worked in excess of forty-four (44) hours in any week or nine (9) hours in any day.

Under no conditions will such employees be permitted to work more than fifty-two (52) hours in any week.

(e) Outside service employees are permitted to work not more than forty-eight (48) hours in any week unless they are paid at the rate of time and one-third for all hours worked in excess thereof.

(f) During a period of not exceeding fourteen (14) weeks in any one year, employees may be permitted to work eight (8) hours per week more than the maximum hours prescribed in Sections 1 and 2 of Article III, but in no event shall they be permitted to work more than fifty-two (52) hours in any work week. All such hours worked in excess of such maximum hours shall be compensated for as follows:

(1) At the hourly rates prescribed in Section 1 of Article IV, if the employee is paid on an hourly basis.

(2) At an hourly rate corresponding to the weekly rates for a 40-hour week as prescribed in (a), (b) and (c) of Section 2 of Article IV, if the employee is paid on a weekly basis.

(g) Employees engaged in emergency maintenance or emergency repair work are permitted to work in excess of forty (40) hours in any work week, provided they shall be paid not less than at the rate of one and one-third times their normal hourly rates, for all such excess hours.

PROVISIONS AS TO WAGES

1. Minimum wage rates are as follows:

(a) Clerical, accounting and other office employees and retail store employees:

\$14.00 per 40 hour week in cities of over 500,000 population.

\$14.50 per 44 hour week in cities of over 500,000 population.

\$15.00 per 48 hour week in cities of over 500,000 population.

\$13.00 per 40 hour week in cities of from 100,000 to 500,000 population.

\$13.50 per 44 hour week in cities of from 100,000 to 500,000 population.

\$14.00 per 48 hour week in cities of from 100,000 to 500,000 population.

\$12.00 per 40 hour week elsewhere, except as provided in Section 7, Article V.

\$12.50 per 44 hour week elsewhere, except as provided in Section 7, Article V.

\$13.00 per 48 hour week elsewhere, except as provided in Section 7, Article V.

(b) Other employees, except those engaged in light work:

40¢ per hour in cities of over 500,000 population.

37½¢ per hour in cities of from 100,000 to 500,000 population.

35¢ per hour elsewhere.

(c) Employees engaged in light work, such as hand-picking, sorting, packaging, and hand-addressing.

32½¢ per hour in cities of over 500,000 population.

30¢ per hour in cities of from 100,000 to 500,000 population.

27½¢ per hour elsewhere.

2. Watchmen shall be paid not less than at the rate of \$16.00 per week.

3. In the South, minimum wage rates shall be five cents (5¢) per hour less than the rates specified in (b) and (c) above, and \$1.00 less per week than the rates specified in (a) above.

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

5. The weekly wages of all employees receiving more than the minimum wages specified in this Article shall not be reduced below the rates existing on June 1, 1933, notwithstanding any reduction in the number of hours of such employees.

This Code prohibits the employment of any person under sixteen (16) years of age. It also prohibits the employment of any person under eighteen (18) years of age at occupations hazardous and/or detrimental to health.

COMPLIANCE WITH MANDATORY PROVISIONS

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

The National Industrial Recovery Board finds 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 production 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 is not classified by the National Industrial Recovery Board 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 a trade group truly representative of the aforesaid trade; 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.

Accordingly, it recommends the approval of the Code of Fair Competition for the Seed Trade to the extent of its jurisdiction as stated in your Executive Orders No. 6551 of January 8, 1934, and No. 6859 of September 27, 1934.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 2, 1935.

CODE OF FAIR COMPETITION FOR THE SEED TRADE

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 Seed Trade and its provisions shall be the standards of fair competition for such trade and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

As used herein:

SECTION 1. (a) The term "President" means the President of the United States.

(b) The term "Act" and "National Industrial Recovery Board" or "Board" mean, respectively, Title I of the National Industrial Recovery Act and the National Industrial Recovery Board.

(c) The term "seed trade" means and includes the processing and or distribution of seeds at wholesale and/or retail, except the distribution at retail, by retail dealers, of seeds in packets or cartons of eight ounces or less. Nothing herein shall affect or prevent a person from growing, processing, trading, or marketing the produce of his farm.

(d) The term "seeds" means farm seeds (including field and grass seeds) and garden seeds (including vegetable and flower seeds) for planting purposes.

(e) The term "farm seeds" means the seeds intended for planting purposes, of legumes, grasses, cereals, and other field crops ordinarily produced on farms, excluding vegetable and flower seeds.

(f) The term "member of the trade" means any person engaged in the seed trade, either as an employer or on his own behalf.

(g) The term "processing" means milling, cleaning, hand picking, packaging, or otherwise preparing seeds for distribution.

(h) The term "distribution" means buying and selling seeds for planting purposes.

(i) The term "employee" means any and all persons engaged in the trade, however compensated, except members of the trade.

(j) The term "employer" means any person by whom any such employee is compensated or employed.

(k) The term "watchman" means any employee whose principal function is that of safeguarding the premises and property of an establishment of a member of the trade.

(l) The term "buyer" means any employee when engaged in buying operations outside of the establishment.

(m) The term "outside salesman" means any employee who performs primarily outside selling functions.

(n) The term "outside service employee" means any employee engaged primarily in delivering or servicing merchandise outside the establishment.

(o) The term "State" means and includes Territories and the District of Columbia.

(p) The term "South" means and includes Maryland, District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, Arkansas, Oklahoma, and Texas.

Section 2. Population shall be determined by reference to the latest Federal Census.

ARTICLE III—HOURS

SECTION 1. No employee except as otherwise herein provided shall be permitted to work in excess of forty (40) hours in any week or more than nine (9) hours in any day or more than six (6) days in any week.

SECTION 2. Retail seed stores shall either comply with the provisions of Section 1 of this Article as to hours of labor, or shall elect to operate upon one of the following schedules of store hours and hours of labor:

GROUP A. Any establishment may elect to remain open for business less than fifty-six (56) hours, but not less than fifty-two (52) hours each week, unless its store hours were less than fifty-two (52) hours prior to June 1st, 1933, in which case such establishment shall not reduce its store hours; no employee of such establishments shall be permitted to work in excess of forty (40) hours in any week, nor more than eight (8) hours in any day, nor more than six (6) days in any week.

GROUP B. Any establishment may elect to remain open for business fifty-six (56) hours or more each week, but in no event more than sixty-three (63) hours in any week; no employee of such establishment shall be permitted to work in excess of forty-four (44) hours in any week, nor more than nine (9) hours in any day, nor more than six (6) days in any week.

GROUP C. Any establishment may elect to remain open for business sixty-three (63) hours or more each week; no employee of such establishment shall be permitted to work in excess of forty-eight (48) hours in any week, nor more than ten (10) hours in any day, nor more than six (6) days in any week.

SECTION 3. The maximum periods of labor prescribed in this Article shall not apply to persons employed in managerial, executive, or supervisory capacities who regularly receive not less than \$35.00 per week; nor to outside salesmen or buyers.

SECTION 4. Watchmen shall not be permitted to work more than fifty-six (56) hours nor more than (6) days, in any week.

SECTION 5. The maximum periods of labor prescribed in Section 1 of this Article shall not apply to engineers or firemen or to shipping clerks, but such employees shall not be permitted to work more than forty-four (44) hours in any week unless they are paid at the rate of time and one-third for all hours in excess of forty-four (44) hours in any week or nine (9) hours in any day. In no case shall such employees be permitted to work in excess of fifty-two (52) hours in any week.

SECTION 6. The maximum periods of labor prescribed in Section 1 of this Article shall not apply to outside service employees, but such

employees shall not be permitted to work more than forty-eight (48) hours in any week unless they are paid at the rate of time and one-third for all hours worked in excess thereof.

SECTION 7. During a period of not exceeding fourteen (14) weeks in any one year, employees may be permitted to work eight (8) hours per week more than the maximum hours prescribed in Sections 1 and 2 of this Article, but in no event shall they be permitted to work more than fifty-two (52) hours in any one week. All such hours worked in excess of such maximum hours, shall be compensated for as follows:

(a) At the hourly rates prescribed in Section 1 of Article IV, if the employee is paid on an hourly basis.

(b) At an hourly rate corresponding to the weekly rates for a 40-hour week as prescribed in (a), (b), and (c) of Section 2 of Article IV, if the employee is paid on a weekly basis.

The maximum hours and rates of pay set forth in this Section shall not apply to those employees named in Sections 5 and 6 of this Article.

SECTION 8. Employees engaged in emergency maintenance or emergency repair work may be permitted to work in excess of the maximum hours prescribed in this Article; provided, however, that for all such hours so worked in excess of the maximum, their compensation shall not be less than at the rate of one and one-third times their normal hourly rates.

SECTION 9. No employer shall permit any employee to work for any time, which when added to the time spent at work for another employer or employers in this trade or otherwise, exceeds the maximum permitted herein.

ARTICLE IV—WAGES

SECTION 1. No employee shall be paid in any pay period less than at the following rates, except as herein otherwise provided:

(a) In cities of over 500,000 population, and within the immediate trade areas thereof, employees shall be paid not less than at the rate of forty cents (40¢) per hour; except that employees engaged in light work, such as hand-picking, sorting, packaging, and hand-addressing shall be paid not less than at the rate of thirty-two and one-half cents (32½¢) per hour.

(b) In cities of from 100,000 to 500,000 population, and within the immediate trade areas thereof, employees shall be paid not less than at the rate of thirty-seven and one-half cents (37½¢) per hour; except that employees engaged in light work, such as hand-picking, sorting, packaging, and hand-addressing shall be paid not less than at the rate of thirty cents (30¢) per hour.

(c) Elsewhere employees shall be paid not less than at the rate of thirty-five cents (35¢) per hour; except that employees engaged in light work such as hand-picking, sorting, packaging, and hand-addressing shall be paid not less than at the rate of twenty-seven and one-half cents (27½¢) per hour.

SECTION 2. Clerical, accounting, and other office employees and retail-store employees shall be paid not less than at the following rates, irrespective of whether such wages shall be paid upon an hourly, weekly, monthly, commission or other basis:

(a) In cities of over 500,000 population, and within the immediate trade areas thereof, no such employee shall be paid less than at the rate of \$14.00 per week for a 40-hour week, or less than at the rate of \$14.50 per week for a 44-hour week, or less than at the rate of \$15.00 per week for a 48-hour week.

(b) In cities of from 100,000 to 500,000 population, and within the immediate trade areas thereof, no such employee shall be paid less than at the rate of \$13.00 per week for a 40-hour week, or less than at the rate of \$13.50 per week for a 44-hour week, or less than at the rate of \$14.00 per week for a 48-hour week.

(c) Elsewhere, except as provided in Section 7 of Article V, no employee shall be paid less than at the rate of \$12.00 per week for a 40-hour week, or less than at the rate of \$12.50 per week for a 44-hour week, or less than at the rate of \$13.00 for a 48-hour week.

SECTION 3. Office boys and messengers may be paid not less than at a rate of \$2.00 per week below the minimum provided in Section 2 of this Article; provided, that where more than one such office boy or messenger is employed, the number of such employees shall not exceed five per cent (5%) of the total number of office employees of any employer.

SECTION 4. Watchmen shall be paid not less than at the rate of \$16.00 per week.

SECTION 5. In the South, minimum wage rates shall be five cents (5¢) per hour less than the rates prescribed in Section 1 of this Article, and the minimum wages prescribed in Sections 2 and 3 of this Article shall be at the rate of \$1.00 less per week.

SECTION 6. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

SECTION 7. The weekly wages of all employees receiving more than the minimum wages specified in this Article shall not be reduced below the wages existing on June 1, 1933, notwithstanding any reduction in the number of working hours of such employees.

SECTION 8. This Code establishes a minimum rate of pay regardless of whether the employee is actually compensated on a time rate or piecework or other basis.

SECTION 9. Persons whose earning capacities are limited because of age, physical, or mental handicap or other infirmity, may be employed on light work, at wages below the minimum established by this Code, if the employer obtains from the State authority, designated by the United States Department of Labor, certificates authorizing such persons' employment at such wages and for such hours as shall be stated in the certificates. 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 10. Wages shall be exempt from fines and rebates, and from charges or deductions, except for employees' voluntary contributions for pensions, insurance or benefit funds, or for payment for seeds purchased from employers. No employer shall withhold wages except upon service of legal process or other papers lawfully requir-

ing such withholding. Deductions for other purposes may be made only when the contract therefor is in writing, which contract shall be kept on file by the employer, for a period of six (6) months, open to the inspection of the Board or its duly authorized representative.

SECTION 11. Employers shall make payment of all wages due, in lawful currency or by negotiable checks, payable on demand. All contracts of employment shall prescribe payment of wages at least twice a month.

ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. No person under sixteen (16) years of age shall be employed in the trade. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazzardous in nature or dangerous to health. The Code Authority shall submit to the Board within thirty (30) 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 a 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. (a) 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 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 employer shall change the method of payment of employees' compensation or reclassify employees or duties of occupations performed or discharge employees for the purpose of re-employing them at lower rates in order to defeat the purposes of the Act or the provisions of this Code, nor engage in any other subterfuge to effect the defeat of such purposes or provisions.

SECTION 4. No provisions 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 5. All employers shall post and keep posted complete copies of this Code in conspicuous places accessible to all employees. Every member of the trade 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 Board.

SECTION 6. Each employer shall provide for the safety and health of the employees during the hours or at the places of their em-

ployment. Standards for safety and health shall be submitted by the Code Authority to the Board within six (6) months after the effective date of this Code.

SECTION 7. Employers engaged only locally in retail trade who operate not more than three establishments and whose place or places of business is or are located in a town or towns each of less than 2500 population, and not in the immediate trade area of a city or town of larger population, as determined by the Board, are exempted from the provisions of this Code which relate to hours of employment, rates of pay, the minimum prices at which merchandise may be sold or services performed, and the collection of assessments, except insofar as any such employer shall signify to the Board his or its intention to be bound by such provisions. All such employers shall, however, be subject to all the other provisions of this Code.

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

A. ORGANIZATION AND CONSTITUTION

SECTION 1. A Code Authority is hereby established consisting of seven members to be selected in the following manner:

(a) One member of the Code Authority shall be chosen by the members of the trade in the States of California, Arizona, Oregon, Washington, Idaho, Utah and Nevada.

(b) One member of the Code Authority shall be appointed by the Secretary of Agriculture to represent farmers' Cooperative organizations. Such member shall be chosen by the Secretary from nominations submitted by bona fide and legitimate farmers' cooperative organizations.

(c) The remaining five (5) members of the Code Authority shall be chosen by the members of the trade in the remainder of the United States in accordance with the following procedure:

On the effective date of this Code the secretary of the American Seed Trade Association shall by mail notify every ascertainable member of the trade except those in the States of California, Arizona, Oregon, Washington, Idaho, Utah and Nevada that nominations will be received by him for such five (5) members of the Code Authority; in addition he shall cause such notice to be published in one or more trade papers of general circulation. Such notice shall plainly state a date not earlier than fifteen (15) days subsequent to the date of the mailing thereof, upon which date the nominations will be closed. Upon the closing of the nominations, the said secretary shall cause ballots to be prepared containing the names of all persons who shall have been nominated in accordance herewith by thirty (30) or more members of the trade. Such secretary shall thereupon mail said ballots to every ascertainable member of the trade except those in the aforesaid States of California, Arizona, Oregon, Washington, Idaho, Utah and Nevada. In compiling the names of persons to whom said notices and ballots are to be mailed, such secretary shall exercise due diligence to ascertain the names of all members of the trade. The date of the closing of the polls

shall plainly appear upon said ballot and shall be not less than fifteen (15) days after the date of the mailing thereof. Upon the closing of the polls, such secretary shall, in the presence of at least two disinterested witnesses, open the ballots received and count the same. The five (5) persons receiving the highest number of votes shall be declared elected. Thereupon, such secretary shall immediately certify, under oath, and attested by such witnesses, the results of said election to the Board for its approval, accompanied by the originals of the nominations and ballots received, together with a list of the names of all persons to whom said notices and ballots were sent.

(d) In the case of the member to be elected by the members of the trade in the States of California, Arizona, Oregon, Washington, Idaho, Utah and Nevada, the procedure contained in subsection (c) above shall likewise be followed for the election of the member from such States, except that in such case the secretary of the Pacific States Seedsmens Association shall perform the functions required of the secretary mentioned in said subsection (c).

SECTION 2. All members of the Code Authority shall hold office for one year from the date of their election or until their respective successors are elected and qualified.

The Code Authority shall formulate and submit to the Board for approval, within six (6) months after taking office, a plan for the election, under its supervision, of all future Code Authorities.

SECTION 3. Any vacancy occurring in the membership of the Code Authority shall be filled for the unexpired term by the vote of the remaining members thereof, except that a vacancy in the seat of the representative of farmers' cooperative organizations shall be filled by the Secretary of Agriculture in the manner provided for the appointment of such representative, and except that a vacancy in the seat of the representative of the members of the trade in the States of California, Arizona, Oregon, Washington, Idaho, Utah and Nevada shall be filled in the manner provided for the election of such representative.

SECTION 4. 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 Board to serve for such terms as it may specify.

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 Board 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 Board may deem necessary to effectuate the purpose of the Act.

SECTION 6. 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 Board may prescribe such hearings as it may deem proper; and thereafter if it 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 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 wilful malfeasance or nonfeasance.

SECTION 8. If the Board 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 Board 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 Board approves or unless it shall fail to disapprove after thirty (30) days' notice to it of intention to proceed with such action in its original or modified form.

B. POWERS AND DUTIES

SECTION 9. Subject to such rules and regulations as may be issued by the Board, 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 trade 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 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 Board may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as it may designate; provided that nothing in this Code shall relieve any member of the trade of any existing obligations to furnish reports to any government agency. No individual report shall be disclosed to any other member of the trade or to any other party.

(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 Board for the coordination of the administration of this Code with such other codes, if any, as may be related to or affect members of this trade.

(f) 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:

(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 Code;

(bb) To submit to the Board for its approval, subject to such notice and opportunity to be heard as it 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.

(cc) After such budget and basis of contribution have been approved by the Board, to determine and obtain equitable contribution as above set forth by all members of the trade, except those whose seed business constitutes less than twenty-five percent (25%) of the total dollar volume of business done by such members in the preceding calendar year, who are hereby exempted from making such contributions; and to that end, if necessary, to institute legal proceedings therefor in its own name.

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 Board. 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; provided, however, that no member of the trade shall thereby be deprived of the right to participate in the selection of the initial Code Authority.

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 Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Board shall have so approved.

(g) To recommend to the Board any action or measure deemed advisable, including further trade practice provisions to govern members of the trade in their relation 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 Board after such notice and hearing as it 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 trade for the purpose of formulating fair trade practices to govern the relationships between employers under this Code and such other codes to the end that such fair trade practices may be proposed to the Board as amendments to this Code and such other codes.

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

SECTION 10. The Code Authority is empowered to establish from time to time geographical divisions of the trade and to increase or decrease the number of such divisions, all subject to the approval of the Board. When any geographical division of the trade has been

established, the Code Authority shall supervise the election by the members of the trade in such division, of a Regional Code Authority. All members of the trade maintaining an office or a plant in such division shall be entitled to vote for the members of the Regional Code Authority and to serve as members thereof. Regional Code Authorities, so created, shall have the right to advise the Code Authority in the administration of this Code on questions having local application and shall assist the Code Authority as directed by them in the administration of this Code; provided, however, that the Code Authority in delegating any powers, duties or functions to a Regional Code Authority shall not be relieved of any of its responsibilities under this Code. The Board shall have the right to designate one or more Administration members to serve without vote on each such Regional Code Authority. Any action pursuant to this paragraph shall be subject to approval by the Board.

ARTICLE VII¹—UNFAIR METHODS OF COMPETITION

The following practices constitute unfair methods of competition and are prohibited:

SECTION 1. *False Advertising*.—Publishing in any manner any false or intentionally misleading advertisement of any kind, or intentionally deceiving purchasers of seeds by furnishing ultimate consumers price lists represented to be merchants' or dealers' wholesale price lists which are not so in fact, or otherwise intentionally deceiving purchasers of seeds.

SECTION 2. *Misrepresentation*.—In the sale or offer for sale of seeds falsely and fraudently misrepresenting the quality, quantity, purity, age, germination, origin, or variety of such seeds.

SECTION 3. *Certification*.—Using the terms "certified", "registered", "verified", or "verified origin", in connection with the sale or offering for sale of seeds, excepting those so labeled by or under the authority of a duly authorized State or Federal Agency.

SECTION 4. *Breach of Contracts*.—Maliciously inducing or attempting to induce breach of existing contracts between competitors and their customers or members, or interfering with or obstructing the performance of any such contractual duties or services with the purpose or effect of unduly hampering, injuring, or embarrassing competitors in their business.

SECTION 5. *Sale of Chaff*.—Selling the chaff of redtop, of Kentucky bluegrass, of orchard grass, of bent grass, or of fescue without having a written statement from the purchaser that it is not to be used for planting purposes or for mixture with seed for planting.

SECTION 6. *Guarantee of Farm Seed Prices*.—Making or giving to any purchaser or prospective purchaser of farm seeds any guarantee or protection, in any form whatsoever, against the decline of price, either before or after delivery.

SECTION 7. *Cancellation of Farm Seed Orders*.—Canceling or permitting the cancellation or rewriting of any contract of sale of farm seeds for the purpose, or with the effect of avoiding the accrual or collection of any carrying or transportation charges, or any market loss which the seller would suffer through the buyer's failure to fulfill

¹ See paragraph 2 of order approving this Code.

his contract or otherwise rebating any part of the contract price. Nothing herein contained shall be construed to prevent the payment of patronage dividends by cooperative organizations.

SECTION 8. *Unauthorized Shipment of Packet Seeds.*—Shipping or delivering vegetable or flower seeds in packets or cartons for resale on the commission plan, without a written order signed by a purchaser or consignee.

SECTION 9. *Consignment.*—Shipping seeds on consignment excepting vegetable or flower seeds in packets or cartons of eight (8) ounces or less, and/or lawn grass in packages of ten (10) pounds or less for sale in the original container, and excepting such special cases as may have been submitted to the Board and approved by it.

The term "consignment" as used herein means the placing of seeds in the possession of a consignee or in a warehouse for him to sell, to be paid for only if and when sold.

Nothing herein contained shall be construed to prevent the consignment of seeds by cooperative organizations to associated cooperatives or to their own members.

SECTION 10. *Warehousing.*—Placing seed in a warehouse for sale to any person other than a wholesaler or retail merchant, unless sold by the member of the trade so placing said seed directly or through an employee; provided, however, that nothing herein contained shall be construed to prevent a cooperative organization from warehousing seed to be sold by its associated cooperatives.

ARTICLE VIII—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 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 on the basis of experience or changes in circumstances, such modifications to be based upon application to the Board and such notice and hearing as it shall specify and to become effective on approval by the President.

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

By assenting to the Code, members of the trade do not thereby waive any constitutional rights.

ARTICLE XI—EFFECTIVE DATE

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

Approved Code No. 547.
Registry No. 122—07.

Approved Code No. 548

CODE OF FAIR COMPETITION

FOR THE

PACKAGE AND PASTEURIZED-BLENDED AND
PROCESS CHEESE INDUSTRY

As Approved on February 2, 1935

ORDER

CODE OF FAIR COMPETITION FOR THE PACKAGE AND PASTEURIZED-
BLENDED AND PROCESS CHEESE 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 Package and Pasteurized-Blended and Process Cheese 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does find that said Code complies in all respects with the pertinent provisions and will promote the policies and purposes of said title of said act; and does hereby order that said Code of Fair Competition be and it is hereby approved.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

ARMIN W. RILEY,
Division Administrator.

WASHINGTON, D. C.,
February 2, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT.

The White House.

SIR: This is the report of the National Industrial Recovery Board on the public hearing of the Code of Fair Competition for the Package and Pasteurized-Blended and Process Cheese Industry of the United States, conducting on July 12, 1934, in accordance with the provisions of the National Industrial Recovery Act and the Executive Order dated June 26, 1933.

GENERAL

The functions of this industry include the manufacture and the sale by a manufacturer or the sale by a national distributor of package pasteurized-blended cheese and process cheese and the manufacture and sale of all cheese food products produced by mixing one or more lots of cheese into a homogeneous mass with the addition of ingredients other than cheese.

The Package and Pasteurized-Blended and Process Cheese Industry during 1933 manufactured and marketed approximately 140,000,000 pounds of products and 40,000,000 pounds of packaged cream cheese. Assuming that the total domestic cheese industry amounts to 475,000,000 pounds, it is apparent that a large portion of the cheese marketed in the United States is handled by members of this industry and since package cheese and the pateurized-blended and process cheese bring a larger price than the bulk goods, comprising the remainder of the total, the value of the products of the industry will be seen to comprise even a larger relative portion by valuation.

1. Number of employees in June, 1929 did not exceed 2,000. In June, 1933, factory employment was 87 per cent of that for 1929.

2. The factory payroll of June, 1933 was 57 per cent of that for 1929.

3. The 40 hour week as proposed by the Code will tend to increase employment in the industry by about 10 per cent.

4. It is estimated that the proposed Code will make a net addition to the industrial payroll of approximately 15 per cent.

TABLE I.—*Employment in process cheese factories*

	Actual employment June 1933	Estimated employment June, 1933 if 40-hour week had been in effect	Percent of actual em- ployment
Office:			
Males.....	72	78	108. 0
Females.....	108	118	109. 0
	180	196	108. 8
Factory:			
Males.....	1, 183	1, 435	121. 0
Females.....	437	346	79. 0
	1, 620	1, 781	110. 9
Combined factory and office employment.....	1, 800	1, 987	110. 0

The summary of the results of the Research and Planning Division's calculations as to the effect of the code upon employment is presented in tabular form in the table above.

It is estimated that had the 40-hour week been in effect there would be an increase of office employment of 8.8 per cent, factory employment 10.9 per cent, combined office and factory, 10 per cent.

TABLE II.—*Payrolls*

		Percent of pre-code payroll
1. Estimated actual weekly payroll as of June, 1933.....	\$31,500	100.0
2. Net post-code payroll.....	37,480	119.0

It will be noticed that if the Code had been in effect in June, 1933, it would have increased the total weekly payroll for the industry from \$31,500 to \$37,480. The net increase, therefore, due to code provisions would represent approximately 19 per cent of the old payroll. About half of this increase is due to the reemployment as a result of the 40-hour week and the remainder occurs as a result of the application of minimum wages proposed by the Code.

PROVISIONS AS TO HOURS

This Code provides for a maximum work week of 40 hours and not over nine (9) hours in any day, with the following exceptions:

(a) Executive, managerial, supervisory, technical, who regularly receive not less than \$35.00 per week; or to outside salesmen and service salesmen.

(b) Watchmen shall not be permitted to work in excess of fifty-six (56) hours per week.

(c) Chauffeurs and deliverymen shall not be permitted to work in excess of forty-eight (48) hours per week.

(d) Engineers and firemen shall not be permitted to work in excess of forty-four (44) hours per week.

(e) In case of unforeseen peak production, inventory periods, financial closing periods, or unusual conditions beyond the control of the employer, employees may be permitted to work in excess of normal number of working hours per day or per week provided in this Code for them respectively. Such overtime shall not exceed six (6) hours in any week, except in cases of emergency repair work involving breakdowns or protection of life or property and emergency installations; and shall be compensated by at least time and one-half the normal rate, except that said compensation need not be paid to clerical and other office employees.

PROVISIONS AS TO WAGES

Minimum wage rates are as follows:

(a) Office employees: \$16.00 per week in cities of over 500,000 population
\$15.00 per week elsewhere.

(b) Other male employees: 45¢ per hour to all employees except those engaged in packaging and light work 35¢ per hour.

5¢ per hour less for all employees in the Southern States.

(c) Where a piece work rate or other basis is the method of payment, the piece work rate shall yield for each employee on such work not less than the minimum hourly wage applicable for such person, computed over a day's work.

(d) The Code contains the equitable adjustment clause.

(e) Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

(f) Time and one-half the normal rate has been provided for work done on Sundays, Christmas Day, Thanksgiving Day, Labor Day, July Fourth, and New Year's Day, except for watchmen, salesmen and those in an executive or a managerial capacity.

(g) The Code provides for the employment of physically handicapped persons on light work.

(h) This Code prohibits the employment of any person under sixteen (16) years of age and under eighteen (18) years of age at occupations hazardous in nature and detrimental to health.

This Code also provides for the posting of labor provisions and safety and health of employees.

ADMINISTRATION

The Code Authority is established consisting of eleven members selected as follows:

Four by manufacturers of Pasteurized-Blended and/or Process Cheese; three by national distributors; and four by specialty manufacturers, each group electing their members.

Provision is also made in this Code to take care of the necessary expenses of the Code Authority in its administration of the Code.

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

It finds 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 the Board 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.

(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 the above reasons, this Code has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 2, 1935.

CODE OF FAIR COMPETITION FOR THE PACKAGE AND PASTEURIZED-BLENDED AND PROCESS CHEESE 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 Package and Pasteurized-Blended and Process Cheese Industry, and upon approval its provisions shall be the standards of fair competition for such Industry and be binding upon every member thereof.

ARTICLE II—DEFINITIONS

As used herein:

(a) The terms "President", "Act" and "National Industrial Recovery Board" or "Board" mean respectively the President of the United States, Title I of the National Industrial Recovery Act, and the National Industrial Recovery Board.

(b) The terms "Package and Pasteurized-Blended and Process Cheese Industry" and "Industry" mean the manufacture and sale by a manufacturer or the sale by a national distributor of pasteurized-blended cheese, and/or process cheese, and the packaging, the processing after original manufacture of the curd, and/or the sale by a manufacturer or national distributor of cream cheese and/or Neuchatel cheese as defined by standards from time to time promulgated by the Secretary of Agriculture, and other competitive types of cheese which by reason of variation in the process of manufacture may not be included within said standards and the manufacture and/or sale by a manufacturer or national distributor of all cheese food products produced by mixing one or more lots of cheese with or without the aid of heat into a homogenous mass with the addition of ingredients other than cheese and such related branches or sub-divisions 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 engaged in the Industry, either as an employer or on his or its own behalf.

(d) The term "Employee" includes any and all persons engaged in the Industry, however compensated, except a member of the Industry.

(e) The term "Employer" means any one by whom any such employee is compensated or employed.

(f) The term "Outside Agency" means any person or firm having no financial interest in the Industry, selected by the Code Authority to function as provided herein.

(g) The term "National Distributor" means any food product manufacturer selling food products by its own paid sales organiza-

tion in at least twenty states of the United States and who sells at wholesale under his own label or brand the products of the Industry supplied him by a manufacturer.

(h) The term "Manufacturer" means any individual, partnership, association, corporation or other form of enterprise engaged in the manufacture and sale of the products of the Industry.

(i) The term "Specialty Manufacturer" means any manufacturer who does not manufacture pasteurized-blended or process cheese but who does manufacture and sell any other product of the Industry.

(j) The term "Product of the Industry" means pasteurized-blended, process cheese, cream cheese or Neuchatel cheese, as defined by standards from time to time promulgated by the Secretary of Agriculture, and any competitive types of cheese which by reason of variation in the process of manufacture may not be included within said standards, and any cheese food product produced by mixing one or more lots of cheese with or without the aid of heat into a homogeneous mass with the addition of ingredients other than cheese.

(k) The terms "Jobber" and/or "Wholesaler" mean any individual, partnership, association, corporation, or other form of enterprise which buys, from any member of the Industry, cheese or other food products and resells such products to the retail trade, hotels and restaurants, but which does not sell direct to the consuming public.

(l) The term "Retailer" means any individual, partnership, association, corporation, or other form of enterprise which operates one or more stores through which, in the regular course of its business, food products are sold to the consuming public.

(m) The term "Watchmen" includes only employees whose principal function is watching and guarding the premises and property of an establishment of a member of the Industry.

(n) The term "Outside Salesman" means a salesman who is engaged not less than sixty percent (60%) of his working hours in selling outside of the establishment of his employer and who does not ordinarily deliver merchandise.

(o) The term "Service Salesman" means any salesman who also delivers and services merchandise.

(p) The term "Trade Buyer" means any commercial buyer (including other members of the Industry) as distinguished from an ultimate consumer buyer.

(q) The term "Broker" means any sales representative who performs the services of negotiating the sale of products for and on account of the seller as principal, and whose compensation is a commission or brokerage paid by the seller.

SECTION 2. Population for the purposes of this Code 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 forty (40) hours in any week or nine (9) hours in any day, except as otherwise provided in this Article.

SECTION 2. The provisions of this Article shall not apply to persons employed in a managerial, supervisory, executive, or technical capacity, who regularly receive not less than thirty-five dollars (\$35.00) per week; or to outside salesmen and service salesmen.

SECTION 3. Watchmen shall not be permitted to work in excess of fifty-six (56) hours per week.

SECTION 4. Chauffeurs and deliverymen shall not be permitted to work in excess of forty-eight (48) hours per week or nine (9) hours in any day.

SECTION 5. Engineers and firemen shall not be permitted to work in excess of forty-four (44) hours per week.

SECTION 6. In case of unforeseen peak production, inventory periods, financial closing periods, or unusual conditions beyond the control of the employer, employees, except clerical and other office employees, may be permitted to work in excess of the normal number of working hours per day or per week provided in this Code for them respectively. Such overtime shall not exceed six (6) hours in any week, except in cases of emergency repair work involving breakdowns or protection of life or property, and emergency installations; and shall be compensated by at least time and one-half the normal rate; clerical, accounting, or other office employees' weekly maximum hours provided in Section 1, Article III may be averaged over five weeks.

SECTION 7. 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 8. No employee shall be permitted to work more than six days in any seven day period except as provided in Section 2 herein, or when engaged in emergency repair work or emergency installations as provided in Section 6 herein.

ARTICLE IV—WAGES

SECTION 1. No person employed in clerical, accounting, or other office work shall be paid less than at the rate of:

Sixteen dollars (\$16.00) a week in cities of over 500,000 population or in the immediate trade areas thereof;

Fifteen dollars (\$15.00) a week elsewhere, except that office boys and messengers may be paid at a minimum rate of two dollars (\$2.00) below the minimum wage otherwise applicable; provided, however, that where more than one employee is employed as an office boy or messenger, not more than five percent (5%) of the total number of office employees shall be so classified.

SECTION 2. No watchman shall be paid at a rate of less than eighteen dollars (\$18.00) per week.

SECTION 3. No other employee shall be paid at less than the rate of forty-five cents (45¢) per hour, except that employees engaged in packaging and other light work shall be paid not less than the rate of thirty-five cents (35¢) per hour, and except that all employees in the States of Virginia, North Carolina, Louisiana, Texas, Arkansas, Oklahoma, Kentucky, South Carolina, Tennessee, Alabama, Georgia, Florida, and Mississippi may be paid at rates of five cents (5¢) per hour less than the foregoing rates.

SECTION 4. Where a piecework rate or other basis is the method of payment, the piecework rate shall yield for each employee on such work not less than the minimum hourly wage applicable for such person, computed over a day's work.

SECTION 5. No employee whose normal full-time weekly hours, after the approval of this Code, shall be sixteen and two-thirds percent ($16\frac{2}{3}\%$) or less below his normal full-time weekly hours for the four months ending May 1, 1933, shall have his full-time weekly earnings reduced below the average weekly earnings of such employee during such four months' period. In case the reduction in hours, as so measured, is more than sixteen and two-thirds percent ($16\frac{2}{3}\%$), employers shall make an equitable readjustment of hourly wage rates upwards, provided that in each such case hourly wage rates shall be increased by at least twenty percent (20%). In no case shall hourly wage rates be reduced. Within sixty (60) days after the adoption of this Code the Code Authority shall report to the Board the adjustments made pursuant to this Section.

SECTION 6. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees, provided, that when male employees perform work customarily done by female employees only during hours when female labor is prohibited by applicable law, it shall not be required that female employees doing such work at other times be paid at the same rate as such male employees.

SECTION 7. Time and one-half the normal rate shall be paid for all time worked (except by watchmen, outside salesmen, service salesmen, and those persons employed in a managerial, executive, or technical or supervisory capacity, as set forth in Section 2 of Article III) on Sundays and the following holidays: Christmas Day, Thanksgiving Day, Labor Day, July Fourth, New Year's Day, and such other holidays as may be proclaimed by the President of the United States.

SECTION 8. 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.

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 Board within two months after the Code becomes effective a list of such operations or occupations. In any State, an em-

ployer 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. (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 3. Employers shall not change the method of payment of compensation or reclassify employees or duties of occupations performed by employees or discharge employees and reemploy them at lower rates in order to defeat the purpose of the Act or the provisions of this Code, nor engage in any other subterfuge to effect the defeat of such purposes or provisions.

SECTION 4. Every employer shall provide for the safety and health of employees during the hours and in places of their employment. Standards for safety and health shall be submitted by the Code Authority to the Board within three months after the effective date of the Code.

SECTION 5. 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, 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 Board.

SECTION 7. The provisions of this Code governing hours of labor, rates of pay, and other conditions of employment shall apply to all persons who would ordinarily be classed as employees in this Industry, and no employer shall exempt any such person from said provisions because he is related to the employer, or for any other reason.

SECTION 8. Wages shall be exempt from fines; and from charges and deductions, except charges or deductions covering employees' voluntary contributions to pension, insurance, or benefit funds or other deductions required by law; and no employer shall withhold wages except upon service of legal process or other papers lawfully requiring the same. Deductions for purposes not heretofore stated may be made only when the agreement is in writing and is kept on file by the employer open to the inspection of the Board.

SECTION 9. Employers shall make payment of all wages due in

lawful currency or by negotiable checks, payable on demand. All contracts of employment shall prescribe payment of wages at least semi-monthly.

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

A. ORGANIZATION AND CONSTITUTION

SECTION 1. A Code Authority is hereby established consisting of eleven members to be selected in the following manner:

Four by manufacturers of pasteurized-blended and/or process cheese; three by national distributors; and four by specialty manufacturers. The members of the Code Authority shall be elected annually at a meeting of the Industry called for that purpose and shall serve for one year or until their successors are elected. All members of the Industry who shall have qualified to participate in the selection of the Code Authority in accordance with Section 6 of this Article shall have the right to vote for members of said Code Authority. Each member of the Industry shall have the right to vote for the members of the Code Authority representing the group of which he is a member and shall have a number of votes for such members of the Code Authority equal to the number of members of the Code Authority above designated for his group except that the four members of the Code Authority representing the manufacturers of pasteurized-blended and/or process cheese shall be elected by a volume vote of the members of the Industry entitled to vote therefor, each member having one vote for each full unit of five million pounds of said cheese produced by it during the calendar year immediately preceding the date of election provided if any such member has an annual production less than said five million pounds, he shall nevertheless have one vote. The persons receiving the highest number of votes in each group shall to the extent above provided become members of the Code Authority. No member of the Industry shall have more than one representative on the Code Authority. Said votes may be cumulated in voting if desired and may be by proxy or by mail.

SECTION 2. Alternate members of the Code Authority to serve in the place and stead of the members thereof, in the event that any member shall be unable to attend a meeting thereof or otherwise temporarily be unable to perform his duties as such member, may be elected at the same time and in manner provided for the election of the members of the Code Authority in Section 1.

SECTION 3. In event of the death or resignation of any member of the Code Authority his successor shall be elected in the manner above provided from the same class of members of the Industry as the former member represented at a special meeting of such class of the Industry called by the Code Authority for the purpose and held at such time as may be designated by the Code Authority. In event such successor shall not have been elected within the period of sixty days from the date of such death or resignation then in such event the Board shall have the right to designate from the same class such

successor and he shall serve until the time his successor shall be elected as above provided.

SECTION 4. In addition to the membership of the Code Authority as above provided there may be one or more members without vote to be known as administration members appointed by the Board to serve on the Code Authority without compensation from the Industry for such time as the Board may designate. The representatives who may be appointed by the Board shall be given notice of all meetings 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 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 one for any action or omission to act under this Code, except for his own wilful misconduct or malfeasance.

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 Board may provide such hearings as it may deem proper; and thereafter if it 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 7. If the Board shall determine that any action of the Code Authority or any agency thereof is unfair or unjust or contrary to the public interest the Board 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 pending final action which shall not be effective unless the Board approves or unless it shall fail to disapprove after thirty days notice to it of intention to proceed with such action in its original or modified form.

B. POWERS AND DUTIES

SECTION 8. Subject to such rules and regulations as may be issued by the Board, 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, rules, and regulations for its procedure. A quorum shall consist of not less than six members and any action taken shall be at a meeting duly called upon notice to all members of the Code Authority and shall be by vote of the majority of those present at such meeting, but must include the favorable vote of two members representing manufacturers of pasteurized-blended or process cheese.

(c) To obtain from the members of the Industry such information and reports as are required for the administration of the Code including comprehensive data and information as to market, trade, and manufacturing conditions in the Industry. In addition to in-

formation required to be submitted to the Code Authority, members of the Industry subject to this Code shall furnish such statistical information as the Board may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as it 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 Board.

(d) In order that no individual reports shall be disclosed to any other member of the Industry or any other party or agency except such governmental agencies as may be specified by the Board the Code Authority shall employ a confidential and disinterested outside agency to assemble such information for transmittal to the government or for conversion into general statistics without individual identification for the use of the Code Authority, provided in event said information and reports in the opinion of the outside agency show a violation of said Code, said information, reports and records shall be at once presented by said outside agency to said Code Authority.

(e) The Code Authority shall investigate directly or through the outside agency upon complaint of an interested party (if in the opinion of the Code Authority the complaint warrants such action) and subject to such rules and regulations as the Board may establish, any alleged specific violation or violations of any provision or provisions of this Code and if it deems advisable shall require a report to said Code Authority or said outside agency in such form as the Code Authority shall prescribe, from any member or members of the Industry against which such complaint shall have been made, setting forth the facts pertaining to the alleged violation or violations.

(f) Each member of the Industry shall keep accurate and complete records of its transactions in the Industry whenever such records may be required under any of the provisions of this Code, and shall furnish accurate reports, based upon such records concerning any of such activities when required by the Code Authority or the Board. In the event any member of the Industry shall fail to file a report or reports pertaining to a violation of this Code in the manner and when requested by the Code Authority or the Board so to do in accordance with the preceding paragraphs of this Article, or in the event the Code Authority or the Board 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 reports 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 Board.

In no case shall the facts disclosed by such examination be made available in identifiable form to any competitor, whether on the Code Authority or otherwise, or be given any other application except such as may be required for the proper administration or enforcement of the provisions of this Code. A report shall be made by such impar-

tial agency to the Code Authority, who shall deal with the same as provided in subsection (c) hereof for reports filed by members of the Industry.

(g) If after examining any reports filed in accordance with the preceding paragraphs or after making any other investigations or after such hearings 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 Board or (2) report its findings of fact and recommendations to the Board which shall take such action under applicable law as it deems necessary.

(h) To make recommendations to the Board 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.

(i) 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 Board for its approval, subject to such notice and opportunity to be heard as it 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 Board, 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 Board. 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; provided, however, that in the first election of the Code Authority no member of the Industry shall be deprived of the right to vote by reason of non-payment of his share of expense,) 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 con-

tained in the approved budget, except upon approval of the Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Board shall have so approved.

(j) To recommend to the Board 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 Board after such notice and hearing as it may specify.

(k) 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 others to the end that such Fair Trade Practices may be proposed to the Board as amendments to this Code and such other codes.

(l) 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 Board for review. If approved by the Board, 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 by the member. 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.

(m) The Code Authority in administering this Code may act through such agent or agents as it may designate provided that nothing herein shall relieve the Code Authority of its duties and responsibilities under this Code and that such agent or agents shall at all times be subject to and comply with the provisions hereof. If any of such activities are conducted through an outside agency the Code Authority shall arrange for such service by suitable contract and bond guaranteeing performance of same. The services of said outside agency shall be available to each member of the Industry under a service contract. The terms of said contract shall be approved by the Code Authority, subject to the disapproval of the Board.

ARTICLE VII—OPEN PRICE COMPETITION

SECTION 1. That the pricing and selling of the products of the Industry may at all times be on an open basis, each member of the Industry shall issue identified price lists and revisions or changes thereof, showing his current offerings of all kinds, grades, weights, and styles of the products of the Industry which he sells or offers for sale; said lists shall show and be based upon unit list prices to retailers and shall show all discounts or allowances therefrom for service, quantities, freight, cartage, and terms of payment and all other terms or conditions of sale. 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 lists shall be plainly dated and marked to show the territory in which the current prices shown are in effect.

SECTION 2. Every member of the Industry shall publish or keep available for the equal information of all trade buyers located in the same competitive markets its schedule of prices, discounts and full terms of sale.

SECTION 3. In establishing schedules of prices and discounts every member of the Industry may classify trade buyers upon a reasonable basis including as grounds for classification distribution service rendered, trade area in which the trade buyers are located, and the quantity of purchases made by various trade buyers of the products of this Industry but all discounts must be uniform for all trade buyers of the same class and must be published, except as herein otherwise provided.

SECTION 4. Each member of the Industry shall file with such confidential and disinterested outside agency as may be designated by the Code Authority, or if none, then with such an agent designated by the Board, within ten (10) days after the effective date of this Code, copies of all price lists referred to in Section 1 above. Each member shall be free to change and reissue his printed price lists as often as he sees fit and in event of any change of price discounts, terms or conditions of sale, revised price lists shall be filed with the outside agency at the same time and in the same manner in which such revised price lists are made available to trade buyers. In event any premium or coupon offer of any cooperative advertising plan or individual cooperative advertising contract with a trade buyer is made by any member of the Industry such member shall file with the outside agency, full data as to the offer made, the territorial limits thereof, or copies of said plans and/or contracts and said information shall be made available to the members of the Industry for inspection only.

Price lists and revised price lists shall become effective immediately upon receipt thereof by said agent. Immediately upon receipt thereof said agent shall by collect telegram 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 trade buyers who have applied for and have advanced funds to defray the cost to be actually incurred by the outside agent in the preparation and distribution thereof and shall be available for inspection by any trade buyer at the office of such agent.

SECTION 5. A. Inasmuch as approximately forty per cent (40%) of the products of the Industry is sold by members of the Industry direct to retailers and the remainder is sold to non-members for the purpose of resale to retailers, therefore in order to further carry out and safeguard the principles of open-price competition, any sale of the products of the Industry to a trade buyer other than a retailer shall be made by the member under a contract wherein such trade buyers shall agree either to resell such products in strict accordance with the current price list filed with the outside agency by the member selling such trade buyer or to resell in strict accord-

ance with his own price list which shall have been filed with the outside agency by such trade buyer in accordance with and following the procedure provided for members of the Industry in Sections 1, 2, 3 and 4 of Article VII.

B. Said contract shall further provide that said trade buyer shall not make or permit to be made any direct or indirect price concession to retailers; said term "direct or indirect price concession" means any variation from the current price list governing the sales of such trade buyer and then on file with the outside agency, whether by means of a rebate, brokerage, refund, credit concession, allowance, payment, special service, free deal, gift or any other means whatsoever.

C. The members of the Industry shall within sixty days after the effective date of this Code complete the placing under contract as above provided all trade buyers affected by the provisions of this Section.

SECTION 6. The Code Authority shall maintain a permanent file of all price lists filed as herein provided, and shall not destroy any part of such records except upon written consent of the Board. Upon request the Code Authority shall furnish to the Board or any duly designated agent of the Board copies of any such lists or revisions of price lists.

SECTION 7. 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 VIII—UNFAIR METHODS OF COMPETITION

SECTION 1. Price Concessions. No member of the Industry shall sell directly or through a broker or sales agent or representative any product of the Industry (except in the case of sales to any Federal or State government or political subdivision thereof and except in the case of sales by a member of the Industry to another member thereof) to a trade buyer except in accordance with the prices, discounts, terms and conditions of sale set forth on the current printed price lists issued by the seller and then on file with the outside agency. No member of the Industry shall make or permit to be made any direct or indirect price concession to a trade buyer. The term "direct or indirect price concession" means any variation from the current price lists issued by such member and then on file with the outside agency whether by means of a rebate, brokerage, refund, credit concession, allowance, payment, special service, free deal, gift or any other means whatsoever.

SECTION 2. Unearned Service Payments. No member of the Industry shall pay a retail buyer for a special "advertising", "pushing", or other promotional service by such retail buyer (a) except in pursuance of a written contract made in good faith and explicitly defining the definite and specific advertising or promotion service to be rendered and the payment for it; and (b) unless a method of determining performance is provided for in the contract and such

service is rendered and such payment is reasonable and not excessive in amount; and (c) unless such contract is separate and distinct from any sales contract and such payment is separate and distinct from any sales price and is not designed or used to reduce a sales price; and (d) unless a copy of each such contract is retained on file for a period of one year. As long as the contract so made is pursuant to a plan filed with the Code Authority the individual contract need not be filed with Code Authority but in event the contract so made is an individual contract not entered into pursuant to any plan filed with the Code Authority or deviates from a plan so filed a copy of such contract shall be filed with the Code Authority. In order to investigate an alleged violation of this section, the Code Authority may require any member to report any such contract made by him and/or to produce a copy thereof for inspection.

SECTION 3. 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 any trade buyer may at any time complain in writing to the Code Authority that any filed price constitutes unfair competition as destructive price cutting, imperiling any member of the Industry, tending toward monopoly or to 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 NRA which shall render a report and recommendation thereon to the Board.

(b) When no declared emergency exists as to any given product, there is to be no fixed minimum basis for prices, except it is intended that sound cost estimating methods shall be used.

(c) When an emergency exists as to any given product, sales below the stated minimum price of such product, in violation of Section 2 hereof, is forbidden.

2. *Emergency Provisions.*—(a) If the Board, after investigation shall at any time find both (1) that an emergency has arisen within the Industry adversely affecting any member of the Industry or wages or labor conditions, or tending toward monopoly or demoralization of the Industry 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 Board a proposed stated minimum price for the product affected by the emergency and thereupon the Board may proceed to determine a stated minimum price for the product.

(b) When the Board shall have determined such stated minimum price for a specified product for a stated period, it 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 Board may cause any determinations hereunder to be reviewed or reconsidered and appropriate action taken.

SECTION 4. The following practices constitute unfair methods of competition and are prohibited:

(a) *Inaccurate Labeling*.—To brand or mark or pack any goods in any manner which is intended to deceive or mislead purchasers with respect to brand, grade, quality, quantity, origin, sizes, substance, character, nature, material, content or preparation of such goods.

(b) *Inaccurate Advertising*.—To cause to be made or permit to be made by employees, or to publish by advertisement or otherwise any false or inaccurate statements in any material particular respecting any competitor or its goods, prices, values, credit terms, policies or services.

(c) *False Advertising and Containers*.—To falsely or deceptively advertise any products of the Industry; or to use a deceptive container or to give short weight or short measure or short count.

(d) *Imitation of Labels*.—To imitate the trade mark, trade name, package, wrapper or label of a competitor's product to such a degree as to deceive customers.

(e) *False Billing*.—To withhold from, or to insert in any invoice, statements that make it a false record, wholly or in part, of the transaction represented on the face thereof.

(f) *False Price Statements*.—To quote a fictitious price; to invoice a false price; to make to any trade buyer any price statement or price representation which is false or fraudulent.

(g) *Compulsory Purchase*.—To compel the purchase of one product in order to purchase or obtain another product.

(h) *Free Samples*.—To give free samples with shipments or products of the Industry, provided, however, that this section shall not prevent the distribution direct to consumers of free samples plainly labeled as such.

(i) *Free Deals*.—To give free deals with shipments of products of the Industry. The term "free deal" as used in this section shall mean the giving of free merchandise which would have the effect of reducing the net cost per unit to trade buyers below the prices filed under the provisions of Section 4 of Article VII.

(j) *Contests and Prizes*.—The giving of prizes, money, or coupons, redeemable in money or merchandise, to salesmen of trade buyers; provided, however, that any member of the Industry may conduct contests or distribute prizes among salesmen of a wholesaler who distributes the products of said member and who does not distribute the product or products of another member of the Industry which compete with the products of the member of the Industry first named in this proviso, if such contest or prize is not used to effect a reduction in a price schedule filed hereunder.

(k) *Premiums*.—To offer or give prizes, premiums, or gifts, or anything of value, in connection with, or as an inducement to, the sale of the products of the Industry, except as specifically permitted by paragraph (j), Section 4, Article VIII, or except where given to the consumer purchaser.

(l) *Commercial Bribery*.—To give, permit to be given, or directly offer to give, anything of value for the purpose of influencing, or retarding 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.

(m) *Guarantee Against Price Declines*.—To guarantee a trade buyer against a decline in the market price on such trade buyer's floor stocks.

(n) *Diversion of Sales Compensation*.—To connive at or consent to any arrangement whereby, whether through the diversion of compensation paid to any employee or otherwise, any trade buyer shall be enabled to obtain any product of the Industry at a price below the applicable price as stated in the effective schedules filed under the provisions of this Code.

(o) *Contingent Orders*.—To make any contract for future delivery contingent upon an advance or decline in the price of the product of the Industry.

(p) *Price Discrimination*.—Either directly or indirectly to discriminate in price between different retailers by permitting any retailer means of securing the products of a member of the Industry at less than such member's or his jobber's current prices to retailers filed as provided in Article VII.

SECTION 5. No member of the Industry shall manufacture for or sell to a trade buyer any unlabeled or unbranded product of the Industry and no member shall manufacture and sell products of the Industry bearing the label or brand of another except to members of the Industry pursuant to a written contract, and except to non-members of the Industry pursuant to a price filed in accordance with Article VII.

ARTICLE IX—MODIFICATION

SECTION 1. This Code and all provisions thereof are expressly made subject to the right of the President in accordance with the provisions of Section 10 (b) of the Act from time to time, to cancel or modify any order, approval, license, rule or regulation issued under the Act.

SECTION 2. This Code, except as to provisions required by the Act, may be modified or revised on the basis of experience or changes in circumstances. The Code Authority shall make application for such modifications and revisions, when it deems necessary, from time to time, to the Board, and they shall become effective, after such notice and hearing as the Board shall specify, on approval by the Board.

ARTICLE X—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 XI—EFFECTIVE DATE

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

Approved Code No. 548.

Registry No. 104-07.



Approved Code No. 549

CODE OF FAIR COMPETITION

FOR THE

CIGARETTE, SNUFF, CHEWING, AND SMOKING
TOBACCO MANUFACTURING INDUSTRY

As Approved on February 9, 1935

BY

PRESIDENT ROOSEVELT

EXECUTIVE ORDER

CODE OF FAIR COMPETITION FOR THE CIGARETTE, SNUFF, CHEWING,
AND SMOKING TOBACCO 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 my approval of a Code of Fair Competition for the Cigarette, Snuff, Chewing, and Smoking Tobacco 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 me:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by said Title of said Act, and otherwise, do hereby adopt and approve said report and findings; incorporate the same herein by reference; find further that the approval of said Code will be in the public interest; and order that said Code of Fair Competition be and it hereby is approved.

I further order that the Division of Research and Planning of the National Recovery Administration be and it hereby is directed to make a study of conditions in the Industry relating to wages and hours of labor of employees to determine the extent of the contribution made by the Industry toward reemployment and increased purchasing power, and submit its report thereon together with its recommendations with respect thereto to the National Industrial Recovery Board as soon as practicable in order that said Board may, after due notice and hearing, take such action in connection therewith as it may deem necessary and proper to effectuate the purposes of said Title of said Act.

FRANKLIN D. ROOSEVELT.

The WHITE HOUSE.

February 9, 1935.

LETTER OF TRANSMITTAL

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Cigarette, Snuff, Chewing, and Smoking Tobacco Manufacturing Industry as revised after a public hearing conducted in Washington, D. C. on August 21, 1934, in accordance with the provisions of Title I of the National Industrial Recovery Act.

THE INDUSTRY IN GENERAL

The Cigarette, Snuff, Chewing, and Smoking Tobacco Industry, as defined by the Code, embraces all establishments engaged in the manufacture and sale by the manufacturer of all forms of cigarettes, plug, twist, scrap, fine cut, snuff and smoking tobacco, and all processing of leaf tobacco carried on in the course of such manufacturing. The manufacture of cigarettes, smoking, chewing tobacco and snuff is centered in the hands of a few firms. It is estimated that eight (8) companies produce over ninety-five per cent (95%) of the cigarettes made; that four (4) of these companies produce about eighty-five per cent (85%) of the total. These eight (8) companies also produce the bulk of smoking and chewing tobacco. The manufacture of snuff is concentrated in the hands of about five (5) companies. The number of establishments manufacturing tobacco products has been decreasing. The rate of decline of the number of tobacco and snuff manufacturers has not been so rapid as that in the Cigarette Industry. There were two hundred and six (206) establishments in the Tobacco and Snuff Industry in 1923. The number diminished to one hundred and twenty-five (125) in 1931, while in the Cigarette Industry the number of establishments has declined from sixty-one (61) in 1923 to fourteen (14) in 1931.

The manufacture of plug, twist and fine cut chewing tobacco has declined from two hundred and six million (206,000,000) pounds in the year 1917 to seventy million (70,000,000) pounds in 1932. The per capita consumption has been declining for the past fifteen (15) years. Because of its short duration and easy accessibility, the cigarette seems to be most suited to the national temperament. The gradual decline of prejudice against the use of cigarettes by men, and more recently, by women, has made possible a wide spread adoption of cigarette smoking. The annual production of cigarettes increased from eight billion six hundred million (8,600,000,000) in 1910 to one hundred and twenty-four billion (124,000,000,000) in 1930. The trend was slightly downward through 1930 to 1932—turning upward again in 1933.

Cigarette, smoking and chewing tobacco manufacturers are located principally in the South. This is probably due to the source of raw materials. In 1932 three (3) states, North Carolina, Virginia, and Kentucky, produced ninety-three per cent (93%) of all cigarettes.

HOURS AND WAGES

Under the Code, employees are limited to forty (40) hours per week and eight (8) hours in any twenty-four (24) hour period, with

exceptions provided for managerial, executive and supervisory employees who earn regularly not less than thirty-five dollars (\$35.00) weekly, and outside salesmen.

Employees engaged in emergency maintenance and emergency repair work and in the emergency handling of tobacco where delay would cause damage to the product, are permitted to work in excess of the maximum, provided that in such special cases time and a half shall be paid in excess of the maximum.

Engineers, firemen, receiving and shipping employees are permitted to work forty-four (44) hours in any week provided that time and one-half ($1\frac{1}{2}$) shall be paid after eight (8) hours in any twenty-four (24) hour period.

Employees working in assignments connected with the handling and prizing of leaf tobacco during the leaf buying season shall be permitted to work forty-eight (48) hours per week provided time and one half ($1\frac{1}{2}$) shall be paid for all hours worked in excess of eight (8) hours in any twenty-four (24) hour period, and forty-four (44) hours in any one week.

Office employees are limited to forty (40) hours per week with a minimum of sixteen dollars (\$16.00) per week.

Watchmen are limited to ten (10) hours in any twenty-four (24) hour period and fifty-six (56) hours in any one (1) week, with a minimum rate of pay of eighteen dollars (\$18.00) per week.

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

The Code provides for equitable adjustments.

The Code establishes a minimum rate of pay of forty cents (40¢) per hour for employees engaged in the manufacture of cigarettes.

The Code establishes a minimum rate of pay of thirty-five cents (35¢) an hour for employees engaged in the manufacture of snuff and smoking tobacco, or in the processing or handling of cigarette tobacco, at any stage prior to the fabrication of the product. Employees engaged in any part of the processing or manufacture of plug, twist, scrap and fine cut chewing tobacco, including stemming, shall be paid at the rate of not less than twenty-five cents (25¢) per hour. Employees engaged as searchers, pickers, cleaners, hangers, prizers, classers and hand stemmers in any branch of the Industry, other than the manufacture of plug, twist, scrap and fine cut chewing tobacco, shall be paid at a rate of not less than thirty cents (30¢) an hour with a tolerance of fifteen per cent (15%) for hand stemmers classed as slow workers. The slow workers are to work on the same per pound piece work basis and shall be paid at not less than the rate of twenty-five cents (25¢) per hour.

Machine stemmers in any branch of the Industry, other than the manufacture of plug, twist, scrap and fine cut chewing tobacco, shall be paid at a rate of not less than thirty-five cents (35¢) an hour.

The Code establishes minimum rates of pay irrespective of whether the employees are compensated on a time rate, piece rate or other basis.

The Code prohibits home work in the Industry.

ECONOMIC CONDITIONS

The Industry has been operating under the President's Reemployment Agreement since August, 1933. As a result of this Agreement,

(which the Industry considered a Code), it is estimated that employment increased about seven per cent (7%), and wages approximately fifteen per cent (15%) at that time. The Code contains the same maximum hours as the Agreement, and will not result in any appreciable increase in employment; however, it is estimated that the minimum wages established by the Code will result in an increase of from twenty per cent (20%) to twenty-five per cent (25%) for unskilled employees over the present rate established by the Agreement.

By virtue of the President's Reemployment Agreement, and in anticipation of the adoption of this Code, together with the recent improvement in business, there has been noticeable relief in unemployment.

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

The National Industrial Recovery Board finds 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 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.

(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.

This Code, together with all documents pertaining thereto, are herewith transmitted to you for your consideration and such action as you may deem proper.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

JANUARY 25, 1935.

CODE OF FAIR COMPETITION FOR THE CIGARETTE, SNUFF, CHEWING, AND SMOKING TOBACCO MANU- FACTURING 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 Cigarette, Snuff, Chewing, and Smoking Tobacco Manufacturing Industry, and its provisions shall be the standards of fair competition for such Industry and be binding upon every member thereof.

ARTICLE II—DEFINITIONS

As used in this Code the following words and phrases shall be defined as follows:

SECTION 1. The term "Cigarette, Snuff, Chewing, and Smoking Tobacco Manufacturing Industry" means and includes the manufacture and sale by the manufacturer of all forms of cigarettes, snuff, chewing and smoking tobacco and all processing of leaf tobacco carried on by such manufacturer in the course of manufacturing said products, but does not include the handling or prizing of leaf tobacco at any stage prior to (a) the processing of redrying, or (b) in the case of tobacco that is not subject to the process of redrying, prior to the actual delivery thereof at the manufacturing plant.

SECTION 2. The term "member of the industry" or "member" means and includes, 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, and also includes any affiliate or subsidiary thereof which is so engaged.

SECTION 3. The term "employee" includes any and all persons engaged in the industry, however compensated, except a member of the industry.

SECTION 4. The term "employer" includes anyone by whom such employee is compensated or employed.

SECTION 5. The terms "President," "Act" and "Board" mean, respectively the President of the United States, Title I of the National Industrial Recovery Act and the National Industrial Recovery Board appointed pursuant to said Act.

SECTION 6. The term "watchman" means an employee at least ninety per cent (90%) of whose working time is employed in watching and safeguarding the premises of a member of the industry.

SECTION 7. The term "outside salesman" means an employee not more than ten (10) hours per week of whose working time is spent at the premises of his employer and who is engaged in outside selling functions and sales promotion activities.

SECTION 8. The term "chewing tobacco" includes plug, twist, scrap and fine-cut chewing tobacco.

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 with the following exceptions:

(a) Employees engaged in emergency maintenance or emergency repair work, involving breakdown or protection of life and property, or in the emergency handling of tobacco where delay would cause damage to the product: provided that in such special cases not less than time and one-half ($1\frac{1}{2}$) shall be paid for all hours worked in excess of eight (8) hours in any twenty-four (24) hour period or forty (40) hours in any one week. Work regularly recurrent in character shall not be defined as emergency work.

(b) Engineers, firemen, receiving and shipping employees may be permitted to work forty-four (44) hours in any one week, provided that time and one-half ($1\frac{1}{2}$) shall be paid after eight (8) hours in any twenty-four (24) hour period.

(c) Watchmen may be permitted to work not in excess of fifty-six (56) hours in any one week and ten (10) hours in any twenty-four (24) hour period, provided, however, no watchman shall be permitted to work in excess of thirteen (13) days in any fourteen (14) day period.

(d) Employees working in assignments connected with the handling and prizing of leaf tobacco during the leaf buying season may be permitted to work not in excess of forty-eight (48) hours in any week, provided, however, that such hours worked by such employees shall be compensated for at the rate of at least time and one-half ($1\frac{1}{2}$) for all hours worked in excess of forty-four (44) hours in any one week or eight (8) hours in any twenty-four (24) hour period.

(e) The maximum hours of Section 1 of this Article shall not apply to executive, managerial and supervisory employees who regularly receive not less than thirty-five dollars (\$35) weekly nor to outside salesmen.

(f) Persons employed in accounting, clerical or office work may be permitted to work in excess of eight (8) hours in any twenty-four (24) hour period, but not in excess of forty (40) hours in any one week.

SECTION 2. No employee shall be permitted to work more than six (6) days in any seven (7) day period, excepting those employees covered by Subsections (a), (c) and (e) of Section 1 of this Article.

SECTION 3. 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 or any other industry exceeds the maximum permitted herein.

ARTICLE IV—WAGES

SECTION 1. *Minimum Wages.*—No employee, except as herein otherwise provided, shall be paid in any pay period less than at the rates per hour following, namely:

(a) *Cigarettes.*—No employee engaged in the manufacture of cigarettes (whether employed on an hourly or piece work basis) shall be paid in any pay period less than at the rate of forty cents (40¢) per hour, except as herein otherwise provided;

(b) *Snuff and Smoking Tobacco*.—No employee engaged in the processing or manufacture of snuff or smoking tobacco, or in the processing or handling of cigarette tobacco at any stage prior to the fabrication of the product (whether employed on an hourly or piece-work basis) shall be paid in any pay period less than at the rate of thirty-five cents (35¢) per hour, except as herein otherwise provided.

(c) *Chewing Tobacco*.—No employee engaged in any part of the processing or manufacture of chewing tobacco, including stemming, (whether employed on hourly or piece-work basis) shall be paid in any pay period less than at the rate of twenty-five cents (25¢) per hour.

(d) *Exceptions*.—There shall be the following exceptions, namely: Employees engaged as searchers, pickers, cleaners, hangers, prizers, classers and hand-stemmers in any branch of the Industry other than the processing and the manufacture of chewing tobacco shall be paid at the rate of not less than thirty cents (30¢) an hour except that not more than fifteen per cent (15%) of such hand stemmers as are classed by their employers as slow workers but who work on the same per pound piece-work basis as the other stemmers may be paid at the rate of not less than twenty-five cents (25¢) per hour. Machine stemmers in any branch of the industry other than the manufacture of chewing tobacco shall be paid at the rate of not less than thirty-five cents (35¢) an hour.

SECTION 2. No person employed in accounting, clerical or office work shall be paid less than at the rate of sixteen dollars (\$16) for a week of forty (40) hours, except that office boys and girls and messengers may be paid at a rate of not less than eighty per cent (80%) of the minimum hereinabove specified: provided, however, that the number of such boys and girls and messengers so compensated below the prescribed minimum shall constitute not more than five per cent (5%) of the total number of all accounting, clerical and/or office employees of any office of any one employer, but in any case each employer shall be entitled to at least one (1) such employee.

SECTION 3. Watchmen shall be paid at the rate of not less than eighteen dollars (\$18) for a week of fifty-six (56) hours.

SECTION 4. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

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 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 by the Department of Labor in issuing certificates to such persons. Each employer shall file monthly with the Advisory Committee 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. Wages shall be exempt from fines, rebates, charges and deductions, except charges and/or deductions voluntarily made by employees or required by law for pension, insurance, or for benefit

funds. No employer shall withhold wages except under legal process or other papers lawfully requiring such withholding.

SECTION 7. This Article establishes minimum rates of pay which shall apply, irrespective of whether an employee is actually compensated on a time rate, piece work, or other basis.

SECTION 8. 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, provided, however, in no event shall hourly or weekly rates of pay be reduced as a result of the adoption of this Code.

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 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 Advisory Committee shall submit to the Board 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 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 3. Employers shall make payment of all wages due, in lawful currency or by negotiable checks payable on demand. Payment of wages shall be at least as often as twice a month and salaries as often as every month.

SECTION 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 or insurance, or fire protection than are imposed by this Code.

SECTION 5. (a) No employer shall change the method of payment of employees' compensation or reclassify employees or duties of occupations performed by employees, or discharge employees to reemploy them at a lower rate of pay, or engage in any other subterfuge, so as to defeat the purposes of the Act or the provisions of this Code.

(b) No employer shall dismiss or demote any employee for making a complaint or giving evidence with respect to an alleged vio-

lation of the provisions of this or any other approved code of fair competition.

SECTION 6. Every employer shall post and keep posted in a conspicuous place in his or its factory or other place of work copies of the provisions of this Code or any amendments thereto relating to hours, wages, and working conditions applicable to those employed in such factory or other place of work.

SECTION 7. Every employer shall provide for the safety and health of employees during the hours and at the places of their employment. Such standards for safety and health shall be submitted by the Advisory Committee to the Board within six months after the effective date of this Code.

SECTION 8. Members of the industry shall furnish the Board or their duly accredited representatives for their confidential information such labor payroll statistics on time and piece workers as such Board or its duly accredited representatives may deem necessary for the purpose of determining that the labor provisions of this Code are being complied with in every respect.

SECTION 9. No member of the industry shall permit homework.

ARTICLE VI—ORGANIZATION AND CONSTITUTION OF THE ADVISORY COMMITTEE

SECTION 1. An Advisory Committee is hereby established consisting of five (5) members truly representative of the industry, to be selected by the industry.

SECTION 2. The Committee shall serve as a point of contact between the Board and the industry and shall at all times be available for consultation by the National Recovery Administration.

SECTION 3. In order that this Committee shall at all times be truly representative of the industry, the Board may prescribe such hearings as it may deem proper and thereafter if it shall find that the Advisory Committee is not truly representative, it may dissolve the Committee and order an appropriate selection of members. The foregoing shall not, however, be construed to give the Board power to appoint or to require the appointment of particular individuals to the Committee or to deprive the Industry acting through representatives of its own choosing of the right to select the members of the Committee subject to the disapproval of the Board.

SECTION 4. Nothing contained in this Code shall constitute the members of the Advisory Committee partners for any purpose. Nor shall any member of the Advisory Committee be liable in any manner to anyone for any act of any other member, officer, agent or employee of the Advisory Committee. Nor shall any member of the Advisory Committee, 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 5. The Committee shall have the following powers:

- (a) To adopt by-laws and rules and regulations for its procedure.
- (b) To obtain from members of the industry, such information and reports as shall be required by the Board for the administration of the provisions of this Code, such information to be transmitted directly to the Board. In addition to information required to be

submitted as aforesaid, members of the industry subject to this Code shall furnish such statistical information as the Board may deem necessary for the purpose recited in Section 3 (a) of the Act to such Federal and State agencies as it 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 Board.

ARTICLE VII—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 and when made such increases should, so far as possible, be limited to actual additional increases in the seller's costs.

ARTICLE VIII—MODIFICATION

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.

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—CONSTITUTIONAL RIGHTS

By presenting and consenting to this Code the members of the industry shall not be deemed to have waived any of their constitutional rights.

ARTICLE XI—EFFECTIVE DATE

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

Approved Code No. 549.
Registry No. 1615-31.

Approved Code No. 550

CODE OF FAIR COMPETITION

FOR THE

MANUFACTURING INDUSTRY IN THE TERRITORY OF HAWAII

As Approved on February 14, 1935

ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE MANUFACTURING INDUSTRY IN THE TERRITORY OF HAWAII

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 Manufacturing Industry, and hearings having been duly held thereon, and the Deputy Administrator for Hawaii having made and submitted to the National Industrial Recovery Board his report on said Code, containing his findings with respect thereto, and the annexed report of the National Industrial Recovery Board 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise; does hereby incorporate by reference said report of the Deputy Administrator for Hawaii and the annexed report of the National Industrial Recovery Board, and does hereby concur in and adopt the findings of fact made therein, and does find that the said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of Title I of the National Industrial Recovery Act; and does hereby order that said Code of Fair Competition be, and it is hereby, approved.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

JOHN W. UPP,
Acting Division Administrator.

WASHINGTON, D. C.,
February 14, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,

The White House.

SIR: This is a report on the Code of Fair Competition for the Manufacturing Industry in the Territory of Hawaii. The Public Hearing was conducted in Honolulu, T. H., on March 23, 1934, in accordance with the provisions of the National Industrial Recovery Act. An adjourned Public Hearing was held in Washington, D. C. June 28, 1934, in order to permit mainland competitors an opportunity to be heard. The association claims to represent over 50% of the Industry.

Establishments manufacturing thirty or forty different products were grouped for the purpose of codifying. Some of the products represented are manufactured by only two or three concerns. There is a wide divergence in character and size of establishments, the majority being very small.

HOURS AND WAGES

The Code provides for a forty-four (44) hour work week for all classes of employees, with a minimum wage of Ten Dollars (\$10.00) per week for females, Twelve Dollars (\$12.00) for males and Fourteen Dollars (\$14.00) for office employees. Exception is made for office boys and girls who may be paid a minimum of Eleven and 20, 100 Dollars (\$11.20) a week. Employees in a managerial or executive capacity receiving Thirty-Five Dollars (\$35.00) per week are exempted from maximum hours, as are outside salesmen. Watchmen are restricted to a fifty-six (56) hour work week and are assured one day off in every fourteen days. Child labor is prohibited.

The low minimum is due to the large number of factories owned, operated and staffed by Orientals. The Code represents a temporary compromise in the matter of hours and wages, in the interests of compliance, with an expressed intention on the part of the Deputy Administrator to hold a Public Hearing at the end of four months looking forward toward improvement in wage and hour schedules.

ECONOMIC EFFECT OF THE CODE

The proposed Code will effect a drastic increase in wages and reduction of hours for some 25% of the 2,500 to 3,000 employees in the Industry.

FINDINGS

The Deputy Administrator for Hawaii in a letter addressed to the National Industrial Recovery Board has made a clear and detailed report of the history of the Industry covered by this Code and

in the conditions existing in that Industry at the present time. He has made lengthy and detailed findings of fact in regard to said Industry. The said report of the Deputy Administrator for Hawaii is submitted herewith and is incorporated by reference into this report and the National Industrial Recovery Board does hereby concur in and adopts the report submitted.

For these reasons, this Code has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 14, 1935.

CODE OF FAIR COMPETITION FOR THE MANUFACTURING INDUSTRY IN THE TERRITORY OF HAWAII

ARTICLE I—PURPOSE

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 Manufacturing Industry in the Territory of Hawaii, and its provisions shall be the standards of fair competition for such Industry.

ARTICLE II—DEFINITIONS

SECTION 1. The term "Manufacturing Industry" as used herein shall mean the making or assembling in the Territory of Hawaii of any goods or wares for sale and the primary sale thereof by the maker or assembler and the furnishing of manufacturing or repair services for remuneration, when such activities are not governed by any other code of fair competition which has been or may hereafter be approved specifically for the Territory of Hawaii. The term "Manufacturing Industry" does not include those local service industries and/or trades which have been designated as such by the Administrator for Industrial Recovery or the National Industrial Recovery Board pursuant to Executive Orders of the President, including Executive Order No. 6723, dated May 26, 1934, and otherwise.

SECTION 2. 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 employed or on his or its 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 terms "President", and "Act", as used herein, mean, respectively, the President of the United States and Title I of the National Industrial Recovery Act.

SECTION 6. The term "Territorial Code Authority" as used herein, means the administrative agency, constituted as provided for in Article VI of this Code.

SECTION 7. The term "County" as used herein means the City and County of Honolulu, and/or the other counties of the Territory of Hawaii as defined by Section 1575 of the Revised Laws of Hawaii 1923.

ARTICLE III—HOURS

SECTION 1. On and after the effective date of this Code no employee shall be permitted to work in excess of forty-four (44) hours in any one week, and eight (8) hours in any twenty-four (24) hour period (beginning at midnight) except as herein otherwise provided.

SECTION 2. No employee shall be permitted to work on more than six (6) days in any seven (7) day period, except as provided in Section 6 of this Article.

SECTION 3. *Hours for Clerical and Office Employees.*—No person employed in clerical or office work shall be permitted to work in excess of forty-four (44) hours in any one (1) week, or more than ten (10) hours in any twenty-four (24) hour period.

SECTION 4. *Emergency Repair Work.*—In case of necessity arising from emergency or from the character of the work, or from the inability to obtain competent labor, permission may be granted by the National Industrial Recovery Board, upon proper showing being made, to exceed the foregoing limitations, provided such permission shall be granted only upon such conditions imposed by the said National Industrial Recovery Board. All hours in excess of forty-four (44) hours in any one (1) week or eight (8) hours in any one (1) day shall be paid for at not less than one and one-third ($1\frac{1}{3}$) times the regular rate.

SECTION 5. *Exceptions as to Hours.*—The provisions of this Article shall not apply to outside salesmen, or to persons employed in a managerial or executive capacity who earn not less than Thirty-five Dollars (\$35.00) per week.

SECTION 6. Watchmen shall be permitted to work no more than fifty-six (56) hours per week and no more than thirteen (13) days in any fourteen (14) day period.

SECTION 7. *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. (a) On and after the effective date of this Code no employee shall be paid less than at the rate of Twelve Dollars (\$12.00) per week, provided, however, that a woman employee may be paid at the rate of pay not less than Ten Dollars (\$10.00) per week only in the event that she is engaged solely in light work for which such lesser rate of pay shall have been approved in advance by the Territorial Code Authority and/or the National Industrial Recovery Board, and a list showing each woman so employed and paid at such lesser rate shall be furnished promptly to the Territorial Code Authority and/or the National Industrial Recovery Board; provided, further, that female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

(b) Office and clerical workers shall be paid at the rate of not less than Fourteen Dollars (\$14.00) a week.

(c) Office boys and girls shall be exempt from such wage provisions provided they are paid not less than at the rate of Eleven and 20/100 Dollars (\$11.20) a week, and further provided, that the number of such office boys or girls shall not exceed one (1) for each ten (10) office workers or fraction thereof. All establishments shall be allowed one (1) office boy or girl.

SECTION 2. In the case of employees performing work for which they are paid per piece of work performed, the minimum rate of pay which each member of the Industry shall pay for such work shall produce earnings per hour for each employee for the number of hours worked in any pay period at least equal to the minimum rate of labor for the same type of work on an hourly basis.

SECTION 3. Nothing contained in this Article shall be construed to apply to employees whose rates of wages are established for specific projects by competent governmental authority in accordance with law or with rates of wages established by contracts now in force, provided such rates of wages are equal to or in excess of prescribed minimum rates.

SECTION 4. All minimum rates of wages shall be net and without any deductions as to training fees, compulsory savings or deferred payments. Deductions for meals and lodging may only be allowed upon a scale of prices approved by the County Code Authority, and the National Industrial Recovery Board.

SECTION 5. The weekly or monthly wages of all employees receiving more than the minimum wages prescribed in this Article shall not be reduced from the rates existing upon July 15, 1933, notwithstanding any reduction in the number of working hours of such employees.

SECTION 6. No employer shall consider the minimum wages set forth above to operate as fixing maximum wages.

SECTION 7. Wages shall be paid at least monthly in lawful money or by negotiable check payable on demand. Wages shall be exempt from fines, charges, rebates, deductions or any other form of withholding wages except for contributions voluntarily made by the employee or required by law. 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, hours, or the working conditions of his employees.

ARTICLE V—GENERAL 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 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. (a) Every employer shall provide for the safety and health of employees during the hours and at the places of their employment.

(b) Standards for safety and health shall be submitted by the Territorial Code Authority to the National Industrial Recovery Board within three (3) months after the effective date of this Code.

SECTION 4. A person whose earning capacity is limited because of age or 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 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 for such persons. Each employer shall file monthly with the Territorial 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. No provision in this Code shall supersede any Territorial 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. (a) A person may be employed as an apprentice by any member of the Industry at a wage lower than the minimum wage, or for any time in excess of the maximum hours of labor, established in this Code, if such member shall have first obtained from an agency to be designated or established by the Secretary of Labor, a certificate permitting such person to be employed in conformity with a training program approved by such agency, until and unless such certificate is revoked.

(b) The term "apprentice" as used herein shall mean a person of at least sixteen (16) years of age who has entered into a written contract with an employer or an association of employers which provides for at least two thousand (2000) hours of reasonably continuous employment for such person, and his participation in an approved program of training as hereinabove provided.

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 National Industrial Recovery Board.

SECTION 8. No person under eighteen (18) years of age shall be employed in the Industry in hazardous occupations. No person under sixteen (16) years of age shall be employed in the Industry in any capacity. 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 the Territory of Hawaii empowered to issue employment or age certificates showing that the employee is of the required age. Within thirty (30) days after the approval of this Code the Territorial Code Authority shall furnish to the National Industrial Recovery Board a list of hazardous occupations within the meaning of this Section.

SECTION 9. No employee shall be dismissed, demoted or discriminated against by reason of making a complaint or giving evidence with respect to an alleged violation of this Code.

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

SECTION 1. (a) Within sixty (60) days after the effective date of this Code, there shall be constituted a Territorial Code Authority consisting of seven (7) members to be elected by members of the Industry at a meeting or meetings called by the Temporary Territorial Code Authority, upon twenty (20) days' notice sent by registered mail to all known members of the Industry who may vote either in person, by proxy or by mail, each member of the Industry being entitled to one vote. The members of the Territorial Code Authority first elected shall serve until their successors are elected. During such sixty (60) day period, until such Territorial Code Authority has been so constituted, the committee of the group or the association sponsoring this Code shall constitute the Temporary Territorial Code Authority. The members of the Territorial Code Authority shall be elected in the following manner:

Three (3) shall be elected by the members of the Manufacturers Association on the Island of Oahu;

One (1) shall be elected by the members of the Manufacturers Association on the Island of Maui;

One (1) shall be elected by the members of the Manufacturers Association on the Island of Kauai;

One (1) shall be elected by the members of the Manufacturers Association on the Island of Hawaii; and

One (1) shall be elected by members of the Industry, not members of the Association, or failing such election, such member shall be appointed by the National Industrial Recovery Board from a list submitted by non-members of the Manufacturers Association, or, if such a list is not submitted, the National Industrial Recovery Board shall appoint from members of the Industry who are not members of the Association, one (1) member of the Territorial Code Authority. In addition thereto the National Industrial Recovery Board may appoint one (1) member of the Code Authority from the non-members of the association.

Where a vacancy occurs in the membership of the Territorial Code Authority, such vacancy shall be filled by the majority vote of the remaining Code Authority members, provided that such vacancy is filled by a representative from the same group as was the vacating member.

(b) 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 National Industrial Recovery Board to serve for such terms as it may specify.

SECTION 2. Each trade or industrial association directly or indirectly participating in the selection or activities of the Territorial Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the National Industrial Recovery Board 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 National Industrial Recovery Board may deem necessary to effectuate the purposes of the Act.

SECTION 3. In order that the Territorial Code Authority and/or the County Code Authority shall at all times be truly representative of the Industry and in other respects comply with the provisions of the Act, the National Industrial Recovery Board may prescribe such hearings as it may deem proper; and thereafter if it shall find that the Territorial Code Authority and/or the County 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 Territorial Code Authority and/or the County Code Authority.

SECTION 4. Nothing contained in this Code shall constitute the members of the Territorial Code Authority and/or the County Code Authority partners for any purpose. Nor shall any member of the Territorial Code Authority and/or the County Code Authority be liable in any manner to anyone for any act of any other member, officer, agent or employee of the Territorial Code Authority and/or the County Code Authority. Nor shall any member of the Territorial Code Authority and/or the County 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 nonfeasance.

SECTION 5. If the National Industrial Recovery Board shall at any time determine that any action of the Territorial Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the National Industrial Recovery Board may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Territorial Code Authority or agency pending final action which shall not be effective unless the National Industrial Recovery Board approves or unless it shall fail to disapprove after thirty (30) days' notice to it of intention to proceed with such action in its original or modified form.

SECTION 6. (a) Subordinate to the Territorial Code Authority established in Section 1 of this Article, there shall be constituted County Code Authorities for those counties of the Territory, where in the opinion of the National Industrial Recovery Board the Territorial Code Authority will require assistance of a regional group in its duties of investigation, fact-finding, education and research. Members of the County Code Authorities shall be elected in a manner satisfactory to the National Industrial Recovery Board by the Industry at large in the county where they are to serve and shall be truly representative of the Industry in that county.

(b) In addition to membership on the County Code Authority as above provided, there may be one (1) member, without vote, to be known as the Administration Member, to be appointed by the National Industrial Recovery Board to serve for such terms as it may specify.

SECTION 7. *Powers and Duties*.—Subject to such rules and regulations as may be issued by the National Industrial Recovery Board, the Territorial 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 Territorial Code Authority, members of the Industry subject to this Code shall furnish such statistical information as the National Industrial Recovery Board may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and Territorial agencies as it 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 National Industrial Recovery Board.

(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 Territorial 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 National Industrial Recovery Board for the coordination of the administration of this Code and 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 Territorial 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 purpose of the Code;

(b) To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it 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 National Industrial Recovery Board, to deter-

mine 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 Territorial Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. 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 Territorial 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 Territorial 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 National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

(g) To recommend to the National Industrial Recovery Board 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 National Industrial Recovery Board after such notice and hearing as it 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 National Industrial Recovery Board as amendments to this Code and such other codes.

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

ARTICLE VII—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 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 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.

SECTION 3. *Inaccurate Labelling*.—No member of the Industry shall brand or mark or pack any goods in any manner which tends 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. *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 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.

SECTION 6. *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.

SECTION 7. *Selling on Consignment*.—No member of the Industry shall ship goods on consignment except under circumstances to be defined by the Territorial Code Authority and approved by the National Industrial Recovery Board, where peculiar circumstances of the manufacturer require the practice.

SECTION 8. *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.

SECTION 9. *Inducing Breach of Existing 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.

SECTION 10. *Cocercion*.—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.

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 costs, 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 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 regulation issued under Title I of said Act.

SECTION 2. Such provisions of this Code as are not required to be included herein by the Act may, with the approval of the National Industrial Recovery Board, 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 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 thirty (30) days after its approval by the President.

Approved Code No. 550.

Registry No. 1625-62.



Approved Code No. 551

CODE OF FAIR COMPETITION

FOR THE

CLOCK MANUFACTURING INDUSTRY

As Approved on February 26, 1935

ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE CLOCK 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 Clock 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27th, 1934, and otherwise; does hereby incorporate by reference said annexed report and does 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 does hereby approve; and provided further that within ninety days said Board may direct that there be a further hearing on such of the provisions of said Code as it may designate, and that any order which it may make after such hearing shall have the effect of a condition on the approval of said Code.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

WALTER G. HOOKE,
Acting Division Administrator.

WASHINGTON, D. C.,
February 26, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,

The White House.

SIR: This is a report on the Code of Fair Competition for the Clock Manufacturing Industry, the hearing having been conducted in Washington on January 24, 1934, in accordance with the provisions of Title I of the National Industrial Recovery Act. This association claims to represent eighty-five percent of the Industry.

HOURS

This Code provides that factory employees shall not be employed for more than forty (40) hours in any one (1) week nor eight (8) hours in any one (1) day nor six (6) days in any seven (7) day period. An exception is granted to the above limitations for twelve (12) weeks in any one (1) calendar year during which time employees may work forty-five (45) hours in any one (1) week but not more than nine (9) hours in any twenty-four (24) hour period.

Clerical and office employees receiving less than thirty-five dollars (\$35.00) per week shall not be employed for more than forty (40) hours in any one (1) week. An exception is granted to the above limitations whereby during any twelve (12) weeks in any one calendar year clerical and office employees may be permitted to work forty-five (45) hours in any one (1) week.

These standard provisions do not apply to executive, administrative and supervisory employees who receive thirty-five dollars (\$35.00) or more per week, nor to watchmen who may be permitted to work fifty-six (56) hours per week, but not more than six (6) days in any seven (7) day period, nor to employees engaged in preparation, care and maintenance of plant and machinery and facilities of and for production who shall not be permitted to work more than forty-five (45) hours in any one (1) week, nine (9) hours in any twenty-four (24) hour period, nor six (6) days in any one (1) week, except in case of breakdowns and emergencies and the extra hours of work shall be reported to the Code Authority. These employees shall be paid one and one-third ($1\frac{1}{3}$) times their normal rate for all hours worked in excess of the above limitations, and they shall be limited to five percent (5%) of all employees.

WAGES

The minimum rate of pay is established at thirty-seven and one-half cents ($37\frac{1}{2}\text{c}$) per hour for male employees and thirty-two and one-half cents ($32\frac{1}{2}\text{c}$) per hour for female employees.

Learners are defined as employees who prior to their employment as such have not previously worked in the Industry in excess

of two (2) months. Such learners shall be paid not less than thirty-two and one-half cents ($32\frac{1}{2}\text{¢}$) per hour and the number of such learners shall not exceed in any calendar month five percent (5%) of the total number of employees. Employees shall not be so classified in excess to two (2) months.

The minimum rates established for clerical and office employees are fifteen dollars (\$15.00) per week in cities of over 500,000 population or in the immediate trade area of such city, and not less than fourteen dollars (\$14.00) per week elsewhere. An exception to the above minimum rate is granted for office and errand boys who may be paid not less than eighty percent (80%) of said minimum rate, providing that the total number of such office and errand boys shall not exceed five percent (5%) of the total number of employees.

ECONOMIC EFFECTS OF THE CODE

The Clock Manufacturing Industry has suffered most severely during the depression, however, in spite of their depressive condition they have rehabilitated the Industry to a certain extent by voluntarily adopting the Code submitted to the Administration early in August 1933. The voluntary application of this unapproved Code upon the Industry has increased the employment approximately thirty-nine percent (39%) over the number of employees for the year 1932, and has increased the factory payrolls approximately seventy-two percent (72%) during the same period.

FINDINGS

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

We 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 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) Said Industry normally employs not more than 50,000 employees; and is not classified by us 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 associa-

tion 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, the National Industrial Recovery Board has approved this Code.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 26, 1935.

CODE OF FAIR COMPETITION FOR THE CLOCK 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 Clock 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 includes the business of producing and selling, by the producer in the United States, clocks, timing mechanisms, clock-driven time switches sold to serve the dual purpose of clocks and switches, and watches having less than seven jewels or parts thereof, and such branches or subdivisions thereof as may from time to time be included under the provisions of this Code, except where such article is made or used by the producer as a part of any article other than those mentioned herein and included under some other code approved by the President.

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" means and includes any person, firm, partnership, association, corporation, trustee, or receiver operating a plant or plants in the United States for the production of the articles covered in Article II, Section 1 hereof, except where any of the foregoing manufacture such articles to be made or used by the producer as a part of any article other than those mentioned in Section 1 and included under some other code approved by the President.

SECTION 5. The terms "President", "Act", and "Board" as used herein mean respectively the President of the United States, the National Industry Recovery Act, and the National Industrial Recovery Board.

ARTICLE III—HOURS

SECTION 1. No factory employee shall be permitted to work more than forty (40) hours per week or more than eight (8) hours in any twenty-four (24) hour period or more than six (6) days in any seven (7) day period, except during twelve (12) weeks in any one calendar year employees may work forty-five (45) hours in any one week, but not more than nine (9) hours in any twenty-four (24) hour period.

SECTION 2. No person employed in office or clerical work, receiving less than thirty-five dollars (\$35.00) per week, shall be permitted to work in excess of forty (40) hours per week, except that during any twelve (12) weeks in any one calendar year they may be permitted to work forty-five (45) hours in any one week.

(a) The provisions of Sections 1 and 2 of this Article shall not apply to the following:

(1) Executive, administrative and supervisory employees, outside salesmen and outside service men, who receive thirty-five dollars (\$35.00) or more per week.

(2) Watchmen may be permitted to work a maximum of fifty-six (56) hours per week, but no watchman shall be permitted to work more than six (6) days in any seven (7) day period.

(3) Employees engaged in the preparation, care and maintenance of plant and machinery and facilities of and for production shall not be permitted to work more than forty-five (45) hours in any one (1) week, or nine (9) hours in any twenty-four (24) hour period, nor more than six (6) days in any one (1) week, except in the case of breakdowns and emergencies, in which event the nature of the breakdowns or emergencies and the extra hours worked shall be reported to the Code Authority. Such employees shall be paid at one and one-third ($1\frac{1}{3}$) times their normal hourly rate for all hours worked in excess of the above limitations. This paragraph shall apply at no time to more than five per cent (5%) of all employees.

SECTION. 3. 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 other Industries, exceeds the maximum permitted herein.

ARTICLE IV—WAGES

SECTION. 1. No male 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, and no female employee shall be paid in any pay period less than at the rate of thirty-two and one-half cents ($32\frac{1}{2}\text{¢}$) per hour, except as otherwise herein provided.

SECTION 2. Learners shall be paid not less than at the rate of thirty-two and one-half cents ($32\frac{1}{2}\text{¢}$) per hour. The total number of such learners shall not exceed in any calendar month five per cent (5%) of the total number of employees covered by the provisions of this Article.

Learners are defined as those employees who, prior to their employment as learners shall not have previously worked in the Industry for a period in excess of two (2) months, neither may such employees be classified as learners by the employer by whom they are employed for a period in excess of two (2) months.

SECTION 3. A person may be employed as an apprentice by any member of the Industry at a wage lower than the minimum wage, or for any time in excess of the maximum hours of labor, established in this Code, if such member shall have first obtained from an Agency to be designated or established by the Secretary of Labor, a certificate permitting such person to be employed in conformity with a training program approved by such Agency, until and unless such certificate is revoked.

(a) The term "Apprentice", as used herein shall mean a person of at least 16 years of age who has entered into a written contract with an employer or an association of employers which provides for at least 2,000 hours of reasonably continuous employment for such person and his participation in an approved program of training as hereinabove provided.

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 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 5. Office and clerical employees shall be paid not less than at the rate of fifteen dollars (\$15.00) per week in cities of over 500,000 population or in the immediate trade area of such city, and not less than fourteen dollars (\$14.00) per week elsewhere, excepting office and errand boys who may be paid not less than eighty per cent (80%) of said minimum wage. The total number of such office and errand boys shall not exceed five per cent (5%) of the total number of employees.

SECTION 6. An equitable adjustment shall also be made of compensation in excess of such minimum rate by all members of the Industry who have not heretofore made such an equitable adjustment and within sixty (60) days of the effective date hereof each employer shall report to the Code Authority, for submission to the Board, the action taken by such employer in pursuance of this provision, provided, however, that in making said adjustments within said sixty (60) days, hourly, weekly or piece work rates shall not be reduced.

SECTION 7. In cases of employees performing work for which they are paid per piece of work performed, the employer shall make up the deficiency in pay if the amount is less than could be obtained by the use of the minimum hourly rate over the pay period.

SECTION 8. Female employees performing the same work as male employees shall receive the same rate of pay as male employees.

SECTION 9. Wages shall be paid at least semi-monthly in lawful currency or by negotiable check, payable on demand. These wages shall be exempt from any payments, pensions, insurance, or sick benefits other than those voluntarily paid by the wage earner or required by law.

ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. (a) No person under sixteen (16) years of age shall be employed in the Industry.

(b) No person under eighteen (18) years of age shall be employed in occupations hazardous in nature or dangerous to health. In any State an employer shall be deemed to have complied with this pro-

vision 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. Within sixty (60) days after the approval of this Code, the Code Authority shall submit to the Board for approval a list of such operations and occupations.

SECTION 2. It is hereby 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 of occupations performed or engage in any subterfuge so as to defeat the purposes of the provisions of the Act or of this Code.

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 Board for approval within three (3) months after the effective date of the Code.

SECTION 5. No provision in this Code shall supersede any State or Federal law which imposes upon 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. Within ten (10) days of the effective date each employer shall post, and thereafter maintain, in conspicuous places accessible to employees full copies of this Code and any amendments or modifications which may later be approved. Every member of the Industry shall comply with all rules and regulations relative to the posting of provisions of the Code which may from time to time be prescribed by the Board.

SECTION 7. (1) A person may be permitted to engage in homework at the same rate of wages as is paid for the same type of work performed in the factory or other regular place of business if a certificate is obtained from the State Authority or other officer designated by the United States Department of Labor, such certificate to be granted in accordance with instructions issued by the United States Department of Labor, provided

(a) Such person is physically incapacitated for work in a factory or other regular place of business and is free from any contagious disease, or

(b) Such person is unable to leave home because his or her services are absolutely essential for attendance on a person who is bedridden or an invalid and both such persons are free from any contagious disease.

(2) Any employer engaging such a person shall keep such certificate on file and shall file with the Code Authority for the industry the name and address of each worker so certificated.

SECTION 8. 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 Code.

ARTICLE VI—ADMINISTRATION

SECTION 1. A Code Authority is hereby established to cooperate with the Board in the administration of this Code and shall consist of five (5) individuals, selected by the members of the Industry in the manner hereinafter provided to serve for a period of one year or until their successors are chosen. The Board, in its discretion, may appoint not more than three (3) additional members, without vote, to represent the Board. These three members shall serve without compensation from the Industry.

SECTION 2. The selection of the five individuals constituting the Code Authority shall be made by the method of voting as provided in Section 3 of this Article.

SECTION 3. Only members of the Industry complying with the provisions of this Code and paying their assessments (unless otherwise exempted) if levied in accordance with a basis of assessments to be approved by the Board are to participate in the benefits and selection of the Code Authority and such members shall be entitled to vote for the members of the Code Authority in the following manner, to be computed on the basis of such member's net annual dollar sales of the products of this industry for the previous calendar year as follows:

1 Vote for each \$50,000 or fraction thereof, up to \$1,000,000 and

1 Additional Vote for each \$100,000 or fraction thereof, from \$1,000,000 to \$2,000,000 and

1 additional Vote for each \$200,000 or fraction thereof, in excess of \$2,000,000

provided, further, that at such election of the members of the Code Authority two or more of the four members of the Industry having the greatest number of votes, when voting together, shall not cast a majority vote, unless one or more members of the industry having the right to cast at least ten (10) per cent of the total votes and not included among said four, shall vote with them.

All questions as to the number of votes which each member shall be entitled to cast at a meeting of the members of the Industry to elect a Code Authority shall be determined by the Secretary, as provided above. Any member of the Industry may vote by proxy in writing duly executed by such member of the Industry and filed with the Secretary. Any such proxy may be for such elections or be a general proxy for such elections that may be held until such proxy shall have been revoked in writing duly executed by the member, who gave such proxy, and filed with the Secretary.

SECTION 4. At each election of the Code Authority, members of the Industry having the right to cast at least seventy-five per cent (75%) of all the votes that might be cast at such election, if all the

members were present thereat, shall constitute a quorum for the transaction of business at such election.

SECTION 5. Vacancies in the personnel of the Code Authority selected by the Industry shall be filled by the remaining members of the Code Authority subject to the approval of the Board.

SECTION 6. Each trade or industrial association directly or indirectly participating in the activities of the Code Authority shall impose no inequitable restriction on membership and shall submit to the Board true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other information as to memberships, organization, and activities as the Board 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 Board may prescribe such hearings as it may deem proper; and thereafter if it shall find the Code Authority is not truly representative or it 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 purposes. Nor shall any member of the Code Authority be liable in any manner to anyone for any act or omission 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 nonfeasance.

SECTION 9. If the Board 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 Board 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 Board approves or unless it shall fail to disapprove after thirty (30) days notice to it of intention to proceed with such action in its original or modified form.

SECTION 10. The Clock Manufacturing Industry Code Authority may incorporate under the laws of any State of the United States or of the District of Columbia, or may assume or adopt such existing corporate form under any of such laws as it may deem appropriate for the proper performance, as and from the effective date, of its activities, powers and duties hereunder, such corporation or corporate form to be not for profit and to be known as the Clock Manufacturing Industry Code Authority, Incorporated; provided that the powers, duties, objects and purposes of the said corporation shall, to the satisfaction of the Board be limited to the powers, duties, objects and purposes of the Clock Manufacturing Industry Code Authority as provided in this Code; provided, further, that the existence of the said corporation shall be during the term of the Code; and provided, further, that the Code Authority shall submit to the Board for its approval, its proposed Certificate of Incorporation and

proposed By-Laws, and no amendment of either shall be made without the like prior approval of the Board and provided, further, that the Code Authority shall submit, with its proposed Certificate of Incorporation and By-Laws, the written opinion of an attorney-at-law qualified in and conversant with the laws of the jurisdiction in which the Code Authority seeks to be incorporated, as to the nature and extent of the jurisdiction, powers and authorities exercisable by the State in question and its agencies over the activities of the Code Authority as a corporation, supporting such opinion by citation of relevant authorities, and supplementing the same with a table, certified to be complete, of all laws, statutes and other regulatory provisions governing corporations created pursuant to the laws under which the Code Authority seeks to be incorporated.

If at any time, the Board shall determine that the corporate status assumed by the Code Authority is interfering with the proper exercise of its powers and duties under this Code, or with the effectuation of the policies or purposes of the Act, it may, after such notice and hearing as it may deem necessary, require an appropriate modification of the structure of the Corporation, (if consistent with the law of the State of Incorporation), the substitution of a corporation created under the laws of another State in the same manner as the existing Code Authority, the substitution of a non-corporate Code Authority truly representative of the Industry or such other actions as it may deem expedient.

SECTION 11. Subject to such rules and regulations as may be issued by the National Industrial Recovery Board 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 shall furnish such statistical information as the Board may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as it 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. The Code Authority may require that any or all information be sworn to or otherwise certified or authenticated as it may prescribe.

The information furnished to the Secretary upon request of the Code Authority shall be subject to check for the purposes of verification, to the extent permitted by the Act. Such checking, when necessary, shall be done by certified, registered, chartered, or any other lawful practitioner of public accountancy designated by the Code Authority, the cost of which examination shall be cleared as an expense of administering the Code.

Any information furnished to the Secretary of the Code Authority by a member of the Industry in accordance with the provisions of the Code, which is considered of a confidential character by the said

member, shall be treated by the Secretary as confidential, and no disclosure thereof to the Code Authority or to anyone, except to the Board in any manner shall be made other than in combination with similar information furnished by other members of the Industry, in which case the publication shall be made only in such manner as will avoid the disclosing separately of such confidential information. Information shall not be furnished to anyone by the Secretary except by direction of the Code Authority.

(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 Board for the coordination of the administration of this Code with such other codes, if any, as may be related to 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 Board for its approval, subject to such notice and opportunity to be heard as it 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 Board, 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 Board. 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 substantially in excess of the amount thereof as estimated in its approved budget, except upon approval of the Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Board shall have so approved.

(g) To recommend to the Board 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 Board, after such notice and hearing as it 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 Board as amendments to this Code and such other codes.

ARTICLE VII—UNFAIR TRADE PRACTICES

On and after the effective date of this Code, the following practices are hereby declared to be unfair methods of competition and violations of this Code:

SECTION 1. 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.

SECTION 2. No member of the Industry shall secretly 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 a member of the Industry secretly offer to 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 3. Rendering or offering any valuable consideration to any purchaser, prospective purchaser, or dealer unless fair compensation be paid therefor by such purchaser, prospective purchaser or dealer. This is not intended to prohibit a member supplying his own advertising matter to the general trade.

SECTION 4. Making a concession in the price of any product, directly or indirectly, under the guise of an advertising allowance.

SECTION 5. Dating of invoices more than five (5) working days after date of shipment.

SECTION 6. No member of the Industry shall ship goods on consignment except under circumstances to be defined by the Code Authority, and approved by the National Industrial Recovery Board, where peculiar circumstances of the Industry requires the practice. This provision does not prohibit the return of merchandise on conditions specified by the Code Authority, for valid reasons, subject to the approval of the National Industrial Recovery Board.

SECTION 7. Making any rebates to purchasers against stocks on hand in the event of decline in prices, except within such limitations

as may be specified by the Code Authority, after approval by the National Industrial Recovery Board.

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 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.

SECTION 2. This Code, except as to the 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 National Industrial Recovery Board and after such notice and hearing as it shall specify, to become effective on approval of the President unless otherwise provided.

SECTION 3. The Code Authority may make recommendations for modification of this Code to the National Industrial Recovery Board which shall become effective as a part of this Code upon approval by the National Industrial Recovery Board after such notice and hearing as it may prescribe.

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 third Monday after its approval by the President.

Approved Code No. 551.
Registry No. 1208-01.



CODE OF FAIR COMPETITION
FOR THE
MUSIC PUBLISHING INDUSTRY

As Approved on March 4, 1935

ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE MUSIC PUBLISHING 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 Music Publishing Industry, and hearings having been duly held thereon and the annexed reports on said Code of Fair Competition, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate by reference said annexed report and does 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 does hereby order that said Code of Fair Competition for the Music Publishing Industry be and is hereby approved:

PROVIDED, HOWEVER, that the approval of this Code, or anything contained therein, or in any amendments thereto, or in any rules or regulations adopted pursuant thereto, shall not be deemed or construed as approving, sanctioning, or condoning any of the acts alleged in the petition filed in the United States District Court for the Southern District of New York, August 30, 1934, and now pending therein, entitled, *United States vs. American Society of Composers, Authors, and Publishers; Music Publishers' Protective Association, et al.*, Equity No. 78-388, or in any amended or supplemental petition or petitions which may be filed therein, or any acts forbidden in any decree or decrees which may be entered pursuant thereto.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

JACK B. TATE,
Division Administrator.

WASHINGTON, D. C.,
March 4, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,

The White House.

SIR: This is a report on the proposed Code of Fair Competition for the Music Publishing Industry. A public hearing was held on this proposed Code on July 26, 1934, and full opportunity was given to all interested parties to appear.

The proposed Code covers two separate and divisional industries, namely, Standard Music Publishers and Popular Music Publishers, and consists of hour, wage, and general labor provisions, administrative provisions and fair trade practice provisions.

EXTENT OF THE INDUSTRY

The Music Publishing Industry is a relatively small one insofar as number of employees, annual sales, or invested capital, are concerned, but its product probably touches the lives of more people than the product of any other industry in this country. It is hard to figure in the life of the average man or woman, a day in which at some time they are not in contact with music.

Music is one of the most universally used commodities on the market today. It is becoming increasingly popular all the time, but even with this growing popularity there is still little known by the general public of the comparatively few men and women who are currently and constantly adding to our reservoir of music. Music is the "raw material" which makes possible the commercial operation of huge business enterprises; it is the keystone in the arch of the structure that supports the entire amusement and entertainment industry, which annually derives from the American public a revenue of billions of dollars.

During the years 1928 to 1930, according to the President's Committee on Recent Social Trends, the American people spent annually \$2,214,725,000 for commercial amusements. Each of these commercial enterprise groups,—motion pictures, radio, theaters, concert and dance halls, night clubs and cabarets, and even restaurants, are to a very large degree dependent for their existence upon music. Yet for every dollar paid by the American people for commercial amusements, the creators receive less than one-tenth of 1 per cent.

The commodities which the Industry vends are divided into two sharply defined classes. These two classes of music are produced by a substantially different group of publishers, known in the trade, as Popular Music Publishers and Standard Music Publishers. It is estimated that there are about 75 music publishers in the United States, divided approximately into 30 Standard Music Publishers, and 45 Popular Music Publishers. The bulk of the total dollar volume is represented, however, by less than one half of the total number of establishments.

Popular music, is made up of a constant procession of selections which "click" to a greater or less degree; are whistled and sung during a brief period by stars of the radio, stage, and private citizens; and then are more or less forgotten. In distributing them timeliness is the essence. Margins of gross profit are narrow, but the volume of any one number is large, and the turnover is very rapid. Popular music sales normally are from one-fourth to one-third of the total sales of all music.

Standard music, is composed of numbers of more enduring popularity, many of them classical pieces and grand opera, together with exercise books, song-books, certain types of religious music, etc. Demand for them is constant. Turnover is comparatively slow. Volume on any one number is small. Gross profit margins are high. Standard music sales usually are two-thirds to three-fourths of the sales of all music.

In geographical distribution the Music Publishing Industry is heavily concentrated in New York City, which alone normally accounts for about two-thirds of the total amount of music published. Massachusetts and Pennsylvania are next in importance, each representing about 17 and 7 percent respectively of the total. The principal other states are, California, Ohio, and Illinois. New York City represents about 86 per cent of the total of popular music published, and about 51 per cent of the total of standard music.

AVENUES OF DISTRIBUTION

Both types of music, popular and standard are sold to ultimate consumers by the same groups of retail stores; shops specializing in sheet music and musical instruments (these are tending to become less important), radio and music shops, variety stores, department stores, gift shops, drug stores in certain sections of the country, book stores, cigar stores, mail order houses, sport shops, and other miscellaneous types of retailers. It is estimated that between one-third and one-half of the total retail sales of the products of this Industry are made through variety stores, stores specializing in musical instruments and sheet music, and radio and music stores. Publishers sell in considerable amounts direct to ultimate consumers and to commercial and institutional users—teachers, schools, orchestras, glee clubs, etc. Most standard publishers also perform a wholesaling function.

VOLUME OF SALES

The Music Publishing Industry reported sales of \$9,500,000 in 1929. (There is probably an additional million in sales represented by firms who did not report.) During the period from 1929 to 1933, the aggregate annual sales in dollar volume decreased from 9.5 million to 5 million, representing a decrease of about 46 per cent. It is estimated that the total sales for 1934 will exceed 6 million, representing at least a 16 per cent increase in 1934 over 1933.

EMPLOYMENT

The Music Publishing Industry is essentially a "white collar" business with no machine workers, and comparatively few manual

workers of any sort. The employees of a music publisher are practically confined to executives, editorial staff, clerical workers of various types, salesmen, song pluggers, etc.

In March 1929 there were more than 1,139 wage earners employed in the Music Publishing Industry. In March 1933 and March 1934 there were 770 and 793 respectively. The total for 1933 was 33 per cent under that of 1929, and even though employment had increased about 7 per cent between March 1933 and March 1934, it was still 30 per cent less than March 1929. It is estimated that the average for 1934 will be about 850.

In 1929 only 21 per cent of these employees worked 40 hours or less. About 72 per cent worked between 40 and 45 hours, and 9 per cent between 45 and 50 hours. In other words more than 90 per cent worked 45 hours or less per week. In March 1933, 50 percent of all the reported employees worked 40 hours or less, and in 1934, 84 per cent worked 40 hours or less. For the last two yearly periods those working 45 hours or less, were 92 per cent and 96 per cent respectively, of the total. The average work week in March 1929 was less than 42 hours, and about 39 hours in March 1933.

WAGES

The figures submitted by the Industry show that for the corresponding week in March 1929, 1933, and 1934, those working below the codal minimum of \$15.00 per week, were 10.5, 18.5, and 7 percent respectively of the total. In other words although there was a material decrease in the weekly wages between 1929 and 1933 in the lower brackets, there was a decided increase between 1933 and 1934. Those employees who appear in the upper wage brackets did not experience decreases to the same degree as those in the lower brackets between 1929 and 1933. Their status, therefore, remained about the same after the President's Reemployment Agreement was adopted.

The average weekly wage in 1933 was \$23.92, or 20 per cent less than the 1929 average of \$30.40. The average weekly wage for 1934 of \$32.55 was not only an increase of about 25 per cent above the 1933 average, but was also about 6 per cent above the 1929 average. It is estimated that total wages decreased 40.4 per cent between 1929 and 1933, and increased about 30 percent between 1933 and 1934. For the year 1929 and 1933 the average per cent that the total wages were of the gross income, was about 20 per cent. During 1934 this per cent increased to about 25 per cent.

FINDINGS

The Deputy Administrator in his final report to us on the proposed Code of Fair Competition for the Music Publishing Industry, having found as herein set forth, and on the basis of all the proceedings on this matter:

We find that:

(a) The said Code 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 standards of labor, and by otherwise rehabilitating industry.

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

(c) The Code 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; that the groups submitting this Code are truly representative of the aforesaid Industry and the divisions thereof, and that the applicant groups 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.

We believe the Code to be fair to labor, to the consumer, and to the Industry, and for these reasons, therefore, we approve this Code.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

MARCH 4, 1935.

CODE OF FAIR COMPETITION FOR THE MUSIC PUBLISHING 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 Music Publishing 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

1. The term "Music Publishing Industry" as used herein includes all persons, firms, partnerships, associations, corporations, or other entities engaged in the business of editing and preparing for publication and publishing musical works in printed or other form; and all such persons or entities also engaged in the business of importing musical works in printed form; provided, however, that the term "Music Publishing Industry" shall not be construed to include the renting or licensing activities of any person, firm, partnership, association, corporation, or other entity pertaining to public performance or mechanical reproduction rights.

2. The term "Standard Music Publishing Division", as used herein includes any person, firm, partnership, association, corporation, or other entity engaged in the business of editing and preparing for publication and publishing in printed or other form, musical works (whether copyrighted or not) of the character generally designated in the Industry as standard, or educational, or classical music; and all such persons or entities also engaged in the business of importing such musical works in printed form.

3. The term "Popular Music Publishing Division" as used herein includes any person, firm, partnership, association, corporation, or other entity engaged in the business of editing and preparing for publication and publishing in printed or other form, musical works (whether copyrighted or not) of the character generally designated in the Industry as "Popular Music"; and all such persons or entities also engaged in the business of importing such musical works in printed form.

4. The terms "member of the Industry" and "member of the Division" as used herein include, but without limitation, any individual, partnership, association, corporation, or other form of enterprise engaged in the Industry or in a Division thereof, either as an employer or on his or its own behalf.

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

6. The term "employer" as used herein includes any person or any entity by whom such employee is compensated or employed.

7. The term "Song Plugger" as used herein shall designate any individual solely employed by any member of the Industry whose principal business is to induce performers to include in their repertoire the songs published by his employer, or himself to perform such songs on occasion.

8. The term "Code Authority" as used herein is defined to mean the Administrative Agency of each Division.

9. The term "Music Publishers' Coordinating Committee" or "Committee" as used herein is defined to mean the Coordinating Agency of the Music Publishing Industry.

10. The terms "President", "Act", and "National Industrial Recovery Board" or "Board" as used herein mean respectively, the President of the United States, Title I of the National Industrial Recovery Act, and the National Industrial Recovery Board, or its successors in office.

ARTICLE III—HOURS

SECTION 1. *Maximum Hours.*—(a) No employee shall be permitted to work in excess of thirty-eight (38) hours in any one week, or seven (7) hours in any twenty-four (24) hour period, (beginning at midnight), except as herein otherwise provided.

(b) A tolerance period not to exceed forty (40) hours in any one year, shall be allowed for each employee indispensably necessary to the conduct of business during peak periods, during which time such employees may be permitted to work not exceeding forty-six (46) hours per week; provided, however, that for any hours or fraction of hours worked in excess of seven (7) hours in any twenty-four (24) hour period, or thirty-eight (38) in any one week, any such employee shall be paid at the overtime rate of time and one-half.

SECTION 2. *Exceptions as to hours.*—The provisions of this Article shall not apply to outside salesmen and such representatives known in the Industry as "song pluggers", to employees engaged in emergency repair, or emergency maintenance work, or to persons employed in a managerial or executive capacity who are paid regularly thirty-five dollars (\$35.00), or more per week; provided, however, that employees engaged in emergency maintenance and/or emergency repair work shall be paid at one and one-half ($1\frac{1}{2}$) times their normal hourly rate for all hours worked in excess of eight (8) hours per day or forty (40) hours per week.

SECTION 3. *Standard Week.*—No employee shall be permitted to work more than six (6) days in any seven (7) day period, except those employees mentioned in the foregoing Section 2.

SECTION 4. *Employment by Several Employers.*—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.

ARTICLE IV—WAGES

SECTION 1. *Minimum Wages.*—Except as hereinafter provided, no employee shall be paid in any pay period less than at a rate of fifteen dollars (\$15.00) per week.

SECTION 2. No employee engaged in part-time employment, shall be paid at a rate less than forty-two cents (42¢) per hour.

SECTION 3. Office boys, office girls, and messengers under 18 years of age may be employed at a rate not less than eighty (80) per cent of the minimum wage provided in Section 1. No more than twenty (20) per cent of the total number of employees of any member of the Industry shall be in this category at any one time; provided, however, that each member of the Industry shall be entitled to employ at least one such employee.

SECTION 4. The foregoing provisions are intended to establish only minimum and not maximum wage requirements.

SECTION 5. Female employees performing 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, 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. 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 7. This Article establishes minimum rates of pay which shall apply, irrespective of whether an employee is actually compensated on a time rate, piece-work, or other basis.

SECTION 8. No employer shall make any reduction in the full-time weekly earnings of any employee because his normal full-time weekly hours are reduced by the provisions of Article III of this Code. In no event shall hourly rates of pay be reduced because of the provisions of this Code, 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.

Within thirty (30) days of the effective date hereof (unless such adjustment has been made theretofore), each employer shall adjust the schedule of wages of his employees in such an equitable manner as will conform to the provisions hereinabove set forth, and still preserve wage differentials reasonably proportionate to those in effect prior to the effective date of this Code, except that this paragraph shall not apply to employees earning thirty-five dollars (\$35.00) per week or more.

SECTION 9. No employer shall modify his or its established practices as to vacation periods, leaves of absence, and/or temporary absences from work with the purpose and effect of reducing such privileges heretofore granted employees.

SECTION 10. An employer shall make payment of all wages due, at least every two weeks, and salaries at least at the end of every month in lawful currency or by negotiable check therefor, payable on demand. If wages are paid by check, the employer shall provide reasonably accessible facilities for cashing checks at face value without expense to the employee. The employer shall also provide such

identification as is necessary to utilize these facilities. These wages shall be exempt from any charges, fines, or deductions; or payment of pensions, insurance or sick benefit other than those voluntarily paid by the wage earners or required by State law.

Employers or their agents shall not accept directly or indirectly rebates on such wages or salaries, or give anything of value or extend any favor to any person for the purpose of influencing rates of wages or working conditions of their employees.

ARTICLE V—GENERAL LABOR AND OTHER PROVISIONS

SECTION 1. *Child Labor.*—On and after the effective date of this Code, no person under sixteen (16) years of age shall be employed in the Industry. 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, except that persons under the age of sixteen (16) may be employed solely as performers, subject to the local laws, and regulations of the Code Authority.

SECTION 2. (a) *Provisions from 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.

(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. *Evasion Through Subterfuge.*—No employer shall reclassify employees or duties of occupation performed or engage in any other subterfuge so as to defeat the purposes or provisions of the Act or of this Code.

SECTION 4. No employee now employed at rates 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 5. *Standards for Safety and Health.*—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 National Industrial Recovery Board within sixty days after the effective date of the Code. After approval, such standards shall become the minimum standards of safety and health for all members of the Industry.

SECTION 6. *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 7. *Posting*—All employers shall post and keep posted copies of the full labor provisions of this Code in conspicuous places readily accessible to all employees. Every employer 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 National Industrial Recovery Board.

SECTION 8. No employee shall be dismissed or demoted for making a complaint or giving evidence with respect to an alleged violation of any of the provisions of any Code.

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

SECTION 1. *Organization*—(a) A Code Authority consisting of five (5) members is hereby established for the Standard Music Publishing Division. The members of the Code Authority for this Division shall be selected in the following manner, subject to the approval of the National Industrial Recovery Board.

Four (4) members of the Code Authority, not more than one (1) of whom shall be from any one member of the Division, including subsidiaries or affiliates thereof, shall be elected by the members of the Music Publishers' Association of the United States within sixty (60) days after the effective date of this Code.

One (1) member of the Code Authority shall be elected by the members of the Division who are not members of the Music Publishers' Association of the United States. The manner of electing such member shall be as follows:

The Code Committee of the Standard Music Publishers shall within thirty (30) days after the effective date of this Code, select a Nominating Committee of not less than three (3) non-Association members, which shall cause ballots to be prepared containing the names of three (3) nominees, not more than (1) of whom shall be from any one (1) member of the Division, including subsidiaries or affiliates thereof, and all of whom shall be non-Association members, with a blank space for one (1) additional nominee. Said nominees shall be fairly representative of large and small publishers and all other groups in the Division.

Upon the selection of the three (3) nominees, the Code Committee shall transmit within fifteen (15) days thereafter, a notice of election and ballot containing the names of the three (3) nominees and a blank space for one (1) additional nominee, to all ascertainable members of the Division who are not members of the Music Publishers' Association of the United States, at least fifteen (15) days before the election, to be held at a time and place designated by the Code Committee, not to be later than sixty (60) days from the effective date of this Code. Each such member, voting either by registered mail, by proxy, or in person, shall have one vote for the one member of the Code Authority to be elected by the non-Association members. The nominee receiving the largest number of the votes cast shall become the non-Association member of the Code Authority.

The term of office of the members of the Code Authority shall be one year or until their successors are duly elected and qualify.

Vacancies in the membership of the Code Authority for unexpired terms occasioned by death or resignation, shall be filled by selection

made by the remaining members of the Code Authority from the Industry group in which the vacancy occurred.

Subsequent elections shall be conducted in the same manner as above described, except that the Code Authority of the Standard Music Publishing Division shall act in place of the Code Committee, unless the National Industrial Recovery Board shall otherwise decide.

(b) A Code Authority consisting of five (5) members is hereby established for the Popular Music Publishing Division. The members of the Code Authority shall be selected within sixty (60) days after the effective date of this Code, in the following manner, subject to the approval of the National Industrial Recovery Board:

The Code Committee of the Popular Music Publishing Division shall cause ballots to be prepared containing the names of seven (7) nominees, not more than one of whom shall be from any one member of the Division, including subsidiaries or affiliates thereof, and not more than three (3) of whom may be members of the Music Publishers' Protective Association, with blank spaces for four (4) additional nominees. Said nominees shall be fairly representative of large and small members and of other groups in the Division.

The Code Committee shall transmit a notice of election and the ballot above provided for, to all ascertainable members of the Division at least fifteen (15) days before the election, to be held at a time and place designated by the Code Committee.

Each member of the Division, voting either by registered mail, by proxy, or in person, shall have one vote for each member of the Code Authority. The five (5) nominees receiving the largest number of the votes cast shall constitute the Code Authority.

The term of office of the Industry members of the Code Authority shall be one year or until their successors are duly elected and qualify.

Vacancies in the membership of the Code Authority for unexpired terms occasioned by death or resignation, shall be filled by selection made by the remaining members of the Code Authority from the Industry group in which the vacancy occurred.

Subsequent elections shall be conducted in the same manner above described, except that the Code Authority of the Popular Music Publishing Division shall act in place of the Code Committee, unless the National Industrial Recovery Board shall otherwise decide.

SECTION 2. In addition to the membership as above provided, there may be one member, without vote and without cost to the Industry, for each of the Code Authorities established in accordance with Section 1 of this Article, to be known as Administration Member, to be appointed by the National Industrial Recovery Board to serve for such term as the Board may specify.

SECTION 3. The Code Committee of the Standard Music Publishers and the Code Committee of the Popular Music Publishers, are hereby designated as temporary Code Authorities and authorized to perform the necessary administrative functions for their respective Divisions until the Code Authorities hereinabove provided for shall have been selected.

SECTION 4. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Au-

thority shall (1) impose no inequitable restrictions on membership, and (2) submit to the National Industrial Recovery Board 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 National Industrial Recovery Board may deem necessary to effectuate the purposes of the Act.

SECTION 5. In order that both Code Authorities shall at all times be truly representative of the Industry and in other respects comply with the provisions of the Act, the National Industrial Recovery Board may prescribe such hearings as the Board may deem proper; and thereafter if the Board shall find that a 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 6. Nothing contained in this Code shall constitute the members of a Code Authority partners for any purpose. Nor shall any member of a 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 a 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.

SECTION 7. If the National Industrial Recovery Board 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 National Industrial Recovery Board 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 National Industrial Recovery Board approves or unless the Board shall fail to disapprove after thirty (30) days' notice to the Board of intention to proceed with such action in its original or modified form.

SECTION 8. *Powers and Duties.*—Subject to such rules and regulations as may be issued by the National Industrial Recovery Board, each 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 its Division through a confidential agency 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 National Industrial Recovery Board may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as the Board 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 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 National Industrial Recovery Board, and to the Coordinating Committee upon its request pursuant to Article VII, Section 2 (b) of this Code.

(d) To use such trade associations and other agencies as it deems proper, subject to the disapproval of the National Industrial Recovery Board, 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) 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, each 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 the 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 National Industrial Recovery Board for the Board's approval, subject to such notice and opportunity to be heard as the Board 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 within their respective divisions:

(c) After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contributions as above set forth by all members of the Division, and to that end, if necessary, to institute legal proceeding 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 for his Division, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. 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. Neither Code Authority shall incur or 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 National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

(f) To recommend to the National Industrial Recovery Board any actions 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 National Industrial Recovery Board after such notice and hearing as the Board 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 relationship between employers under this Code, and under such other codes, to the end that such fair trade practices may be proposed to the National Industrial Recovery Board as amendments to this Code and such other codes.

(h) To provide appropriate facilities for arbitration, and subject to the approval of the National Industrial Recovery Board, to prescribe rules of procedure and rules to effect compliance with awards and determinations.

(i) Any interested parties shall have the right to appeal to the National Industrial Recovery Board under such rules and regulations as the Board may prescribe in respect to any rule, regulation, or other course of action issued or taken by the Code Authority or those to whom it may delegate any part of its powers, provided, however, that appeals on questions involving the provisions of the Code relating to hours, wages, and conditions of employment shall be made in the first instance to the Music Publishing Coordinating Committee, pursuant to such rules as said Committee, with the approval of the National Industrial Recovery Board, may prescribe.

ARTICLE VII—ORGANIZATION, POWERS AND DUTIES OF THE MUSIC PUBLISHING COORDINATING COMMITTEE.

SECTION 1. *Organization.*—(a) There is hereby established a National Coordinating Committee to be known as the Music Publishing Coordinating Committee.

(b) The Music Publishing Coordinating Committee shall consist of five (5) members to be selected as follows:

Each Code Authority shall within fifteen (15) days after its election as hereinbefore provided and annually thereafter, designate two (2) members of the Coordinating Committee, and alternate members, and in the absence of any member of the Committee his designated alternate shall be entitled to sit upon said Committee. The fifth member of the Committee shall be selected by the four members so chosen and an alternate for such fifth member shall be designated in the same manner. In the event of any resignation or termination of membership on the Committee of any member for any cause, the Code Authority originally designating such member shall designate his successor and alternate.

The members of the Committee for the Divisions and their alternates shall be subject to recall and replacement by the respective Code Authorities designating such members.

(c) Each member of the Committee shall have an equal vote upon all questions, motions, resolutions, or issues coming before said Committee.

(d) In addition to membership as above provided, there may be one member, without vote and without cost to the Industry, to be known as the Administration Member, appointed by the National Industrial Recovery Board to serve for such term as the Board may specify.

SECTION 2. *Powers and duties.*—Subject to such rules and regulations as may be issued by the National Industrial Recovery Board, the Music Publishers' Coordinating Committee shall have the following powers and duties:

(a) To decide questions involving the provisions of this Code relating to hours, wages, and conditions of employment upon appeal from either Code Authority.

(b) To obtain from the Code Authority such information and reports as are required for the administration of the powers and duties specified in paragraph (a) above. All such information and reports shall be kept confidential and shall not be disclosed except to a Governmental agency entitled thereto.

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

(d) To adjust differences that may arise between Code Authorities, or between a member of a Division and a Code Authority to which such member is not subject.

(e) To represent any Code Authority and/or member of the Division before the National Recovery Administration, upon the request of a Code Authority.

(f) To authorize the payment of its reasonably necessary expenses of administration, which are to be prescribed in an annual budget not to exceed five hundred (\$500.00) dollars, which shall be submitted to the National Industrial Recovery Board for the Board's approval.

(g) To determine and collect its cost of administration, as provided herein, from the several Code Authorities, or in default thereof, from the respective members of the Divisions within their particular jurisdiction. Said costs of administration shall be assessed against the respective Code Authorities on the basis of the number of employees in their respective Divisions for the preceding calendar year.

(h) To bring to the attention of the National Industrial Recovery Board provisions of other codes which apparently conflict with the provisions of this Code, or which create unfair competitive conditions, and to make recommendations with respect thereto.

(i) To bring to the attention of the proper Code Authorities questions arising as to jurisdiction out of the definition set forth in Article II, and to recommend to such Code Authorities the action to be taken with respect thereto.

(j) To recommend to the National Industrial Recovery Board any amendments to, additions to, or eliminations from this Code necessary to correct any such questions of jurisdiction or discrepancies, and any such amendment, addition, or elimination shall become effective upon approval by the National Industrial Recovery Board after such notice and hearing as the Board may prescribe.

(k) To make recommendations to the National Industrial Recovery Board 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.

(l) To use such agencies as it deems proper for the carrying out of any of its activities provided for herein, subject to the disapproval of the National Industrial Recovery Board, provided that nothing herein shall relieve the Coordinating Committee of its duties or responsibilities under this Code and that such agencies shall at all times be subject to and comply with the provisions hereof.

(m) If the National Industrial Recovery Board at any time shall determine that any action of the Coordinating Committee or any agency thereof may be unfair or unjust or contrary to the public interest, the National Industrial Recovery Board may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by the Coordinating Committee or agency pending final action which shall not be effected unless the National Industrial Recovery Board approves or unless the Board fails to disapprove after thirty (30) days' notice to the Board of intention to proceed with such action in its original or modified form.

(n) The powers, authority, and duties of the Music Publishers' Coordinating Committee relating to the administration and enforcement of this Code shall be strictly limited to those hereinbefore specifically granted or imposed.

(o) Any interested parties shall have the right to appeal to the National Industrial Recovery Board under such rules and regulations as the Board may prescribe in respect to any ruling, regulation, or other course of action issued or taken by the Coordinating Committee, or those to whom it may delegate any part of its power.

ARTICLE VIII—TRADE PRACTICE RULES

1. No member of the Industry shall pay or give, directly or indirectly, or in any other manner present to any performer, singer, musician, or orchestra leader, employed by or otherwise performing under contract for another, or to their agents or representatives, any sum of money, gift, rebate, royalty, favor, or any other thing or act of value, when the purpose is to induce such person to sing, play, perform, or to have sung, played, or performed, any works published, copyrighted, owned, and/or controlled by such member of the Industry.

2. No member of the Industry shall furnish without charge to any performer, singer, musician, orchestra leader, or other professional person, any copies other than regular professional copies of musical compositions published by such member or regularly published orchestrations of such musical compositions; it being intended that no member of the Industry shall furnish special arrangements of such professional copies or such orchestrations to any performer, singer, musician, orchestra leader, or other professional person, or to any one designated by, or representing, or associated with such persons, nor pay such persons for the making of any such arrangements. If, however, any member of the Industry permits such persons to make a special arrangement, then no member of the Industry shall extract parts or otherwise copy such special arrangement thus made, either in whole or in part, nor pay for such extractions or copying; but nothing contained herein shall be deemed to limit the transposition of any musical work from one key to another.

3. No member of the Industry shall: (a) purchase tickets, or pay for any advertisement in the program, for any benefit, performance, dance, or similar function, if the purchase is in effect a gift to, or a favor for, any performer; (b) pay for any advertisement in a catalogue of a mail-order house; (c) pay for any advertisement in a dealer's and/or distributor's catalogue or house-organ; (d) insert advertising in any trade paper, or other like periodical, if the advertisement is intended to "puff", flatter, compliment, or exploit any performer, singer, or orchestra leader.

4. No member of the Industry shall pay, present, or otherwise give any money, service, favor, or thing or act of value, to any owner, lessee, manager, employee, or other person in control of or interested in, any talking machine company, radio broadcasting company or station, electrical transcription company, motion picture company, or any place of public entertainment, for the privilege of performing, recording or reproducing, or having performed, recorded or reproduced, in such places, any works published, copyrighted, owned and/or controlled by such member of the Industry. Any member of the Industry may engage the facilities of a broadcasting studio or hire any theatre or other place of public entertainment for the purpose of having performed therein any of the musical compositions published, copyrighted, owned and/or controlled by such member, provided however, that a public announcement is made at such performance that the performance is at the expense of such member and for the purpose of exploiting the said musical compositions of such member.

5. No member of the Industry shall pay, or contract to pay any compensation, of any nature whatsoever, either as royalties or otherwise, to any performer, singer, actor, musician or orchestra leader, or any agent or representative thereof, either directly or indirectly, in connection with the publication in printed form of any song or other musical composition, unless such person shall be the bona fide composer, arranger, or writer of the words and/or music of such song or musical composition.

6. 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.

7. No member of the Industry shall give away, directly or indirectly, or through any subsidiary or associated company, or through any person employed by such member, copies of music or other musical material except for the bona fide purposes of "sampling", either to the trade or to professional performers. All such copies of music and musical material given away under the provisions of this Article must be plainly marked in some appropriate manner to indicate that they are not for resale. Each member of the Industry shall keep in some appropriate manner an accurate account of the merchandise thus given away.

8. No member of the Industry shall publish advertising (whether printed, radio, display, or any other nature), which is misleading or inaccurate in any material particular, nor shall any member of the Industry in any way misrepresent any services, policies, values, credit terms, products, or the nature or form of the business conducted.

9. No member of the Industry shall publish or sell any book of songs, pamphlet, song sheet, or other compilation of songs, or the lyrics of songs, without the special written permission of the several copyright owners whose works appear in such compilation.

10. No member of the Industry shall pay, furnish, bestow, or in any other manner, directly or indirectly, present to any customer, teacher, or any person, firm, or corporation whatsoever, or to their agents, or any one representing them, any sum of money, gift, bonus, refund, rebate, royalty, service, or any other thing or act of value in excess of published rates and discounts, as a bribe, secret rebate, or other inducement to acquire any business or custom from such person, firm, or corporation.

11. No member of the Industry shall pay transportation charges in any form whatsoever upon any musical works sold, consigned, or otherwise designated for shipment to a purchaser or prospective purchaser, except in instances where musical works are sold for cash or where delivery is to be made within the recognized local delivery limits of the city within which such member is situated.

12. No member of the Industry shall wilfully induce or attempt to induce the breach of existing contracts between competitors and their customers or sources of supply, either foreign or domestic, or otherwise interfere with or obstruct the performance of any such contractual duties or services, with the purpose and effect of hampering, injuring, or embarrassing competitors in their business.

ARTICLE IX—OPEN PRICE FILING AND COSTS

SECTION 1. When the Code Authority for either Division by a majority vote shall deem it desirable, each member of the Division concerned shall file with a confidential and disinterested agent of the Code Authority, or, if none, then with such an agent designated by the National Industrial Recovery Board, 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 ten (10) days after the Code Authority for such Division shall have voted to establish this price filing system. 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 Division and to all 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 Division 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) day period. 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 National Industrial Recovery Board. Upon request the Code Authority shall furnish to the National Industrial Recovery Board or any duly designated agent of the Board, copies of any such lists or revisions of price terms.

SECTION 2. When any member of the Division has filed any revisions, such member shall not file a higher price within forty-eight (48) hours.

SECTION 3. No member of the Division shall sell or offer to sell any products of the Division, 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 Division 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.

SECTION 5. The standards of fair competition for the entire 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 either Division of the Industry or of any other Industry or the customers of either may at any time complain to the Code Authority of the Division 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 of the Division concerned 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 NRA which shall render a report and recommendation thereon to the National Industrial Recovery Board.

(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.

SECTION 6. *Cost Finding*.—Each Code Authority shall cause to be formulated methods of cost finding and accounting capable of use by all members of their respective Divisions, and shall submit such methods to the National Industrial Recovery Board for review.

If approved by the National Industrial Recovery Board, full information concerning such methods shall be made available to all members of the Division concerned. Thereafter, each member of the Division shall utilize such methods to the extent found practicable. Nothing herein contained shall be construed to permit either Code Authority, any agent thereof, or any member of the Music Publishing 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 X—EXPORT TRADE

SECTION 1. 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—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.

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 National Industrial Recovery Board, be modified or eliminated in such manner as may be indicated by the needs of the public, by changes in circumstances, or by experience.

ARTICLE XII—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 XIII—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, and when made such increases should, so far as possible, be limited to actual additional increases in the seller's costs.

ARTICLE XIV—EFFECTIVE DATE

This Code shall become effective on the second Monday after its approval by the National Industrial Recovery Board.

Approved Code No. 552.
Registry No. 509-02.

CODE OF FAIR COMPETITION

FOR THE

**RESTAURANT TRADE IN THE TERRITORY OF
HAWAII**

As Approved on March 5, 1935

ORDER

**CODE OF FAIR COMPETITION FOR THE RESTAURANT TRADE IN THE
TERRITORY OF HAWAII**

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 Restaurant Trade in the Territory of Hawaii, and hearings having been duly held thereon, and the Deputy Administrator having rendered his report, and the annexed report of the National Industrial Recovery Board 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise does hereby incorporate by reference the annexed report of the National Industrial Recovery Board, and does hereby concur in and adopt the findings of fact made therein, and does further find that the said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said Code of Fair Competition for the Restaurant Trade in the Territory of Hawaii, annexed hereto, be, and it is hereby approved, subject to the following conditions:

(1) That all members of the Restaurant Trade as defined in the said Code under Article II, Sections 1 and 2 thereof, to the extent that they are engaging in the said trade in the Territory of Hawaii, shall be exempt from the provisions of the Code of Fair Competition for the Restaurant Industry, as approved on February 16, 1934, provided, however, that the exemption hereinabove granted does not extend to operators of "hotel restaurants."

(2) This Code shall become effective thirty (30) days from the date hereof unless good cause to the contrary is shown to the Na-

tional Industrial Recovery Board within twenty-five (25) days and the National Industrial Recovery Board issues a subsequent order staying or modifying this Order of Approval.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

ARMIN W. RILEY,
Division Administrator.

WASHINGTON, D. C.,
March 5, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Restaurant Trade in the Territory of Hawaii. This Code was sponsored by the Hawaiian Territorial Restaurant Association. The Public Hearing on this Code was held in Honolulu, T. H., on March 30, 1934. Adjourned Public Hearings were held April 2, 1934 and April 11, 1934. There are approximately three hundred seventy-five (375) firms and approximately one thousand (1,000) employees in this Trade in Hawaii. The capital invested is slightly less than One Million Dollars (\$1,000,000) and the annual trade is slightly less than Three Million Dollars (\$3,000,000). The trade is dominated by the Orientals. There are few large firms.

HOURS AND WAGES

The Code provides for a maximum fifty-four (54) hour week for males and forty-eight (48) hour for females. Employees are not permitted more than six (6) days in any one week. Watchmen and guards are permitted to work fifty-six (56) hours per week but may not work more than thirteen (13) days in any fourteen (14) day period. Chief cooks who receive not less than Eighteen Dollars (\$18.00) per week are permitted to work seven (7) days per week but not more than fifty-six (56) hours per week. Maintenance employees are exempted from the maximum hours but must be paid one and one-third ($1\frac{1}{3}$) times their normal rate for all hours in excess of the basic hour maximum permitted other employees. In cases of emergency threatening damage or destruction to the property of a restaurant establishment, maintenance employees, watchmen, and guards may be permitted to work in excess of six (6) days per week. Executives receiving not less than Twenty-five Dollars (\$25.00) per week are permitted to work in excess of the maximum hours. In restaurants employing twenty (20) workers or less the number of workers who may be permitted to work overtime is restricted to one worker for every five (5) employed. In restaurants employing more than twenty (20) workers the number allowed to work overtime is restricted to one worker for every five (5) for the first twenty (20) workers, and to one worker for every eight (8) above twenty (20).

Non-service employees must be paid not less than Thirteen and 50/100 Dollars (\$13.50) for a fifty-four (54) hour week in cities over 25,000 and not less than Twelve and 50/100 Dollars (\$12.50) per week in cities between 10,000 and 25,000 and not less than Eleven and 50/100 Dollars (\$11.50) per week in places with a population less than 10,000. Service employees must be paid not less than Twelve

Dollars (\$12.00) for a fifty-four (54) hour week in cities over 25,000 and not less than Eleven Dollars (\$11.00) per week in cities between 10,000 and 25,000, and not less than Ten Dollars (\$10.00) per week in places with a population of less than 10,000.

The Code prohibits child labor.

ECONOMIC EFFECT OF THE CODE

The proposed Code will result in an average weekly increase in weekly wages of about thirty percent (30%) and an increase in employment of about twenty-five percent (25%).

FINDINGS

The Deputy Administrator for Hawaii in a letter addressed to the National Industrial Recovery Board has made a clear and detailed report of the present economic condition of this Trade. He has made lengthy and detailed findings of fact in regard to said Trade. The said report of the Deputy Administrator for Hawaii with the findings contained therein is incorporated by reference into this report. The National Industrial Recovery Board does hereby expressly concur in and adopt the findings contained in the said report of the Deputy Administrator for Hawaii.

For these reasons, this Code has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

MARCH 5, 1935.

CODE OF FAIR COMPETITION FOR THE RESTAURANT TRADE IN THE TERRITORY OF HAWAII

ARTICLE I—PURPOSES

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

ARTICLE II—DEFINITIONS

SECTION 1. The term "*Restaurant Trade*" as used herein shall mean the business of operating, directly or indirectly or through any subdivision, a restaurant, as hereinafter defined in Section 2.

SECTION 2. The term "*Restaurant*" as used herein shall include any establishment which, for compensation, prepares and offers food for consumption either on any of its premises, or by catering and banquet service, or by box lunch service, or by curb service, and customarily serves at least ten (10) people per day. This includes, without limitation, concessionaires, wherever located, clubs, and employee restaurants, but excludes school, hospital and hotel restaurants.

SECTION 3. The term "*Food*" as used herein shall mean nutritive material intended for human consumption, in solid and/or liquid form, whether simple, mixed, compounded, cooked, uncooked, or otherwise prepared, excluding however, preparations sold or produced primarily for their vitamin content, or medicinal or quasi-medicinal preparations.

SECTION 4. The term "*Member of the Trade*" as used herein shall include, but without limitation, 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 5. The term "*Employee*" as used herein shall include any and all persons engaged in the Trade, however compensated, except a member of the Trade.

SECTION 6. The term "*Employer*" as used herein shall include anyone by whom such employee is compensated or employed.

SECTION 7. The term "*Curb Employee*" as used herein shall mean employees engaged exclusively as outside salesmen serving curb customers.

SECTION 8. "*Employee Restaurants*" are those conducted in connection with another business exclusively for the convenience and/or financial accommodation of the employees of that business.

SECTION 9. The term "*Maintenance Employee*" as used herein shall mean an employee essential to the upkeep and/or preservation of the premises and property of a restaurant.

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

SECTION 10. The terms "*Watchmen*" and "*Guards*" as used herein shall mean employees engaged in watching and safeguarding the premises and property of a restaurant.

SECTION 11. (a) The term "*Service Employee*" as used herein shall include waiters and waitresses engaged in table and/or room service, and hat and coat checkers, whose duties consist chiefly in rendering direct service to customers and who regularly receive monetary recognition from such customers for the services rendered; provided however, that if the classification of any employee or group of employees as service or non-service employees should operate to discriminate unjustly between employees of the same restaurant establishment or between restaurant establishments of the same class operating under similar conditions, the National Industrial Recovery Board on application by such affected parties, and on recommendation of the Territorial Code Authority, may, after such notice and hearing as it may deem necessary, make such reclassification as justice may require.

(b) Employees who are engaged in serving the public from behind the counter shall not be classified as service employees.

SECTION 12. The term "*Executive*" as used herein shall mean an employee responsible for the management of the business or a recognized subdivision thereof.

SECTION 13. The term "*Part-time Employee*" as used herein shall mean an employee who works less than the maximum work week prescribed herein.

SECTION 14. The term "*County*" as used herein means the City and County of Honolulu as defined in Section 1717 of the Revised Laws of Hawaii 1925, and each of the counties of the Territory of Hawaii as defined in Section 1575 of the Revised Laws of Hawaii 1925.

SECTION 15. The terms "*President*", and "*Act*", as used herein shall mean, respectively, the President of the United States and Title I of the National Industrial Recovery Act.

SECTION 16. Population for the purposes of this Code shall be determined by reference to the Fifteenth Census of the United States (U. S. Department of Commerce, Bureau of the Census, 1930).

ARTICLE III—HOURS

SECTION 1. *Basic Working Days*.—No employee shall be permitted to work more than six (6) days in any one week, except as herein-after otherwise provided.

SECTION 2. *Basic Working Hours*.—No male employee shall be permitted to work more than fifty-four (54) hours in any one week, except as provided in Section 4 of this Article. No female employee shall be permitted to work more than forty-eight (48) hours in any one week, except as provided in Section 4 of this Article.

SECTION 3. *Employment by Several Employers*.—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 4. *Exceptions to Maximum Hours or Periods of Labor*.

(a) *Watchmen and Guards*.—Watchmen and guards shall not be permitted to work more than thirteen (13) days in any fourteen (14) day period and not more than fifty-six (56) hours per week.

(b) *Maintenance Employees*.—The maximum hours of work prescribed in this Article shall not apply to maintenance employees, provided, however, that such employees shall be paid at not less than one and one-third times their normal rate for all hours worked in excess of the maximum permitted their respective sexes under Section 2 of this Article.

(c) *Executives*.—Subject to the conditions set forth in Section 5 of this Article, executives regularly receiving not less than Twenty-five Dollars (\$25.00) per week, exclusive of any charges for meals may be permitted to work in excess of the maximum hours of work prescribed in this Article.

(d) *Chief Cooks*.—Chief cooks who are employees receiving not less than Eighteen Dollars (\$18.00) per week, exclusive of any charges for meals, may be permitted to work seven (7) days per week but not more than fifty-six (56) hours per week.

(e) *Emergency*.—In cases of emergency requiring the specific attention of a particular executive, maintenance employee, watchman and/or guard, or threatening damage or destruction to the property of a restaurant establishment, such executive receiving the salary hereinabove specified, maintenance employee, watchman and/or guard may be permitted to work in excess of six (6) days per week.

SECTION 5. *Limitation Upon Number of Persons Working Unrestricted Hours*.—Notwithstanding the provisions of the foregoing sections of this Article, and regardless of the number of persons otherwise permitted to work unrestricted hours, the total number of workers in any restaurant (whether such workers are executives, proprietors, partners, persons not receiving monetary wages, or others) who may be permitted to work unrestricted hours, shall not exceed the following ratio:

(a) In restaurants comprised of twenty (20) workers or less, the total number of workers who may be permitted to work unrestricted hours (not including the workers specified in Section 4 (a) of this Article) shall not exceed one (1) worker for every (5) workers or fraction thereof.

(b) In establishments comprised of more than twenty (20) workers, the total number of workers (not including those workers specified in Section 4 (a) of this Article) shall not exceed one (1) worker for every five (5) workers for the first twenty (20) workers, and shall not exceed one (1) worker for every eight (8) workers above twenty (20).

SECTION 6. *Spread of Working Hours and Number of Shifts Per Day*.—Not more than fourteen (14) consecutive hours shall elapse between the beginning and the termination of the hours worked by any employee in any twenty-four (24) hour period and not more than two (2) intervals off duty shall be permitted during the course of such fourteen (14) consecutive hour period of employment. Time out for meals within the fourteen (14) hour spread but not to exceed a total of one (1) hour, shall not constitute an interval off duty between split shifts.

ARTICLE IV—WAGES

SECTION 1. *Basic Schedule of Wages.*—(a) Except as hereinafter otherwise provided, employees shall be paid each week at not less than the minimum rates of wages hereinbelow set forth for a fifty-four (54) hour work week.

Population of cities or places	Nonservice employees	Service employees
Over 25,000.....	\$13.50	\$12.00
10,000 to 25,000.....	12.50	11.00
Less than 10,000.....	11.50	10.00

(b) *Curb Employees.*—The minimum wages prescribed in paragraph (a) of Section 1 of this Article for service employees shall apply to curb employees. The Territorial Code Authority may, however, appoint a joint committee of employers of curb employees and employers who do not employ curb employees to investigate the effect of the provisions of this subsection upon the entire Restaurant Industry, which committee may submit to the National Industrial Recovery Board recommendations based upon its investigation and study, for its further consideration of this provision or for the modification thereof. The National Industrial Recovery Board may, after such notice and hearing as it may prescribe, approve such recommendations, and upon such approval by the National Industrial Recovery Board, such recommendations shall constitute a part of and have the same force and effect as the provisions of this Code.

(c) *Charge for Uniforms.*—Where an employee is required by his employer to wear a uniform, no deductions from the minimum wages prescribed in this Article shall be made by such employer, except that such uniform may, by agreement between such employee and his employer, be obtained and sold by the employer to such employee at a price of not to exceed the actual cost to the employer, subject to the following conditions:

(1) that in the case of a female employee such price shall not exceed Five Dollars (\$5.00) per uniform;

(2) that in the case of a male employee such price shall not exceed Five Dollars (\$5.00) per uniform, unless such uniform is of such standard design that it may be used by such male employee in performing the same work for other employers in the same city or place, in which case such price shall not exceed Twenty Dollars (\$20.00) per uniform;

(3) that no employer shall permit any of his agents or employees or engage or conspire with any third party, to pursue any course of action not permitted such employers by this Section;

(4) that in those cases where uniforms are purchased, employees shall have the option to purchase such uniforms outright, or to reimburse the employer at the rate of ten percent (10%) of the price per week; except that after notice to the Territorial Code Authority, setting forth pertinent facts, and approval by the Territorial Code Authority, subject to review by the National Industrial Recovery Board, other rates may be agreed upon and authorized. If, upon termination of employment, such purchase price

shall not have been paid in full, such employee shall, in the absence of a contrary agreement by such employee, have the option to pay the unpaid balance due forthwith and retain the uniform, or to surrender such uniform to the employer, and thereby cancel the obligation to make any further payments therefor. In lieu of such purchase or in the case of uniforms requiring laundering, the employee may at his option rent such uniform from the employer or compensate the employer for laundry services, at a rate of not to exceed the actual cost to the employer of laundering and in no event to exceed twenty-five cents (25¢) for each laundering.

(d) No reductions from the minimum wages prescribed in this Article, other than those specifically permitted in this Article or as may be required by law, shall be made for any purposes whatsoever.

SECTION 2. *Limitations on Wage Reductions.*—No employer shall make any reduction in the full-time weekly earnings or the hourly earnings of any employee below those existing for the four weeks ending June 16, 1933.

SECTION 3. *Charges.*—(a) *Charge for Meals.*—Where it has been mutually agreed between an employee and an employer that such employee shall receive meals as a part of the remuneration of such employee, a sum of not to exceed twenty-five cents (25¢) for each meal furnished to such employee, but not to exceed a total of Three Dollars (\$3.00) per week, may be deducted from the wages of such employee. In no case shall an employee receive less cash per week because of this charge than that employee received on June 16, 1933, for performing the same work.

(b) *Charge for Lodging.*—No employer shall make any deductions from the minimum wages prescribed in this Article for lodging except under the following terms and conditions:

(1) Where lodging has been furnished to employees by established custom in the restaurant establishment or by reason of peculiar location requiring that employees be lodged.

(2) No deductions shall exceed the sum of Two and 50/100 Dollars (\$2.50) per week.

(3) No employee shall receive less cash per week because of this charge than that employee received on June 16, 1933 for performing the same work.

(4) No deductions shall be made except by mutual agreement between employer and employee.

(5) No deductions shall be made unless prior thereto, application has been made to the Territorial Code Authority, setting forth the pertinent facts specified in paragraphs 1 to 4 inclusive of this subsection, and approval of the Territorial Code Authority, subject to review by the National Industrial Recovery Board, has been obtained.

SECTION 4. *Minimum Wage Established.*—This Article establishes a minimum rate of pay irrespective of the basis on which an employee is compensated.

SECTION 5. *Part-time Employees.*—Part-time employees shall be paid not less than an hourly rate proportionate to the rates prescribed in the foregoing sections of this Article in accordance with hours worked.

SECTION 6. *Handicapped Workers.*—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 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 Territorial 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. *Collective Bargaining.*—(a) 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 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. *Safety and Health.*—(a) Every employer shall provide for the safety and health of employees during the hours and at the places of their employment.

(b) Standards for safety and health shall be submitted by the Territorial Code Authority to the National Industrial Recovery Board within six (6) months after the effective date of this Code.

SECTION 3. *Child Labor.*—No person under eighteen (18) years of age shall be employed in the Trade in hazardous occupations. No person under sixteen (16) years of age shall be employed in the Trade in any capacity. 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 the Territory empowered to issue employment or age certificates or permits showing that the employee is of the required age.

SECTION 4. *Territorial Laws.*—No provision in this Code shall supersede any Territorial 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.*—All employers shall post and keep posted copies of this Code in conspicuous places accessible to all employees. Every member of the Trade 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 National Industrial Recovery Board.

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

SECTION 1. (a) Within sixty (60) days after the effective date of this Code, there shall be constituted a Territorial Code Authority consisting of seven (7) members to be elected by members of the Trade at a meeting or meetings called by the Temporary Territorial Code Authority, upon ten (10) days' notice sent by registered mail to all known members of the Trade who may vote either in person, by proxy or by mail. Each member of the Trade shall be entitled to one vote. The members of the Territorial Code Authority first elected shall serve until their successors are elected. During such sixty-day period, until such Territorial Code Authority has been so constituted, the committee of the association sponsoring this Code shall constitute the Temporary Territorial Code Authority. The members of the Territorial Code Authority shall be elected in the following manner:

Two (2) shall be elected by the members of the Honolulu Restaurant Men's Association on the Island of Oahu;

One (1) shall be elected by the members of the Maui Restaurant Men's Association on the Island of Maui;

One (1) shall be elected by the members of the Kauai Restaurant Men's Association on the Island of Kauai;

One (1) shall be elected by the members of the Hawaii Restaurant Men's Association on the Island of Hawaii; and

Two (2) shall be elected by members of the Trade, not members of the Associations, or failing such election, such members shall be appointed by the National Industrial Recovery Board from a list submitted by non-members of the above named Associations, or, if such a list is not submitted, the National Industrial Recovery Board shall appoint from members of the Trade who are not members of the Associations, two (2) members of the Territorial Code Authority.

Where a vacancy occurs in the membership of the Territorial Code Authority, such vacancy shall be filled by the majority vote of the remaining Code Authority members, provided that such vacancy is filled by a representative from the same group as was the vacating member.

(b) 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 National Industrial Recovery Board to serve for such terms as it may specify.

SECTION 2. Each trade or industrial association directly or indirectly participating in the selection or activities of the Territorial Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the National Industrial Recovery Board 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 National Industrial Recovery Board may deem necessary to effectuate the purposes of the Act.

SECTION 3. In order that the Territorial Code Authority shall at all times be truly representative of the Trade and in other respects comply with the provisions of the Act, the National Industrial Recovery Board may prescribe such hearings as it may deem proper;

and thereafter if it shall find that the Territorial 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 Territorial Code Authority.

SECTION 4. Nothing contained in this Code shall constitute the members of the Territorial Code Authority partners for any purpose. Nor shall any member of the Territorial Code Authority be liable in any manner to anyone for any act of any other member, officer, agent or employee of the Territorial Code Authority. Nor shall any member of the Territorial 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 nonfeasance.

SECTION 5. If the National Industrial Recovery Board shall at any time determine that any action of the Territorial Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the National Industrial Recovery Board may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Territorial Code Authority or agency pending final action which shall not be effective unless the National Industrial Recovery Board approves or unless it shall fail to disapprove after thirty (30) days' notice to it of intention to proceed with such action in its original or modified form.

SECTION 6. (a) Subordinate to the Territorial Code Authority established in Section 1 of this Article, there shall be constituted County Code Authorities for those counties of the Territory, where in the opinion of the National Industrial Recovery Board the Territorial Code Authority will require assistance of a regional group in its duties of investigation, fact-finding, education, and research. Members of the County Code Authorities shall be elected in a manner satisfactory to the National Industrial Recovery Board, by the Trade at large in the county where they are to serve and shall be truly representative of the Trade in that county.

(b) In addition to membership on the County Code Authority as above provided, there may be one (1) member, without vote, to be known as the Administration member, to be appointed by the National Industrial Recovery Board to serve for such term as it may specify.

SECTION 7. *Powers and Duties.*—Subject to such rules and regulations as may be issued by the National Industrial Recovery Board, the Territorial 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 Trade 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 such information and reports as are required for the administration of the Code. In addition to information required to be submitted to the Territorial Code Authority, members of the Trade subject to this Code shall furnish such statistical information as the National Industrial Recovery

Board may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and Territorial agencies as it may designate; provided that nothing in this Code shall relieve any member of the Trade of any existing obligations to furnish reports to any government 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 National Industrial Recovery Board.

(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 Territorial 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 National Industrial Recovery Board for the coordination of the administration of this Code and such other codes, if any, as may be related to or affect members of the Trade.

(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 Territorial 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 National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it 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 National Industrial Recovery Board, 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 Territorial Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. 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 Territorial 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 Territorial 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 National Industrial Recovery Board, and no subse-

quent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

(g) To recommend to the National Industrial Recovery Board 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/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 National Industrial Recovery Board after such notice and hearing as it 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 Trade 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 National Industrial Recovery Board as amendments to this Code and such other codes.

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

(j) It shall create as an independent agency of the Territorial Code Authority a Joint Industrial 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 National Industrial Recovery Board.

ARTICLE VII—UNFAIR TRADE PRACTICES

SECTION 1. *Misrepresentation*.—No member of the Trade shall use advertising, whether printed, radio, display, or bill-of-fare, or any other form of publicity which is inaccurate in any material particular or misrepresents food, merchandise, service, credit terms, values, or policies, and no member of the Trade shall use advertising and/or selling methods which tend to deceive or mislead customers or prospective customers.

SECTION 2. *Free Deals*.—No member of the Trade shall offer or give a free deal. The term "free deal" as used in this paragraph means a gift of free food, money, presents, advertising space, or specimen meal, as an inducement to secure business; provided, however, that this section shall not be construed to prohibit free and general distribution of articles for advertising purposes.

SECTION 3. *Prizes and Premiums*.—No member of the Trade shall offer any prize or premium or gift in pursuance of a plan which involves fraud or deception or lottery.

SECTION 4. *Defamation*.—No member of the Trade 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 5. *Breach of Contract.*—No member of the Industry shall maliciously induce or attempt to induce, by any false or deceptive means whatsoever, the breach of an existing contract between a competitor and his source of supply or between a competitor and his customer; or interfere with or obstruct the performance of any such contractual relations with the purpose and effect of hampering, injuring or embarrassing competitors in their business.

SECTION 6. *Payments for Privilege of Working.*—No employer shall accept, nor shall he knowingly permit any of his employees to accept money or gifts of any kind from an employee or prospective employee for the privilege of working or for any other advantage.

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 National Industrial Recovery Board, 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 IX—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, and when made, such increases should so far as possible, be limited to actual additional increases in the seller's costs.

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—EFFECTIVE DATE

This Code shall become effective thirty (30) days after its approval by the National Industrial Recovery Board.

Approved Code No. 553.

Registry No. 1728-31.





AMENDMENTS

Approved Code No. 24—Amendment No. 6

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

BITUMINOUS COAL INDUSTRY

As Approved on January 25, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE BITUMINOUS 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 16, 1933, for approval of an amendment to the Code of Fair Competition for the Bituminous Coal Industry:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise; does 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 does hereby order that said amendment be and it is hereby approved to become effective immediately and remain effective only until and including April 30, 1935, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

W. P. ELLIS,
Division Administrator.

WASHINGTON, D. C.,
January 25, 1935.

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 Bituminous Coal Industry, submitted by a Sub-Divisional Code Authority of the Industry and an amendment submitted by the National Recovery Administration for consideration at the public hearing, held in Washington, D. C., January 4, 1935.

At this hearing, modifications of such proposed amendment were submitted by the National Bituminous Coal Industrial Board, an agency created and established under the Code for the purpose, among others, of considering and making recommendations to the President as to any amendments of the Code. Pursuant to the hearing and to information and considerations properly before us, as provided in the published notice of hearing, these amendments have been revised. Also as a result of this hearing an amendment to Article VI, Section 1 was approved January 8, 1935.

The existing provisions of Article VI, Sections 2, 3 and 4 and Article VII, Section 2 of the Code for said Industry are entirely inadequate in view of the necessity for changing and improving the methods and procedure in establishing fair market prices. An extreme emergency confronts the Industry occasioned by the custom of making forward contracts, under which the price for delivery of coal might jeopardize the hour and wage provisions of the Code, resulting in serious labor disturbances to the detriment of the public. It is, therefore, evident that the proposed amendment of Article VI, Sections 2, 3 and 4 and of Article VII, Section 2 of said Code, as modified by the National Industrial Recovery Board, as provided in the notice for public hearing thereon, will assist in improving the existing inadequate provisions.

FINDINGS

The Acting Deputy Administrator in his final report to us on the amendment to the Code of Fair Competition for the Bituminous Coal Industry having found as herein set forth and on the basis of all proceedings in this matter:

We find that pending such further order as the National Industrial Recovery Board may enter thereon;

(a) The amendment to said Code and the Code as amended are 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 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 by increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and otherwise by rehabilitating industry and conserving natural resources.

(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 Bituminous Coal Industrial Board to consider and to make recommendations to the President as to any amendments of this Code. It also empowers any Sub-Divisional Code Authority to propose amendments on behalf of the Industry as a whole after submission to any other Code Authority affected thereby (which shall include the Divisional Code Authority).

(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.

In view of the emergency and conditions existing, said amendment, as modified, is accordingly approved to become effective immediately and for a temporary period to and including April 30, 1935, during which period further consideration will be given to the problems involved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

JANUARY 25, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE BITUMINOUS COAL INDUSTRY

Modify Article VI by inserting to appear in said Article VI as a preamble thereto and immediately to precede Section 1 thereof, the following:

For the purpose of establishing and maintaining fair practices so as to protect the public in its right to buy coal at reasonable prices; to provide and maintain an adequate wage structure for employees; and to protect the producers in their right to produce coal and sell it in the markets, while observing the purposes of the National Industrial Recovery Act, it is provided as follows:

and by modifying Sections 2, 3 and 4 of said Article VI in such manner that the preamble to and Sections 1, 2, 3 and 4 of said Article VI shall read as follows:

ARTICLE VI—UNFAIR PRACTICES

For the purpose of establishing and maintaining fair practices so as to protect the public in its right to buy coal at reasonable prices; to provide and maintain an adequate wage structure for employees; and to protect the producers in their right to produce coal and sell it in the markets, while observing the purposes of the National Industrial Recovery Act, it is provided as follows:

SECTION 1. The making of a contract to sell or offer to sell coal, whether for immediate or future delivery, at a price below the fair market price at the date of such contract or offer (regardless of the dates specified for the making of deliveries), or any sale or delivery of coal (other than pursuant to contract made in accordance with the foregoing) below the fair market price thereof at the time of delivery, determined as hereinafter provided, is hereby declared to be an unfair competitive practice and in violation of this Code. Such fair market price shall be determined and established as hereinafter provided, and it shall be proper in determining such fair market price to consider the purposes of the National Industrial Recovery Act, the minimum rates of pay herein established, the furnishing of employment for labor and the competition with other coals, fuels, and forms of energy or heat production. (Amendment Number Five, January 8, 1935.)

SECTION 2 (a). The fair market prices of coal of any kind, grade or size, referred to in the next preceding section, subject to the power of review hereinafter stated, shall be—

(1) The minimum prices for the various kinds, grades and sizes in the various consuming markets which may be established for future application by a marketing agency or by marketing agencies, of whatever form or howsoever constituted now existing or here-

after created or organized, acting for producers of at least two-thirds of the commercial tonnage of any coal district or group of districts, such minimum prices to be effective when and as announced as provided in paragraph (f) of this Section.

(2) The minimum prices for the various kinds, grades and sizes in the various consuming markets, which may be established for future application by the respective Code Authorities hereinafter set up, for their respective areas where no such marketing agency exists, such minimum prices to be effective when announced as provided in paragraph (f) of this Section.

(b) In determining such fair market prices, marketing agencies and Code Authorities shall take into consideration, among other factors, the purposes of the National Industrial Recovery Act, the minimum rates of pay herein established, the furnishing of employment for labor, competition with other coals, fuels and forms of energy or heat production, the customs, requirements and needs of the buying and consuming public for various kinds, grades and sizes of coal and the necessity for giving to consumers reasonable opportunity to buy and to producers reasonable opportunity to sell their coal in usual and normal markets. Furthermore, in order to determine such fair market prices, the marketing agencies and Code Authorities shall classify all coals, applying all factors usually considered in connection with physical structure and chemical analysis and their effect upon the salability and use value of such coals, and with due regard for the foregoing provisions, shall so price coals as to afford producers reasonable opportunity to sell the coal in competition with other coals, fuels and forms of energy or heat production, and to this end the marketing agencies and Code Authorities shall give due regard to the prices made by competing districts, but it shall be their purpose, while making competitive market prices, not to make dumping prices in any area of consumption.

(c) The term "marketing agency" as used in this Code shall include any trade association of coal producers complying with the requirements of a marketing agency and exercising the functions thereof as provided herein.

(d) Where a marketing agency functioning in any district or group of districts acts as selling agent for producers of at least two-thirds of the commercial tonnage, the Code Authority in announcing the prices of coal of producers outside of such agency in such district or group of districts shall utilize and follow the practices and methods of classification, and the classifications, used by such agency and shall adopt the same prices for the respective classes of coal as those fixed by such agency.

(e) The fair market prices established for future application under the provisions of Section 2 (a) (1) shall be reported to said Code Authorities by any such marketing agencies in such manner as may be required by such Authorities.

(f) The fair market price or prices of bituminous coal established as herein provided shall become effective, subject to appeal, suspension and modification as hereinafter provided, when the same shall be approved by the Presidential Member of the Code Authority (acting under the direction of the Administrator), and when published as provided herein. In his approval the Presidential Member may per-

mit a reduction or increase in said price or prices by action of said marketing agencies or Code Authorities within the limits which he may prescribe. Said prices shall be published by the Code Authority when so established and approved by the Presidential Member and from time to time thereafter as may be determined by the Code Authority or required by the Administrator, and in any event when any change is made therein. Simultaneously with such publication said fair market price or prices shall be transmitted by the Code Authority making or giving effect to and publishing any change in price, to the National Recovery Administrator for his review and subsequent action.

(g) Each Code Authority shall, at all times, provide and keep open an office during business hours to which any coal producer in its district or districts and any representative of the Administrator may apply for information with respect to classifications and prices.

SECTION 3. In order to prevent injustices among or between producers, any producer shall be granted a hearing upon written complaint, and the marketing agency or Code Authority which establishes fair market prices for the coals of such producer shall hold said hearing within five days (unless extension of time is consented to by such producer) after the receipt of said complaint, directly or through such agency as it may establish. In such complaint, the producer shall set out the grounds of his complaint, whether he is objecting to the prices fixed on his coal, and whether he desires an increase or decrease in his prices. He shall further set out whether he is objecting to prices of other producers in the same district or on account of prices in competing districts. The marketing agency or Code Authority, shall, to the extent reflected in the evidence, take into consideration, in addition to the factors set out in this article, the market demand for the class of coal of the producer, the relative operating time at the mines of the producer, as compared with that of the mines of other producers in the same and competing districts, their past production history, as well as the quality of the coal and the comparative delivered value thereof to the consumer, and such other pertinent facts as may be presented, and shall make its decision within five days after the hearing, unless extension of time is consented to by such producer. A record shall be made of all the facts and evidence presented to the marketing agency or Code Authority, as the case may be, at such hearing, and of the decision rendered thereon. Such producer shall have the right of appeal to an impartial Board of Arbitration which shall be set up by such agency or Code Authority, as hereinafter provided; and the decision of such Board shall be binding upon the producer and shall constitute the decision of such agency or Code Authority.

SECTION 4. In order to establish fair competitive price relationships and practices between marketing agencies and/or Code Authorities representing different Divisions or Subdivisions, such agencies and Code Authorities are hereby authorized and directed to meet and confer with each other and endeavor to agree upon a basis of fair competitive prices and practices relating thereto as between such Divisions and/or Subdivisions. They shall take into consideration the same factors as are considered by Code Authorities as between the producers within the Divisions or Subdivisions as here-

inbefore set out. Any such agreements made between marketing agencies and/or Code Authorities representing competing Divisions and/or Subdivisions shall be submitted to the Administrator for approval or disapproval and shall become effective within ten days after receipt thereof by him unless disapproved as being against the interest of the public. Such agencies and/or Code Authorities shall endeavor to agree between themselves, subject to the approval of the Administrator, on rules of procedure, notices of meetings, and other necessary order of business for such meetings looking to such agreements, notices of all of which shall be furnished to the Administrator or his representative, who shall have the opportunity to be present at such meetings. In default of an agreement as to such rules and other procedural matter approved by him, the Administrator may prescribe the same.

If any such agency or Code Authority shall be of the opinion that any producer or producers represented by it is adversely affected by any failure to reach such agreement, or that any prices or practices relating thereto, heretofore or hereafter established in a different Division or Subdivision, are unfair competitive prices or practices relating thereto and no such agreement in respect thereof has been reached, the dissatisfied agency or Code Authority shall have the right of appeal to the National Coal Board of Arbitration, as hereinafter provided.

ARTICLE VII—ADMINISTRATION

Change the designation of Section 2 to Sub-section (a) of Section 2 and add two additional sub-sections to said Section to be designated (b) and (c), as follows:

(b) Every marketing agency and Code Authority establishing prices as herein provided shall immediately set up and maintain a permanent impartial Board of Arbitration for the marketing agency, Division or Subdivision for which it acts, to which any producer represented by such agency or Code Authority may appeal from any decision thereof as to his classification or price or the practice complained of; provided, however, that any marketing agency or Code Authority may elect to join with any other marketing agency or Code Authority agreeing thereto, with the approval of the Administrator, to set up such Board for their joint use for the purposes of this Article. Such Board shall consist of not more than five members, who shall not be connected directly or indirectly with the coal industry during the time they serve as members of such Board. Such Board shall prescribe rules of procedure and keep a record of its proceedings. Any producer filing an appeal shall do so in writing, accompanied by evidence of service of a copy thereof upon such Code Authority or marketing agency. Such appeal shall be heard within five days of the date of filing unless the producer taking the appeal shall consent to extension of such time. Such Board in reaching its decision on any such controversy shall be guided, as the basis of such decision, by the principles upon which fair competitive market prices and practices relating thereto are to be established as hereinbefore provided in Article VI; and such Board shall decide the matters at issue within ten days after the hearing and the decision of such Board

shall be final and binding on the producer and shall constitute the decision of such Code Authority or marketing agency. If the decision of the Board favors the complainant, the marketing agency or Code Authority shall revise the price or practice complained of in accordance with such decision, or in the case of failure of the said Board to act within such ten days or such extended period as may be consented to by the complainant, such agency or Code Authority shall likewise revise such price or practice complained of as if the decision had been in favor of the complainant.

(c) In order to settle disputes and controversies between or among marketing agencies or Code Authorities representing different Divisions or Subdivisions with respect to fair competitive prices and practices relating thereto, there shall be created an impartial National Coal Board of Arbitration of five members, who shall not be connected directly or indirectly with the coal industry during the time they serve as members of such Board. The nine members of the National Bituminous Coal Industrial Board designated by the Divisional Code Authorities shall constitute electors by majority vote to elect, subject to the approval of the Administrator, and fix the salaries of the members of said National Coal Board of Arbitration and fill any vacancies thereon. The members of the National Coal Board of Arbitration shall be paid salaries at the rate of not to exceed \$10,000, each per year and shall serve for a term of two years, subject to removal by affirmative vote of at least six of said electors. Their salaries and traveling expenses and all necessary office expenses shall be paid by Divisional Code Authorities, contributing on a tonnage basis. Complaints to such Board shall be in writing, setting forth the reasons therefor, and may be made only by a marketing agency or by a Code Authority. The Board shall make all necessary rules and regulations for its operation and procedure and shall keep a record of its notices and proceedings. Said Board shall hear all complaints within ten days (or such additional time as may be consented to by complainant) after receipt of formal complaint in writing, accompanied by evidence satisfactory to the Board that copy thereof has been served upon the respondent marketing agency or Code Authority. Copies of the complaints shall also be furnished to other interested marketing agencies and Code Authorities and to the Administrator in accordance with rules of the Board. The Board shall decide all matters submitted to it within ten days after the hearing unless the time is extended with consent of the complainant and its action shall, subject to changes made under the provisions of the Code, be binding upon the parties for a period of not less than ninety days unless the Board in its discretion shall consent to review its action, and thereafter until new matter is submitted by the complainant sufficient in the opinion of the Board to cause it to change its decision. In settling and determining the disputes and controversies between Divisions and Subdivisions above referred to, said National Coal Board of Arbitration shall be governed by the same principles and standards, facts and factors as herein prescribed for the marketing agencies, Code Authorities, and Boards of Arbitration in fixing prices and determining disputes respecting prices and practices relating thereto. The decision of the Board shall be trans-

mitted to the Administrator for approval or disapproval and shall become effective within ten days after its receipt by him unless disapproved as being against the interest of the public. Pending hearing on and decision of such complaint the prices or practices complained of may by order of the Board and on such conditions as it may prescribe be suspended or modified.

Appropriate publication shall be made by the Code Authority giving effect to any change in price required by such decision.

Approved Code No. 24—Amendment No. 6.
Registry No. 702-45.

Approved Code No. 170—Amendment No. 2

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

GRINDING WHEEL INDUSTRY

As Approved on January 25, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE GRINDING 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 an amendment to the Code of Fair Competition for the Grinding Wheel Industry, and as contained in a Published Notice of Opportunity to be Heard, Administrative Order No. 170-12, dated October 6, 1934, 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policies and purposes of said Title of said Act, and does 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.

NATIONAL INDUSTRIAL RECOVERY BOARD,
W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

W. P. ELLIS,
Division Administrator.

WASHINGTON, D. C.,
January 25, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT.

The White House.

SIR: An application having 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 Grinding Wheel Industry, submitted in part by the Code Authority for the Grinding Wheel Industry and in part by the National Recovery Administration.

The purpose and effect of the Code Authority's proposal is to prohibit the placing of consignment stocks with machine manufacturers and consumers. The amendments proposed by the National Recovery Administration are designed to clarify specific provisions of the Code.

FINDINGS

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

We 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 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 other wise 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, we have approved this amendment.
For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

JANUARY 25, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE GRINDING WHEEL INDUSTRY

Amend Article III by adding the following:

SECTION 8. 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.

Amend Article IV by deleting Section 3 and substituting therefor the following:

SECTION 3. A person whose earning capacity is limited because of age, or 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 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.

Amend Article VI by deleting Section 5 and substituting therefor the following:

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 for safety and health shall be submitted by the Code Authority to the National Industrial Recovery Board for approval as soon as practicable, but not later than sixteen (16) months after the effective date of the Code.

Amend Article VI by adding the following:

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 any Code of Fair Competition.

Amend Article VIII by deleting Paragraph (6) and substituting the following therefor:

(6) Initiating negotiations with employees of competitors to induce them to violate their contracts.

Amend Article VIII by adding the following:

(17) Placing a consignment stock or stocks of any of the products of the Industry with a machine manufacturer for sale or with a consumer.

Approved Code No. 244C—Amendment No. 1

AMENDMENT TO SUPPLEMENTARY CODE OF FAIR COMPETITION

FOR THE

ELEVATOR MANUFACTURING INDUSTRY

As Approved on January 26, 1935

ORDER

APPROVING AMENDMENT OF SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE ELEVATOR MANUFACTURING 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 an amendment to a Code of Fair Competition for the Elevator Manufacturing Industry, a Division of the Construction Industry, and due notice and opportunity to be heard 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate by reference said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policies and purposes of said title of said act; and does 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.

NATIONAL INDUSTRIAL RECOVERY BOARD.

By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

WALTER G. HOOKE,

Acting Division Administrator.

WASHINGTON, D. C.,

January 26, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on an amendment to the Supplementary Code of Fair Competition for the Elevator Manufacturing Industry, a Division of the Construction Industry, which was approved by you on March 21, 1934.

In amending Article III, by adding a new section to be known as Section 4, the Code Authority will be enabled to enforce assessments. It has been found necessary to ask for this mandatory assessment provision as many members of the Industry have not been contributing to the support of the Code Authority. This amendment will correct a condition which has resulted in unfairness to those who have been contributing, by enabling the Code Authority to collect funds for Code administration from all of the members of this Industry.

FINDINGS

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

The Board finds 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 subsection (a) of Section 3, subsection (a) of Section 7 and subsection (b) of Section 10 thereof.

(c) The Code empowers the Divisional 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, the National Industrial Recovery Board has approved said amendment to the Elevator Manufacturing Industry's Chapter of the Code of Fair Competition of the Construction Industry.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

JANUARY 26, 1935.

AMENDMENT TO SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE ELEVATOR MANUFACTURING INDUSTRY

A DIVISION OF THE CONSTRUCTION INDUSTRY

Amend Article III by adding a new section to be known as Section 4, and to read as follows:

SECTION 4. 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 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 Code;

(b) To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it 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 National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of this Division, 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 National Industrial Recovery Board. Only members of this Division 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 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 obligations 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 National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

Approved Code No. 186—Amendment No. 2

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

END GRAIN STRIP WOOD BLOCK INDUSTRY

As Approved on January 26, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE END GRAIN STRIP WOOD BLOCK 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 End Grain Strip Wood Block Industry, 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policies and purposes of said Title of said Act, and does 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 said Board before that time and the Board issues a subsequent Order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD.

By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

W. P. ELLIS,

Division Administrator.

WASHINGTON, D. C.,

January 26, 1935.

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 End Grain Strip Wood Block Industry. A Notice of Opportunity to be Heard on the proposed amendment was published on October 12, 1934.

The End Grain Strip Wood Block Industry through the Code Authority has offered an amendment to Article VI, Section 2, of its Code of Fair Competition.

The proposed amendment in its final form is summarized herewith:

The amendment increases the number of members of the Code Authority to consist of one designated representative of each member of the Industry complying with the provisions of the Code.

FINDINGS

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

We 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, we have approved this amendment.
For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

JANUARY 26, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE END GRAIN STRIP WOOD BLOCK INDUSTRY

Delete Sections 2 and 3 of Article VI, renumbering Sections 4 to 10 inclusive to read Sections 3 to 9 respectively, and add new Section 2 as follows:

The Code Authority shall consist of one designated representative of each member of the Industry complying with the provisions of the Code.

Approved Code No. 186—Amendment No. 2.
Registry No. 320-1-01.

(190)

Approved Code No. 9.—Amendment No. 29

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

LUMBER AND TIMBER PRODUCTS INDUSTRY

As Approved on January 29, 1935

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 a Code of Fair Competition for the Lumber and Timber Products Industries, an opportunity to be heard having been given 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate, by reference, said annexed report and does 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 does 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.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

W. P. ELLIS,

Division Administrator.

WASHINGTON, D. C.,

January 29, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: On August 19, 1933, you approved a Code of Fair Competition for the Lumber and Timber Products Industries.

This is a report on Lumber Code Authority's Amendment No. 84, which has been published with a Notice of Opportunity to be Heard and sent to all interested parties.

The Amendment contemplates the addition of the State of Nevada to the jurisdiction of the Western Pine Division. At the time of the formation of the Code the State of Nevada, which produces very little lumber and has only two known operations, was omitted from the jurisdiction of any of the Divisions of the Code. Nevada is located within the geographical scope of the Western Pine Division, and this Amendment will place the Nevada operations under the Administrative Agency of the Code Authority for the Western Pine Division.

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

We find:

(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 including 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 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.

(c) 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, we have approved this Amendment to this Code.

For the National Industrial Recovery Board :

W. A. HARRIMAN,
Administrative Officer.

JANUARY 29, 1935.

**AMENDMENT TO CODE OF FAIR COMPETITION FOR
THE LUMBER AND TIMBER PRODUCTS INDUSTRIES**

In Schedule A, Section 19. Western Pine Division (Article II (c)) add the State of Nevada to the jurisdiction of the said Division.

Approved Code No. 9—Amendment No. 29.
Registry No. 313-1-06.

(194)

Approved Code No. 449—Amendment No. 2

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

WHOLESALE MONUMENTAL GRANITE INDUSTRY

As Approved on January 29, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE WHOLESALE MONUMENTAL GRANITE 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 an amendment to a Code of Fair Competition for the Wholesale Monumental Granite 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate, by reference, said annexed report and does 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 does 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 twenty (20) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the said Board issues a subsequent Order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

W. P. ELLIS,
Division Administrator.

WASHINGTON, D. C.,
January 29, 1935.

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 Monumental Granite Industry.

This is a routine amendment in which there is only the remotest possibility of any objections being raised. The order approving this amendment, however, includes a provision that the order shall not become effective until twenty (20) days from the date of signing, unless good cause to the contrary shall be shown to the National Industrial Recovery Board and the Board shall issue a subsequent order to that effect.

FINDINGS

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

We 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 including 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 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, therefore, we have approved this amendment.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

JANUARY 29, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE WHOLESALE MONUMENTAL GRANITE INDUSTRY

Delete the last two paragraphs of Section 5, Article VI, dealing with Divisions No. 10 and 11, and substitute in lieu thereof the following:

Division No. 10.—Comprising the States of Colorado, New Mexico, Wyoming, Montana, Utah, and Idaho.

Division No. 11.—Comprising the States of California, Arizona, Nevada, Oregon, Washington, the territory of Alaska and all other parts of the United States not specifically included in other Divisions.

Approved Code No. 449—Amendment No. 2.

Registry No. 1023-02.

Approved Code No. 309—Amendment No. 2

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

SOLID BRAIDED CORD INDUSTRY

As Approved on January 30, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE SOLID BRAIDED CORD 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 Solid Braided Cord Industry, and an opportunity to be heard thereon having been given 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does find that said amendment and the Code as constituted after being amended complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does 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 National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent Order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

PRENTISS L. COONLEY,
Division Administrator.

WASHINGTON, D. C.,
January 30, 1935.

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 Solid Braided Cord Industry. Notice of Opportunity to be Heard on this amendment was published on January 4, 1935; no objections were received within the given twenty (20) day period ending January 24, 1935. The amendment, which is attached, was presented by duly authorized and qualified representatives of the Industry, complying with statutory requirements, and being the duly constituted Code Authority under the provisions of the said Code for the said Industry.

This amendment provides for properly labelling all cord in accordance with such regulations as are issued by the Code Authority for the Solid Braided Cord Industry and approved by the National Industrial Recovery Board.

The Deputy Administrator in his final report to the National Industrial Recovery Board on the said amendment to the said Code having found as herein set forth, and on the basis of all the proceedings in this matter:

The National Industrial Recovery Board finds 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 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 the effective date of said amendment.

For these reasons this amendment has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

JANUARY 30, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE SOLID BRAIDED CORD INDUSTRY

Section 2 of Article VII of the Code is hereby deleted, and the following is thereby substituted:

All cord shall be properly labeled in accordance with such regulations as are issued by the Code Authority and approved by the National Industrial Recovery Board.

Approved Code No. 309—Amendment No. 2.
Registry No. 219-01.

(202)

Approved Code No. 17—Amendment No. 5

AMENDMENT TO CODE OF FAIR COMPETITION
FOR THE
AUTOMOBILE MANUFACTURING INDUSTRY

As Approved on January 31, 1935

BY

PRESIDENT ROOSEVELT

EXECUTIVE ORDER

**AMENDMENT TO CODE OF FAIR COMPETITION FOR THE AUTOMOBILE
MANUFACTURING INDUSTRY**

An application having been duly made in behalf of the Automobile Manufacturing Industry, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, and the provisions of the Code of Fair Competition for the Automobile Manufacturing Industry duly approved on August 26, 1933, for my approval of an amendment to said Code of Fair Competition for the Automobile Manufacturing Industry, and it having been found that the said proposed amendment complies in all respects with the pertinent provisions of Title I of said Act and that the requirements of clauses (1) and (2) of subsection (a) of section 3 of said Act have been met, and the National Industrial Recovery Board having made certain recommendations to me:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do order that the said application be and it is hereby approved, and that, effective immediately, the said Code of Fair Competition for the Automobile Manufacturing Industry be and it is hereby amended as follows:

1. In Article I, the seventh paragraph, which has heretofore read as follows:

“The term ‘expiration date’ as used herein means February 1, 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.”

shall be modified to read as follows:

"The term 'expiration date' as used herein means 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."

2. Work by any employe in excess of forty-eight hours in any week shall be paid for at the rate of time and one-half for such overtime. Any provision of said Code inconsistent herewith is hereby modified to conform to this requirement. This requirement shall not be construed to authorize or permit work in excess of forty-eight hours when such work is prohibited under any of the provisions of the code.

3. The members of the industry are requested and authorized to enter into agreements with one another with respect to Fall announcements of new models of passenger automobiles and the holding of automobile shows in the Fall of the year, as a means of facilitating regularization of employment in the industry.

4. The members of the industry will comply with the provisions and requirements for the settlement of labor controversies which were established by the government and have been in operation since March 1934, and which are hereby confirmed and continued.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,
January 31, 1935.

Approved Code No. 17—Amendment No. 5.
Registry No. 1403—1—04.

Approved Code No. 1—Amendment No. 13

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

COTTON TEXTILE INDUSTRY

As Approved on January 31, 1935

ORDER

APPROVING AMENDMENT 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 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order 6859, dated September 27, 1934, and otherwise, does hereby incorporate by reference, said annexed report and does 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 does 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.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

PRENTISS L. COONLEY,
Division Administrator.

WASHINGTON, D. C.,
January 31, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT.

The White House.

SIR: On October 16, 1934, you approved an Executive Order creating the Cotton Textile Work Assignments Board and establishing rules and regulations for the handling of work assignments in the Industry until February 1, 1935. It was originally contemplated that by that date, the Work Assignments Board would have submitted a permanent plan for the regulation of work assignments which would have been incorporated in the Code as an amendment.

Several factors prevented this. On December 27, 1934, you approved Executive Order 6930 giving the Work Assignments Board until "a reasonable time after January 1, 1935" to submit its recommendations.

The attached Amendment extends the so-called "freezing period", during which time work assignments are not to be increased, until thirty days after the Work Assignments Board has submitted its recommendations for a permanent plan.

FINDINGS

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

It finds 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 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 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.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

JANUARY 31, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE COTTON TEXTILE INDUSTRY

Amend Section XVII, Subsection (2) by deleting the words "February 1, 1935" and substituting therefor the following:

"one month after the report to the President as to a permanent plan for regulation of work assignments in the industry as provided in subsection (5) hereof,"

Amend Section XVII, Subsection (3) by deleting the words "February 1, 1935" and substituting therefor the following:

"one month after the report to the President as to a permanent plan for regulation of work assignments in the industry as provided in subsection (5) hereof,"

Subsections (2) and (3) as amended are as follows:

(2) In order to provide opportunity to develop a sound method and adequate organization for the regulation of work assignments, no employer prior to one month after the report to the President as to a permanent plan for regulation of work assignments in the industry as provided in subsection (5) hereof, shall make any change in work assignment of any class of employees which shall increase the effort required over that prevailing on September 21, 1934.

During this period the number of looms, frames or other machines required to be tended by any class of employees shall not be increased where the character of the raw material, yarn, construction of cloth, preparatory processes, type of equipment used, or character of finish or put-up, is not changed. Where such changes do occur the number of machines tended by such employees may be increased or decreased in such manner as will not increase the amount of effort required of the worker.

Where, during the period above referred to, a mill resumes the manufacture of any specific product which it has made within six months prior to September 21, 1934, and where the conditions of manufacture enumerated in the preceding paragraph are not changed, then the work load formerly used on such product shall be the guide in determining the proper work assignment.

Where, on September 21, 1934, a new style of yarn or cloth or any other new type of product was in course of introduction or is thereafter during the period above referred to introduced into a mill or finishing plant, a tentative work load may be established during the period of determining a proper work load in accordance with the foregoing principles.

(3) Prior to one month after the report to the President as to a permanent plan for regulation of work assignments in the industry as provided in subsection (5) hereof, on petition of any employee

or employer affected, or his representative, or on its own motion, the Cotton Textile Work Assignment Board may investigate any work assignment which has been increased since July 1, 1933, at any mill and the mill shall show the reasons for such increase. If, after hearing, the Board finds such assignment requires excessive effort it may require its reduction accordingly.

Approved Code No. 1—Amendment No. 13.

Registry No. 299-25.

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

FARM EQUIPMENT INDUSTRY

As Approved on January 31, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE FARM 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 an amendment to a Code of Fair Competition for the Farm Equipment Industry, and an opportunity to be heard 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, the National Industrial Recovery Board Pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate, by reference, said annexed report and does 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 does hereby order that said amendment be and it is hereby approved and that, effective immediately, the said Code of Fair Competition for the Farm Equipment Industry be and it is hereby amended as follows:

In Article XI, that part of the first paragraph, which has heretofore read as follows:

“This Code and any amendments thereof shall remain in effect until February 1, 1935, unless terminated by action or approval of the President.”

shall be amended to read as follows:

“This Code and any amendments thereof shall remain in effect until May 1, 1935, unless terminated by action or approval of the President.”

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D. C.,
January 31, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: Under the Code of Fair Competition for the Farm Equipment Industry as approved October 3, 1933, the Code Authority for said Industry has submitted an amendment to said Code, which if approved, would extend the expiration date from February 1, 1935, to June 16, 1935. The Code in its present form does not conform to Administration policy in a number of respects and for this reason, the expiration date has been extended to May 1, 1935, instead of June 16, 1935, as requested by the Industry. Within the three months' period of extension a Public Hearing will be held to consider additional amendments. The amendment extending the expiration date to May 1, 1935, is embodied in the Order.

An Opportunity to be Heard was duly noticed and no objections were received from the Industry or from interested parties associated with the Industry.

FINDINGS

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

It is found 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 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 Farm Equipment Institute was and is an Industrial Association truly representative of the aforesaid Industry and that said Farm Equipment Institute imposed and imposes no inequitable

restrictions on admission to membership therein and has applied for this amendment through the Code Authority of the aforesaid Industry.

(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, this amendment has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

JANUARY 31, 1935.

Approved Code No. 39—Amendment No. 4.
Registry No. 1303-1-04.

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

HARDWOOD DISTILLATION INDUSTRY

As Approved on January 31, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE HARDWOOD DISTILLATION 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 Hardwood Distillation Industry, and Notice of Opportunity to be Heard having been duly 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does 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 does 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.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

JOSEPH F. BATTLEY,
Division Administrator.

WASHINGTON, D. C.,
January 31, 1935.

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 Hardwood Distillation Industry, which was approved November 10, 1933.

The Amendment provides for the extension of the open price filing system from January 31, 1935, to June 15, 1935, and applies only to methanol (methyl alcohol). This Amendment is designed to extend in the Code for the Hardwood Distillation Industry certain fair trade provisions parallel with similar provisions in the Code of Fair Competition for the Industrial Alcohol Industry.

A Notice of Opportunity to be Heard on the said Amendment was published January 10, 1935, and expired January 30, 1935, in accordance with the provisions of the National Industrial Recovery Act. No objections or criticisms have been received.

FINDINGS

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

The Board finds 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 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.

Therefore, said Amendment has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

JANUARY 31, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR
THE HARDWOOD DISTILLATION INDUSTRY

Amend Article X, Section 8 (b) as follows:

Delete the words "January 31 " and insert in lieu thereof the words " June 15."

Approved Code No. 110—Amendment No. 4.
Registry No. 699-03.

Approved Code No. 9—Amendment No. 30

AMENDMENT TO CODE OF FAIR COMPETITION
FOR THE
LUMBER AND TIMBER PRODUCTS INDUSTRY

As Approved on January 31, 1935

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 amendments to the Code of Fair Competition for the Lumber and Timber Products Industries, and Notice of Opportunity to be Heard being duly published 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order 6859, dated September 27, 1934, and otherwise, does hereby incorporate by reference said annexed report, and does 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 does hereby order that said amendments be and they are 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 amendments to take effect twenty (20) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the said Board issues a subsequent order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

W. P. ELLIS,
Division Administrator.

WASHINGTON, D. C.,
January 31, 1935.

REPORT TO THE PRESIDENT

THE PRESIDENT,

The White House.

SIR: On August 19, 1933, you approved a Code of Fair Competition for the Lumber and Timber Products Industries.

This is a report on the Lumber Code Authority's amendment No. 98, which is being published with a Notice of Opportunity to be Heard.

This amendment proposes changes to correct typographical errors; to develop a uniform system of numbering and lettering; to improve the form of the Code and to make it possible for a new reprint to be published including approved amendments 1 to 24, inclusive, and any further amendments subsequent thereto. The amendment is not of a controversial nature and is to enable the Government Printing Office to furnish a correct reprint of the Code with various errors and inconsistencies removed. The Order approving the amendment does not become effective until twenty days after the date thereof which permits further modification if good cause is shown and a subsequent Order issued to that effect.

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

We find:

(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 including 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 effective date of said amendment.

For these reasons, therefore, we have approved this amendment to this Code.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

JANUARY 31, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE LUMBER AND TIMBER PRODUCTS INDUSTRY

1. Delete the word "Industry" from the title of the Code and substitute therefor the word "Industries", so that the title of the Code wherever it occurs reads as follows:

"Lumber and Timber Products Industries".

2. Renumber all articles, sections and paragraphs of the Code by substituting for the present numeration. Roman numerals, capital letters, Arabic figures and small letters in the stated order, i. e., I, A, 1 and (a), and substitute such renumeration for present references to such articles, sections and paragraphs wherever such references occur.

3. In Schedule "A" substitute for the present numeration of Divisions and Subdivisions the numeration of all Divisions by Arabic numerals, and all Subdivisions by the number of the Division and consecutive capital letters, i. e.:

2. Hardwood Division.

2A. Appalachian and Southern Hardwood Subdivision.

2B. Mahogany Subdivision.

2C. Etc.

Correct the index of Schedule "A" in accordance with such renumeration and substitute such corrected renumeration for references to Divisions and Subdivisions of said Schedule "A" wherever they occur.

4. Rearrange the wage scale set forth in Section D (renumbered) of Article VII to incorporate all wage scales, including those which now appear as footnotes.

5. Insert the words "Division" and "Subdivision" after each reference to a Division and Subdivision in Article VII, Section D (renumbered).

6. Substitute for the words "area", "zone", "group", "district", "section" and "territory", wherever such words are used to indicate sub-classifications of Subdivisions or geographical locations in Article VII, Section D, (renumbered), the word "area".

7. In Article VIII, Section A (renumbered) substitute for the word "purposes" in the second sentence, the word "persons", so that the second sentence as corrected will read as follows:

"Allotments within each Division and Subdivision for the persons therein shall be made", etc.

8. In Article VIII, Section A (renumbered), substitute for the phrase "Section 7 (a)", in the last sentence of that section, the phrase "Section 3 (e)", so that the last sentence of said section as corrected will read as follows:

"In the case of Divisions or Subdivisions, the raw material of which is imported, the quotas and allotments may be in terms of

imports, so far as may be consistent with the provisions of Section 3 (e) of the National Industrial Recovery Act."

9. Insert that portion of Amendment No. 5 which constituted an addition to Article VIII of the Code under Section K (renumbered) and remove that amendatory paragraph from the Interim Article of Article VIII.

10. In Schedule "A", under the caption "2. Hardwood Division", delete the words "Indiana Hardwood Lumbermen's Association" in the sixth and seventh lines of the paragraph entitled "Administrative Agencies", and substitute therefor the words "North Central Hardwood Association."

11. In Schedule "A", under the heading "2-C. Philippine Mahogany Subdivision" (renumbered), insert the word "any" between the words "during" and "calendar", in the last paragraph of Section (c) of the paragraph entitled "Administrative Agency", so that the last clause of that paragraph will read as follows:

"the actual production of such logs during any calendar year shall be considered the 'mill capacity' of such operator."

12. In Schedule "A", under the heading "2-C. Philippine Mahogany Subdivision" (renumbered), substitute for the word "substitute" in the paragraph numbered "(e)" of the paragraph entitled "Administrative Agency" the word "substantial", so that the second clause of that paragraph will read as follows:

"or if in three months after the date of the allotment any such person fails to use a substantial portion of his allotment,"

13. In Schedule "A", under the heading "11. Wooden Package Division" (renumbered), in the paragraph numbered "(b)" of the paragraph entitled "Administrative Agency", delete the words "Veneer Fruit and Vegetable Package Subdivision" and substitute therefor the words "American Veneer Package Subdivision", and add the following:

"H. Wooden Pail and Tub Subdivision".

14. In Schedule "A", under the heading "11-C. Standard Container Subdivision" (renumbered), in the second sentence of the paragraph entitled "Administrative Agency", substitute for the first word "Such" the word "Said".

15. In Schedule "A", under the heading "11-D. Pacific Veneer Package Subdivision" (renumbered), in the paragraph entitled "Administrative Agency", substitute for the first word in the second sentence, "Such", the word "Said".

16. In Schedule "A", under the heading "14. Veneer and Plywood Division" (renumbered), in the paragraph entitled "Subdivisions", renumber the sub-paragraphs by substituting for the capital letters small letters, and renumber the references to the Subdivisions in Sub-paragraph (b) of the paragraph entitled "Subdivisions" by substituting for the small letters, capital letters, so that Sub-paragraph (b) as corrected will read as follows:

"b. The following subdivisions are hereby established and the following Administrative Agency of each subdivision is hereby designated:

A. Plywood Subdivision.

B. Commercial Veneer Subdivision.

C. Face Veneer Subdivision."

17. In Schedule "A", under the heading "16. Specialty Wood Flooring Division" (renumbered), in the paragraph entitled "Administrative Agency", substitute for the phrase "185 North Yale Avenue" the phrase "999 Grandview Avenue".

18. In schedule "A", under the heading "19. Pole and Piling Division" (renumbered), in the paragraph entitled "Administrative Agency", sub-paragraph (a), substitute for the numeration of the subdivisions therein listed, capital letters, so that the subdivisions will be indicated by consecutive capital letters.

19. In "Schedule "A", under the heading "20. Railroad Cross Tie Division" (renumbered), in the paragraph entitled "Administrative Agencies", indicate the Subdivisions referred to in Sub-paragraph (a) by inserting the following designation before the consecutive Subdivisions therein listed: "20-A, 20-B, 20-C", etc.

20. In Schedule "A", under the heading "21. Crossarm Division" (renumbered), in the paragraph entitled "Administrative Agency", Sub-paragraph (a), substitute for the numeration of the Subdivisions listed, consecutive capital letters.

21. In Schedule "B", Section 4, Sub-section (b), substitute for the reference to "Section 3 (b)", the reference to "Section 2 (a)", and for the reference to "Section 4 (b)" the reference to "Section 3 (a)".

22. In Schedule "B", Section 8, substitute for the phrase "through the United States", in the first clause, the phrase "through-out the United States".

Approved Code No. 9—Amendment No. 30.
Registry No. 313-1-06.

AMENDMENT TO CODE OF FAIR COMPETITION
FOR THE
MUSICAL MERCHANDISE MANUFACTURING
INDUSTRY

As Approved on January 31, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE
MUSICAL MERCHANDISE 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 Musical Merchandise 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate, by reference, said annexed report and does 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 does hereby order that said Amendment be and it is hereby approved, and that the previous approval of said Code as amended is hereby modified to include an approval of said Code in its entirety as amended, provided, however, that the phrase "within six months after the effective date of the Code" be deleted, and the phrase "on or before May 1, 1935" be substituted in Section 4 of Article V, line 5, such approval and such Amendment to take effect twenty (20) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

KILBOURNE JOHNSTON,
Acting Division Administrator.

WASHINGTON, D. C.,
January 31, 1935.

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 Musical Merchandise Manufacturing Industry, submitted by the said Industry through its Code Authority.

On September 24, 1934, a public hearing was held in Washington, D. C. Every person who requested an appearance was properly heard in accordance with statutory and regulatory requirements. The Amendment was revised during the recess and submitted in its present form for approval.

The Amendment incorporates certain standard clauses, including the mandatory assessment provisions, together with certain necessary fair trade provisions.

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

It is found 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 utilization of the present productive capacity of the 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, this Amendment has been approved.
For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

JANUARY 31, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE MUSICAL MERCHANDISE MANUFACTURING INDUSTRY

1. Delete period at the end of Section 2, Article II and substitute comma and add the following:

“and/or the original sale thereof by a member of the Industry.”

2. Substitute as Section 3 of Article II.

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.

3. Change Sections 3, 4, 5, and 6 to Sections 4, 5, 6, and 7.

4. Substitute for Section 6, Article III, the following:

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, exceeds the maximum permitted herein.

5. Substitute for Section 4, Article IV, the following:

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 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.

6. Substitute for Section 4 of Article V, the following:

SECTION 4. *Standards for Safety and Health.*—Each employer shall provide for the safety and health of employees during the hours and at the places of employment. Standards for safety and health shall be submitted by the Code Authority to the National Industrial Recovery Board within six months after the effective date of the Code.

7. Substitute for Section 7 of Article V, the following:

SECTION 7. *Posting.*—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 National Industrial Recovery Board.

8. Add to Article V a new Section 8 to read as follows:

SECTION 8. No employee shall be discharged, demoted or otherwise discriminated against by reason of making a complaint or giving evidence with respect to an alleged violation of this Code.

9. Renumber Section 7, Article VI to Section 9, Article VI.

10. Insert as new Section 7, Article VI the following:

SECTION 7. If the National Industrial Recovery Board 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 National Industrial Recovery Board 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 National Industrial Recovery Board approves or unless it shall fail to disapprove after thirty (30) days notice to it of intention to proceed with such action in its original or modified form.

11. Insert as Section 8 to follow the new Section 7 of Article VI the following:

The Code Authority may incorporate under the laws of any State of the United States or of the District of Columbia, or may assume or adopt such existing corporate form under any of such laws as it may deem appropriate for the proper performance, as and from the effective date, of its activities, powers and duties hereunder, such corporation or corporate form to be not for profit and to be known as the Musical Merchandise Manufacturing Industry Code Authority, Inc.; provided that the powers, duties, objects and purposes of the said corporation shall, to the satisfaction of the National Industrial Recovery Board, be limited to the powers, duties, objects and purposes of the Musical Merchandise Manufacturing Industry Code Authority as provided in this Code; provided further, that the existence of the said corporation shall be during the term of the Code; and provided further, that the certificate of incorporation and by-laws shall be subject to the disapproval of the National Industrial Recovery Board.

12. Substitute for subsection (h) of the present Section 7 of Article VI, the following:

(1) It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition establish 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 National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it 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 National Industrial Recovery Board, 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 National Industrial Recovery Board. 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 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 National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

13. Strike out present Subsection (i) of the former Section 7 of Article VI and re-letter Subsection (j) to (i) and add thereto the following sentence:

Such amendment, if approved by the National Industrial Recovery Board, shall become effective as a part of this Code and be binding upon every member of the Industry.

14. To Article VII, add the following section:

SECTION 12. *Terms of Sale.*—(a) The maximum credit terms applying to all sales by a member of the Industry to domestic jobbing or wholesale distributors or to manufacturers shall be

(1) All invoices shall be due and payable net, not later than thirty (30) days from the end of the month of sale, and no more favorable allowance than 2% for cash shall be allowed for prompt payment, provided that such payment shall be presented or mailed on or before the tenth (10th) of the month following sale.

(b) The following uniform terms shall apply to allowances and the acceptance of returns of merchandise from domestic jobbing or wholesale distributors or manufacturers:

(1) No merchandise shall be accepted for credit, except in the case of factory defects or errors, delays in shipments, or non-conformance with orders. No claims for factory defective merchandise shall be adjusted by the allowance of any discount or rebate.

(2) No merchandise which has been damaged in transit shall be accepted for credit, nor shall credit deductions be permitted because of such damage.

Approved Code No. 84F—Amendment No. 2

AMENDMENT TO SUPPLEMENTARY CODE OF FAIR COMPETITION

FOR THE

SHOE SHANK MANUFACTURING INDUSTRY

As Approved on January 31, 1935

ORDER

APPROVING AMENDMENT OF SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE SHOE SHANK 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, for approval of an Amendment to the Supplementary Code of Fair Competition for the Shoe Shank Manufacturing 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, does hereby incorporate by reference said annexed report and does find that said Amendment and the Supplementary 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 does hereby order that said Amendment be and it is hereby approved, and that the previous approval of said Supplementary Code is hereby amended to include an approval of said Supplementary Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,

By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

KILBOURNE JOHNSTON,

Acting Division Administrator.

WASHINGTON, D. C.,

January 31, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,

The White House.

SIR: This is a report on an Amendment to the Supplementary Code of Fair Competition for the Shoe Shank Manufacturing Industry, a Division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, to incorporate the principles contained in Office Memorandum No. 228, dated June 7, 1934, relating to pricing practices and costing and accounting provisions. This Amendment was proposed in accordance with Article VII of the Supplementary Code as approved on February 21, 1934, and a Notice of Opportunity to be Heard was given on August 8, 1934.

FINDINGS

The Assistant Deputy Administrator in his final report to the National Industrial Recovery Board on said Amendment to said Supplementary Code having found as herein set forth and on the basis of all the proceedings in this matter:

It is found that:

(a) The Amendment to said Supplementary Code and the Supplementary 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 Supplementary 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 Supplementary Code empowers the Supplementary Code Authority to present the aforesaid Amendment on behalf of the Industry as a whole.

(d) The Supplementary Code and the Supplementary Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The Amendment and the Supplementary 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 the approval of said Amendment.

For these reasons, therefore, this Amendment has been approved.
For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

JANUARY 31, 1935.

AMENDMENT TO SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE SHOE SHANK MANUFACTURING INDUSTRY

A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND METAL FINISHING AND METAL COATING INDUSTRY

Amend: Article V, by changing the Title to read:

Open Price Filing, Methods of Cost Finding and Accounting and Unfair Trade Practices.

Amend: Article V, by renumbering the old Section 1 as Section 4; delete the present Subsections (a), (b) and (c) thereof and reletter Subsections (d) to (j) inclusive in new Section 4 to (a) to (g) inclusive.

Insert new Sections 1, 2 and 3, as follows:

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 National Industrial Recovery Board, identified lists of all of his prices, discounts, rebates, allowances, and all other terms or conditions of sale, hereinafter in this Section 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 Supplementary Code Authority. Said price terms shall in the first instance be filed within thirty 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 Supplementary Code Authority in the preparation and distribution thereof, and shall 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 thirty day period after the approval of this Section. 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 National Industrial Recovery Board. Upon request the Supplementary Code

Authority shall furnish to the National Industrial Recovery Board or any duly designated agent of the National Industrial Recovery Board copies of any such lists or revisions of price terms.

When any member of the Industry has filed any revision, such member shall not file a higher price within forty-eight (48) hours.

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 Section, except in accordance with such price terms, provided, however, that nothing in Article V of this Supplementary Code shall apply to sales between members of the Industry: provided, further, that no sales shall be made from one member to another at a discount from filed prices of more than ten (10) percent.

Dropped lines, seconds or surplus stocks may be disposed of by any member of the Industry at any price and on any terms and conditions, but only if such member of the Industry prior to such disposal has filed with the Supplementary Code Authority his statement in writing, setting forth the fact of, reasons for and terms of such proposed disposal.

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 Section to create.

SECTION 2. (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 NRA, which shall render a report and recommendation thereon to the National Industrial Recovery Board.

(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.

When an emergency exists as to any given product, sale below the stated minimum price of such product, in violation of the emergency provisions in the two following paragraphs, is forbidden.

(c) *Emergency Provisions.*—If the National Industrial Recovery Board, 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 National Industrial Recovery Board a determination of the stated minimum price of the product affected by the emergency, and thereupon the National Industrial Recovery Board may proceed to determine such stated minimum price.

When the National Industrial Recovery Board 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, it 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 sales shall be deemed destructive price cutting. From time to time, the Supplementary Code Authority may recommend review or reconsideration or the National Industrial Recovery Board may cause any determinations hereunder to be reviewed or reconsidered and appropriate action taken.

SECTION 3. 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 National Industrial Recovery Board for review. If approved by the National Industrial Recovery Board, 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.

Approved Code No. 84F—Amendment No. 2.
Registry No. 929-1-01.

Approved Code No. 48—Amendment No. 4

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

SILK TEXTILE INDUSTRY

As Approved on January 31, 1935

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 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order 6859, dated September 27, 1934, and otherwise, does hereby incorporate by reference, said annexed report and does 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 does 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.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

PRENTISS L. COONLEY,
Division Administrator.

WASHINGTON, D. C.,
January 31, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: On October 16, 1934, you approved an Executive Order creating the Silk Textile Work Assignments Board and establishing rules and regulations for the handling of work assignments in the Industry until February 1, 1934. It was originally contemplated that by that date, the Work Assignments Board would have submitted a permanent plan for the regulation of work assignments which would have been incorporated in the Code as an amendment.

Several factors prevented this. On December 27, 1934, you approved Executive Order 6930 giving the Work Assignments Board until "a reasonable time after January 1, 1935" to submit its recommendations.

The attached Amendment extends the so-called "freezing period", during which time work assignments are not to be increased, until thirty days after the Work Assignments Board has submitted its recommendations for a permanent plan.

FINDINGS

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

It finds 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 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 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.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

JANUARY 31, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE SILK TEXTILE INDUSTRY

Amend Article XIII, Section (2), by deleting the words "February 1, 1935" and substituting therefor the following:

"one month after the report to the President as to a permanent plan for regulation of work assignments in the industry as provided in Section (5) hereof,".

Amend Article XIII, Section (3), by deleting the words "February 1, 1935" and substituting therefor the following:

"one month after the report to the President as to a permanent plan for regulation of work assignments in the industry as provided in Section (5) hereof,".

Sections (2) and (3) as amended are as follows:

"(2) In order to provide opportunity to develop a sound method and adequate organization for the regulation of work assignments, no employer prior to one month after the report to the President as to a permanent plan for regulation of work assignments in the industry as provided in Section (5) hereof, shall make any change in work assignment of any class of employees which shall increase the effort required over that prevailing on September 21, 1934.

"During this period the number of looms, frames or other machines required to be tended by any class of employees shall not be increased where the character of the raw material, yarn, construction of cloth, preparatory processes, type of equipment used, or character of finish or put-up, is not changed. Where such changes do occur the number of machines tended by such employees may be increased or decreased in such manner as will not increase the amount of effort required of the worker.

"Where, during the period above referred to, a mill resumes the manufacture of any specific product which it has made within six months prior to September 21, 1934, and where the conditions of manufacture enumerated in the preceding paragraph are not changed, then the work load formerly used on such product shall be the guide in determining the proper work assignment.

"Where, on September 21, 1934, a new style of yarn or cloth or any other new type of product was in course of introduction or is thereafter during the period above referred to introduced into a mill or finishing plant, a tentative work load may be established during the period of determining a proper work load in accordance with the foregoing principles.

"(3) Prior to one month after the report to the President as to a permanent plan for regulation of work assignments in the industry as provided in Section (5) hereof, on petition of the Code Authority or of any employee or employer affected, or his representative, or on

its own motion, the Silk Textile Work Assignment Board may investigate any work assignment which has been increased since July 1, 1933, at any mill and the mill shall show the reasons for such increase. If the Board finds after fair hearing such assignment requires excessive effort it may require its reduction accordingly."

Approved Code No. 48—Amendment No. 4.
Registry No. 263-01.



Approved Code No. 424—Amendment No. 2

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

SPICE GRINDING INDUSTRY

As Approved on January 31, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE SPICE GRINDING 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 Spice Grinding 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does 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 does 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, however, that:

Members of the industry may use stocks of containers now on hand, but in no event shall such use continue after sixty days from the date of this order.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

ARMIN W. RILEY,
Division Administrator.

WASHINGTON, D. C.,
January 31, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on an amendment to Section 1 of Article VII by the addition of subsection (j) to the approved Code of Fair Competition for the Spice Grinding Industry No. 424. This Code was approved on May 11, 1934.

The Code Authority for the Spice Grinding Industry, in accordance with Section 2 of Article XI of said Code, having found it necessary in order to maintain standards of fair competition, has made application for amendment of said Code to define a deceptive container. This is deemed advisable inasmuch as the provisions of Article VII, Section 1, subsection (a) which prohibit the use of deceptive containers do not actually explain what is meant by a deceptive container. This amendment has been copied verbatim from the Federal Trade Commission's ruling of August 31, 1931. This ruling was based on an exhaustive study made by the Spice Grinding Industry in conjunction with the Federal Trade Commission.

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

The National Industrial Recovery Board finds 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 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 the Code as amended has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

JANUARY 31, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE SPICE GRINDING INDUSTRY

The Code of Fair Competition for the Spice Grinding Industry shall be amended by inserting the following in Article VII as subsection (j) of Section 1.

(j) The following ounces of ground spice must not be packed in a container of greater capacity than specified.

1 ounce-----	80	cubic	centimeters.
1¼ ounces-----	100	"	"
1½ "-----	120	"	"
2 ounces-----	145	"	"
3 "-----	200	"	"
4 "-----	250	"	"
8 "-----	500	"	"
16 "-----	950	"	"

The ground spices specifically covered by these rules shall be: Peppers of all kinds including Paprika, Ginger, Cinnamon, Cloves, Allspice (Pimento), Nutmeg, Mace, Turmeric, Mustard, or a mixture of any two or more of them, but excluding Herbs.

Approved Code No. 424—Amendment No. 2.
Registry No. 142-01.

Approved Code No. 84D1—Amendment No. 1

**AMENDMENT TO SUPPLEMENTARY CODE OF FAIR
COMPETITION**

FOR THE

**MILK AND ICE CREAM CAN MANUFACTURING
INDUSTRY**

As Approved on February 1, 1935

ORDER

APPROVING AMENDMENT OF SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE MILK AND ICE CREAM CAN 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, for the approval of an Amendment to the Supplementary Code of Fair Competition for the Milk and Ice Cream Can Manufacturing Industry, and opportunity to be heard thereon having been duly noticed 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, does hereby incorporate by reference, said annexed report and does find that said Amendment and the Supplementary Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policies and purposes of said Title of said Act, and does hereby order that said Amendment be and it is hereby approved, and that the previous approval of said Supplementary Code is hereby amended to include an approval of said Supplementary Code in its entirety as amended, such approval and such Amendment to take effect twenty (20) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent order to that effect; provided, how-

ever, that the provisions of Article V, Paragraph A, insofar as they provide that any existing price list shall remain in effect for a period of five (5) days following the filing of a revised price list, be and they are hereby stayed pending further Order.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

KILBOURNE JOHNSTON,
Acting Division Administrator.

WASHINGTON, D. C.,
February 1, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on an Amendment to the Supplementary Code of Fair Competition for the Milk and Ice Cream Can Manufacturing Industry, a Division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, relating to additional trade practice provisions. The Amendment was proposed in accordance with the provisions of Article VI of the Supplementary Code, as approved on May 17, 1934, and an Opportunity to be Heard was granted for the period of January 3rd to January 23rd, 1935.

FINDINGS

The Assistant Deputy Administrator in his final report to the National Industrial Recovery Board on said Amendment to said Supplementary Code having found as herein set forth and on the basis of all the proceedings in this matter:

It is found that:

(a) The Amendment to said Supplementary Code and the Supplementary 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 Supplementary 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 Supplementary Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The Amendment and the Supplementary 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 the approval of said Amendment.

For these reasons, therefore, the said Amendment has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 1, 1935.

AMENDMENT TO SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE MILK AND ICE CREAM CAN MANUFACTURING INDUSTRY

A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND
METAL FINISHING AND METAL COATING INDUSTRY

Rule M of Article V of the Supplementary Code is hereby changed to Rule N, and the following Rule M is substituted therefor:

RULE M. Shipments of the products of the Industry made during the months of December, January and February, may be given March 1st dating; if desired, allowance may be made for anticipated payment at a rate not exceeding one-half ($\frac{1}{2}$) of 1% per month.

Rule M of Article V of the Supplementary Code is hereby changed to Rule N and amended to read as follows:

RULE N. The giving of any guaranty against decline in price, except as against the seller's own decline up to date of shipment, or to date of invoice on dated items, is an unfair trade practice.

Approved Code No. 84D1—Amendment No. 1.
Registry No. 1136-05.

Approved Code No. 241—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

CHEWING GUM MANUFACTURING INDUSTRY

As Approved on February 2, 1935

ORDER

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE
CHEWING GUM 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 Chewing Gum Manufacturing Industry, and opportunity to be heard having been afforded all members of such industry, and no objections, criticisms or suggestions having been submitted or filed by anyone, 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does 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 does 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 National Industrial Recovery Board before that time and the said Board issues a subsequent order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

ARMIN W. RILEY,
Division Administrator.

WASHINGTON, D. C.,
February 2, 1935.

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 Chewing Gum Manufacturing Industry as approved after public hearing conducted in Washington, D. C., on January 30, 1934.

The amendment as proposed and desired by the industry is in accordance with the provisions of the Model Code relating to "Employment by Several Employers," and has the unanimous approval of the various advisory boards.

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

The National Industrial Recovery Board finds 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 eliminating 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 the amendment has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 2, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE CHEWING GUM MANUFACTURING INDUSTRY

The present Section 6 of Article III, shall be deleted and the following shall be substituted in its place and stead and shall read as follows:

DUPLICATE EMPLOYMENT AMENDMENT

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

Approved Code No. 241—Amendment No. 1.

Registry No. 109-1-01.

Approved Code No. 230—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

PAPER BAG MANUFACTURING INDUSTRY

As Approved on February 2, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE PAPER BAG 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 the Code of Fair Competition for the Paper Bag Manufacturing Industry, and a hearing 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933 and Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does 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 does 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 National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent Order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

JOSEPH F. BATTLE, *Division Administrator*.

WASHINGTON, D. C.,
February 2, 1935.

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 Paper Bag Manufacturing Industry which was approved by you on January 26, 1934.

The purpose of this amendment is to provide for the approval of a budget for the basic Code Authority and the several divisional Executive Authorities, and to make contribution to Code administration expense compulsory upon the members of the Industry.

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

The Board finds that:

(a) The amendment of 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 propose the 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.
For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 2, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE PAPER BAG MANUFACTURING INDUSTRY

The Code of Fair Competition for the Paper Bag Manufacturing Industry is hereby amended as follows:

By deleting Article II, Section 5 thereof and substituting therefor the following:

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 and the Executive Authorities of the Subordinate Codes of the several divisions of the Industry are hereby 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 this Code and the Subordinate Codes for said several divisions.

(b) To submit to the National Industrial Recovery Board (hereinafter referred to as "the Board") for approval, subject to such notice and opportunity to be heard as the Board may deem necessary (1) an itemized budget for the Code Authority and for the several Executive Authorities of the estimated expenses of the Code Authority and said Executive Authorities for the foregoing purposes and (2) an equitable basis upon which the funds necessary to support such industrial and divisional budgets shall be contributed by members of the Industry and of the said several divisions.

(c) After such budgets and bases of contribution shall have been approved by the Board, to determine and obtain equitable contribution as above set forth by all members of the Industry and of the members of the said respective divisions and to that end, if necessary, to institute legal proceedings therefor in the name of the Code Authority or the Executive Authority of the division concerned as the case may be.

(d) Each member of the Industry and each member of each division thereof shall pay his or its equitable contribution to the expenses of maintenance of the Code Authority and of the Executive Authority of each division of the Industry of which he or it may be a member, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Board. Only members of the Industry complying with the General and Subordinate Codes and contributing to the expenses of their 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 any Executive Authority or to receive the benefits of any of the voluntary activities of such Authorities or to make use of any emblem or insignia of the National Recovery Administration.

(e) Neither the Code Authority nor any Executive Authority of any division of the Industry shall either incur or 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 Board, and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Board shall have so approved.

Approved Code No. 230—Amendment No. 1.
Registry No. 401-1-01.

Approved Code No. 441—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

BIAS TAPE INDUSTRY

As Approved on February 4, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE BIAS TAPE 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 Bias Tape Industry, and a hearing being 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does find that said amendments and the Code as constituted after being amended complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendments be and they are 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.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

PRENTISS L. COONLEY,
Division Administrator.

WASHINGTON, D. C.,
February 4, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the amendments to the Code of Fair Competition for the Bias Tape Industry. A notice of the hearing on these amendments was published on October 31, 1934; and a hearing was held on November 20, 1934. The amendments, which are attached, were presented by duly qualified and authorized representatives of the Industry, complying with statutory requirements, and being the duly constituted Code Authority under the provisions of the said Code for the said Industry.

These amendments provide for additional unfair trade practices with regard to quality designations, mutuality of contracts, advertising allowances, imitation of trade marks and other unfair trade practices.

The Deputy Administrator in his final report to the National Industrial Recovery Board on said amendments to said Code having found as herein set forth, and on the basis of all the proceedings in this matter;

The National Industrial Recovery Board finds 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 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 Authority is empowered 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.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 4, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE BIAS TAPE INDUSTRY

Article VIII, Section 11 is amended by the addition of:

No additional 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.

Article VIII is amended by the addition of the following new sections:

13. *Marking Bias Tape*.—No member of the industry shall sell or offer for sale any bias tape for household use, put up on cards, rolls, or other packages or boxes, except in accordance with the following provisions:

(a) The cards, rolls, or other packages or boxes shall have affixed thereto in a visible and conspicuous place a label or stamp specifying the following:

(1) Length and yards contained thereon in said cards, rolls, packages or boxes.

(2) The quality or finish of the material in conformity with the following table of designation:

Lawn

72x68, or Lower, Lawn

76x72 Fine Lawn

80x80 and Upward, Extra Fine Lawn

Percale

64x60 or Lower, Percale

68x72, and Upward, Fine Percale

Nainsook

76x72 or Lower, Nainsook Finish

80x80 Nainsook

88x80 Fine Nainsook

96x92, and Upward, Extra Fine Nainsook

(3) The folded width of the material in conformity with the following width specifications:

a. Single fold:

No.	1	2	3	4	5	6	7	8	9	10	11
	$\frac{1}{4/16}$	$\frac{2}{5/16}$	$\frac{3}{6/16}$	$\frac{4}{7/16}$	$\frac{5}{8/16}$	$\frac{6}{9/16}$	$\frac{7}{10/16}$	$\frac{8}{11/16}$	$\frac{9}{12/16}$	$\frac{10}{13/16}$	$\frac{11}{14/16}$
	12	13									
	$\frac{12}{15/16}$	$\frac{13}{16/16}$	or 1"								

b. Additional sizes must be marked or numbered on the basis of $\frac{1}{16}$ " for each size number.

c. All single fold bias tape should be folded with a center opening not exceeding $\frac{1}{16}$ " with the exception of bias tape made from material weighing 1 lb. per 5.35 yards or heavier.

d. For double fold bias tape the finished width shall be not less than $\frac{1}{2}$ of the width for single fold as set forth in the foregoing table. All double fold bias tape shall be folded with a center opening not exceeding $\frac{1}{16}$ ".

(b) The actual length of bias tape contained on the cards, rolls, or other packages or boxes, shall not deviate from the length indicated by the label or stamp affixed in accordance with Section 13, Sub-section (a), (1) in excess of 2 percent.

14. *Mercerization*.—No member of the industry shall use the term "Mercerized" on any label or stamp affixed to any bias tape unless such material has been put through the process of mercerization.

15. *Color Fastness*.—Statements to indicate "fast color" may be applied only when the material after dyeing has passed a washing test in accordance with the requirements for such tests as are or shall be approved by the American Society For Testing Materials. The Code Authority shall submit to the Administration within sixty days from the date hereof a certificate showing that the standards to be used by the industry under this provision have received a certificate of approval from the American Society For Testing Materials. Said approved standards shall be forwarded by the Code Authority to every member of the industry.

16. *Mutuality of Contracts*.—Members of the industry shall set forth in all contracts the following:

(a) All contracts not for immediate delivery shall be in writing, shall specify definite quantities, shall stipulate that the delivery specifications shall be distributed fairly and equitably throughout the period of said contract, and said contract shall be duly executed by parties thereto.

(b) Nothing contained herein 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.

17. *Samples*.—No member of the industry shall give samples as an integral part of a sale or as a means of making a specific sale.

18. *Advertising Allowances*.—No member of the industry shall arrange for advertising allowances except in agreements entirely separate and distinct from sales agreements.

No member of the industry shall make agreements for payment of advertising unless such agreements shall definitely specify exactly how much shall be paid and the method of payment by the giver of the allowance, exactly what services shall be rendered by the recipient of the allowance, and the method of auditing the performance which the allowance giver shall employ. Such agreements shall provide for submission of proof that such allowances are expended for the purpose set forth in the agreement.

19. *Substitution of Merchandise*.—No member of the industry shall ship or deliver products which do not conform with the samples submitted, or with representations made prior to securing an order and with the effect of deceiving or misleading the purchaser.

No member of the industry shall sell an inferior product at a price appropriate for such product with the understanding that a product of superior quality selling at a higher price will be delivered. However, 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.

20. *Imitation of Trade Marks, Etc.*—No member of the Industry shall imitate or simulate another's "put-up", trade mark, trade names, slogans, and other marks of identification, including labels and the dress of the goods, which is intended to or does deceive or mislead the purchaser, or result in the commercial disadvantage to the owner of an already established "put-up", trade mark, trade names, slogans, and other marks of identification, including labels and the dress of the goods.

21. *False disparagement of Competitors.*—No member of the industry shall defame a competitor by falsely imputing 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.

22. *Use of Competitors 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.

23. *Aiding or Abetting Another in the Use of Unfair Trade Practices.*—No member of the industry shall wilfully aid or abet another in any unfair trade practices.

Approved Code No. 441—Amendment No. 1.

Registry No. 251-09.

Approved Code No. 230—Amendment No. 2

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

PAPER BAG MANUFACTURING INDUSTRY

As Approved on February 5, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE
PAPER BAG MANUFACTURING INDUSTRY

AMENDMENT TO SECTIONS 1 AND 4 OF ARTICLE V

WHEREAS, Section 1 of Article VI of the above named Code provides as follows:

“There shall be a rehearing by the Administrator on all of the provisions of Articles IV and V of this Code. Such hearing shall be held at the same time and place, and on the same notice as the hearing for the purpose of determining the adequacy of the minimum wages established in the Code of Fair Competition for the Paper and Pulp Industry, directed to be held by the Executive Order approving said Code, dated November 17, 1933. In the event that any of the provisions of the said Paper and Pulp Code relating to wages and hours of labor shall be amended in accordance with recommendations made by the Administrator and approved by the President as provided in such Executive Order, then and in that event such amended provisions shall apply also to this Industry and this Code shall be deemed to have been amended so as to conform thereto and the Administrator may direct that this Code be reprinted and republished, as so amended”; and

WHEREAS, a public hearing has been held and a report and recommendation has been made and submitted to the President as provided in said Executive Order and said Code for the Paper Bag Manufacturing Industry in full compliance with the provisions of Title I of the National Industrial Act, approved June 16, 1933; and

WHEREAS, the President has this day approved an Order amending the provisions of Article V of the Code of Fair Competition for the Paper and Pulp Industry; and

WHEREAS, the annexed report on said amendment to the Code of Fair Competition for the Paper Bag Manufacturing Industry

containing findings with respect thereto has been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, Section 1 of Article VI of said Code of Fair Competition for the Paper Bag Manufacturing Industry and otherwise, does hereby incorporate by reference said annexed report and does 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 does 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.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

JOSEPH F. BATTLEY,
Division Administrator.

WASHINGTON, D. C.,
February 5, 1935.

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 Paper Bag Manufacturing Industry. Your Order dated November 17, 1933, approving the Code of Fair Competition for the Paper and Pulp Industry, provided, in part, that within ninety days after the effective date of the Code for the Paper and Pulp Industry a further hearing shall be held for the purpose of determining the adequacy of the minimum wages established in said Code, after which a report and recommendation should be submitted to you for your further order which should have the effect of a condition to your approval of said Code.

Because of the relationship between the Paper and Pulp Industry and the Paper Bag Manufacturing Industry, the wage provisions in the two Codes were identical. However, in view of the provision in your order approving the Code for the Paper and Pulp Industry a provision was included in the Paper Bag Manufacturing Industry Code requiring that a similar hearing be held on that Code and that in the event any of the provisions of the Paper and Pulp Code relating to wages and hours of labor should be amended, then and in that event, such amended provisions should apply also to the Code for the Paper Bag Manufacturing Industry.

Public hearings were held in Washington, D. C., on February 13, 1934. Thereafter a report and recommendation was submitted to you and you have this day approved an amendment to the provisions of the Code of Fair Competition for the Paper and Pulp Industry relating to wages.

The effect of the amendment will be to increase by two cents per hour the minimum wage of all laborers, mechanical workers and artisans, except female employees in the Southern Zone; to delete the present provision fixing minima for all other employees at \$12.00, \$14.00, \$14.50, and \$15.00, depending upon the population of the city in which plants may be located, and in lieu thereof to provide minima of \$14.00, \$15.00, and \$16.00 for such employees in the Southern, Central and Northern Zones, respectively; and to delete a provision permitting sub-minimum wages, based upon the rate paid on July 15, 1929, as low as 90% of the minimum.

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

The Board finds 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 obstruc-

tions 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 Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Code provides that such amendment shall become effective upon approval of an identical amendment to the Code of Fair Competition for the Paper and Pulp Industry.

(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, the said Amendment has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 5, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE PAPER BAG MANUFACTURING INDUSTRY

Article V, Section 1 is hereby deleted in its entirety and in lieu thereof the following is inserted:

1. The minimum rate of wage of any laborer, mechanical worker, or artisan employed in any plant, mill, or factory, or on work connected with the operation of any such plant, mill or factory shall be as follows:

(a) In the Northern Zone, which shall consist of all the territory of the United States except the states described in Sub-sections (b) and (c) hereof: Male: 40 cents per hour; Female: 35 cents per hour.

(b) In the Central Zone, which shall consist of the States of Delaware, Maryland, Virginia, West Virginia, Kentucky, Tennessee, North Carolina and the District of Columbia: Male: 37 cents per hour; Female: 32 cents per hour.

(c) In the Southern Zone, which shall consist of the States of South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas and Texas: Male: 32 cents per hour; Female: 30 cents per hour.

Article V, Section 4 is hereby deleted and in lieu thereof the following is inserted:

4. The minimum rates of wages for all other employees, except commission salesmen, shall be as follows:

(a) In the Northern Zone as defined in Section 1 hereof, \$16.00 per week.

(b) In the Central Zone as defined in Section 1 hereof, \$15.00 per week.

(c) In the Southern Zone as defined in Section 1 hereof, \$14.00 per week.

Approved Code No. 230—Amendment No. 2.
Registry No. 401-1-01.

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

PAPER AND PULP INDUSTRY

As Approved on February 5, 1935

BY

PRESIDENT ROOSEVELT

EXECUTIVE ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE
PAPER AND PULP INDUSTRY

AMENDMENT TO ARTICLE V

Pursuant to authority vested in me by Title I of the National Industrial Recovery Act, upon due consideration of the facts, and upon the report and recommendation and findings of the National Industrial Recovery Board with respect to the adequacy of the minimum wages established in the Code of Fair Competition for the Paper and Pulp Industry as approved by me on November 17, 1933,

I, Franklin D. Roosevelt, President of the United States, do hereby adopt and approve the said report, recommendation and findings of the National Industrial Recovery Board, and

DO HEREBY ORDER that the Code of Fair Competition for the Paper and Pulp Industry be and the same is hereby amended to the extent set forth in Schedule A attached hereto and hereby made a part hereof, and,

DO HEREBY 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.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,

February 5, 1935.

Approval recommended:

NATIONAL INDUSTRIAL RECOVERY BOARD,

By W. A. HARRIMAN,

Administrative Officer.

LETTER OF TRANSMITTAL

The PRESIDENT,
The White House.

SIR: This is a report on an amendment to the Code of Fair Competition for the Paper and Pulp Industry. Your Order dated November 17, 1933, approving said Code, provided in part that within 90 days after the effective date of said Code, a public hearing should be held for the purpose of determining the adequacy of the minimum wages established in said Code, after which a report and recommendation should be submitted to you for further order.

Pursuant to such provision public hearings were held in Washington, D. C. on February 13, 1934. Thereafter, the Industry, through the Paper Industry Authority, assented to the proposed amendment. The Deputy Administrator has submitted a report and recommendations, which are attached hereto and included herein by reference.

The proposed amendment will increase by two (2) cents per hour the minimum wage of all laborers, mechanical workers and artisans, except female employees in the Southern zone; delete the present provisions respecting minimum wages of other employees, ranging from \$12.00 to \$14.50 per week according to population of the cities in which plants are located and substitute minima of \$14.00, \$15.00 and \$16.00 per week for such employees in the Southern, Central and Northern Zones, respectively; and delete a provision permitting sub-minimum wages equal to the rates paid on July 15, 1929 but not less than 90% of the minimum rates.

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

The Board finds 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 limita-

tion Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Code empowers the Paper Industry Authority to present and assent to the 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, the Board recommends approval of this Amendment to said Code.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 4, 1935.

SCHEDULE A

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE PAPER AND PULP INDUSTRY

Article V, Section 1, of said Code is hereby deleted in its entirety and in lieu thereof the following is inserted:

1. The minimum rate of wage of any worker referred to in Sub-sections (a), (b), (c), and (d), of Section 1 of Article IV shall be as follows:

(a) In the Northern Zone, which shall consist of all the territory of the United States except the states described in Sub-sections (b) and (c) hereof:

Male: 40 cents per hour; Female: 35 cents per hour

(b) In the Central Zone, which shall consist of the States of Delaware, Maryland, Virginia, West Virginia, Kentucky, Tennessee, North Carolina and the District of Columbia:

Male: 37 cents per hour; Female: 32 cents per hour

(c) In the Southern Zone, which shall consist of the States of South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas and Texas:

Male: 32 cents per hour; Female: 30 cents per hour

Article V, Section 5 of said Code is hereby deleted and in lieu thereof the following is inserted:

5. The minimum rate of wage for all employees described in Sub-section (f) of Section 1 of Article IV shall be as follows:

(a) In the Northern Zone as defined in Section 1 hereof, \$16.00 per week

(b) In the Central Zone as defined in Section 1 hereof, \$15.00 per week

(c) In the Southern Zone as defined in Section 1 hereof, \$14.00 per week

Approved Code No. 120—Amendment No. 3.
Registry No. 405-1-04.

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

**CURLED HAIR MANUFACTURING INDUSTRY AND
HORSE HAIR DRESSING INDUSTRY**

As Approved on February 6, 1935

ORDER

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE
CURLED HAIR MANUFACTURING INDUSTRY AND HORSE HAIR
DRESSING 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 Curled Hair Manufacturing Industry and Horse Hair Dressing Industry, and an opportunity to be heard thereon having been given 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does find that said amendments and the Code as constituted after being amended complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendments be and they are 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 amendments to take effect ten (10) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent Order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD.

By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

PRENTISS L. COONLEY,

Division Administrator.

WASHINGTON, D. C.,

February 6, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,

The White House.

SIR: This is a report on amendments to the Code of Fair Competition for the Curled Hair Manufacturing Industry and Horse Hair Dressing Industry. Notice of Opportunity to be Heard on these amendments was published on December 21, 1934; no objections were received within the given twenty (20) day period ending January 10, 1935. The amendments, which are attached, were presented by duly qualified and authorized representatives of the Industry, complying with statutory requirements, and being the duly constituted Code Authority for the Curled Hair Manufacturing Industry under the provisions of said Code for said Industries.

These amendments provide for: deletion from the Code as it is now written of all reference to the Horse Hair Dressing Industry (this Industry is operating under an approved Basic Code of Fair Competition; deletion from the Code as it is now written of all reference to "Administrator" and amending the Code to include a definition of "National Industrial Recovery Board"; and deletion from the Code as it is now written of Article VIII "Merchandising" and substituting therefore "Open Price Filing" as set forth in Office Manual, Part II, Section 3031.152.

The Deputy Administrator in his final report to the National Industrial Recovery Board on the said amendments to the said Code having found as herein set forth, and on the basis of all the proceedings in this matter;

The National Industrial Recovery Board finds that:

(a) The amendments to the 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 industry, 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 Authority is empowered 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 the effective date of said amendments.

For these reasons these amendments have been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 6, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE CURLED HAIR MANUFACTURING INDUSTRY AND HORSE HAIR DRESSING INDUSTRY

Delete all reference to the Horse Hair Dressing Industry wherever any words referring to such Industry may occur.

ARTICLE II—DEFINITIONS

Delete Section 3 of Article II—Definition of Horse Hair Dressing Industry—and renumber Sections 4, 5, 6, and 7 to read Sections 3, 4, 5, and 6, respectively.

Delete all reference to "Administrator" and substitute therefore "N. I. R. B.", making the necessary changes in verbs and pronouns after the term "N. I. R. B.", and amend Section 7 to read as follows:

6. The terms "Act" and "N. I. R. B." as used herein mean, respectively, Title I of the National Industrial Recovery Act and the National Industrial Recovery Board.

ARTICLE VI—ADMINISTRATION

Delete all reference to a Code Authority for the Horse Hair Dressing Industry—Section 1 of Article VI—so that Section 1 of Article VI will read as follows:

1. A Code Authority is hereby established to cooperate with the N. I. R. B. in the administration of this Code and shall consist of three (3) members who shall be chosen by the Curled Hair Manufacturing Industry through a fair method of selection approved by the N. I. R. B. The N. I. R. B. in its discretion may appoint not more than three (3) additional members without vote and without compensation from the Industry to serve for such period of time and to represent the N. I. R. B. or such group or groups as it may designate.

Delete Article VIII—Merchandising—and substitute therefore the following:

ARTICLE VIII—OPEN PRICE FILING

1. Each member of the Curled Hair Manufacturing Industry shall file with a confidential and disinterested agent of the Code Authority or, if none, then with such an agent designated by the N. I. R. B., 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 nonstandard products of said member as shall be designated by the Code Authority. Said price terms shall in the first instance be filed within (15) days after the date of ap-

proval 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 fifteen day period after the approval of this provision. 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 N. I. R. B. Upon request, the Code Authority shall furnish to the N. I. R. B., or any duly designated agent of the N. I. R. B., copies of any such lists or revisions of price terms.

2. When any member of the industry has filed any revision, such member shall not file a higher price within forty-eight (48) hours.

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.

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.

Approved Code No. 427—Amendment No. 1.
Registry No. 1627—02.

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

**UPHOLSTERY AND DRAPERY TEXTILE
INDUSTRY**

As Approved on February 6, 1935

ORDER

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE
UPHOLSTERY AND DRAPERY 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 Upholstery and Drapery 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, does hereby incorporate, by reference, said annexed report and does 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 does 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 with the exception that:

The approval and the amendment of Subsections (d), (f), (g), (i), (j), (l) and (n) of Section 1 of Article VIII shall take effect twenty (20) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

PRENTISS L. COONLEY,
Division Administrator.

WASHINGTON, D. C.,
February 6, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT.

The White House.

SIR: This is a report on a public hearing on an amendment to the Code of Fair Competition for the Upholstery and Drapery Textile Industry held on November 14, 1934 in Room 127 of the Willard Hotel, Washington, D. C. The amendment which is attached was presented by duly authorized representatives of the Industry, complying with statutory requirements and being the same agency that originally submitted 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.

The following is a résumé of the amendment:

ARTICLE II

Section 5, which defines "member of the Code" is deleted since the present amendment includes a mandatory assessment provision. Section 6 defines the National Industrial Recovery Board.

ARTICLE III

Section 1 establishes maximum hours for certain classes of employees now excepted.

Section 3 enumerates those employees excepted from maximum hours.

The change in Section 5 is merely a verbal alteration, "Board" being substituted for "Administrator."

The new Section 7 of Article IV is the standard provision concerning handicapped workers.

ARTICLE VI

The changes in Section 1 are merely verbal alterations, "Board" being substituted for "Administrator" wherever it occurs.

An addition to Section 1 provides that proposed amendments to the Code shall first be referred to the Industry.

The changes in Sections 2, 3 and 4 are merely verbal alterations, "Board" being substituted for "Administrator" wherever it occurs.

The renumbering of Section 6 as Section 12 is merely an editorial change.

Sections 6 and 7 are deleted since they are in conflict with certain provisions of the present amendment.

A new Section 6 contains the standard provision concerning the keeping of records of transactions in the Industry.

A new Section 7 contains the standard provision concerning submission of statistical information to the National Industrial Recovery Board.

A new Section 8 contains the standard mandatory assessment clause.

A new Section 9 contains the standard provision for the payment of equitable contribution to the expenses of maintenance of the Code Authority.

A new Section 10 contains a standard clause concerning expenses in excess of the amount of an approved budget.

A new Section 11 defines the liability of members of the Code Authority.

The existing Article VII is deleted and a new Article VII is substituted therefor which contains the standard provisions concerning cost finding and destructive price cutting.

The existing Article VIII is deleted and a new Article VIII is substituted therefor which contains provisions to be included in sales contracts and order blanks.

ARTICLE IX

The existing Section 5 is deleted and a new Section 5 substituted therefor concerning the distribution of sample cuttings.

The changes in Section 6 are merely verbal alterations, "Board" being substituted for "Administrator" in the first and second sentences.

Section 7 is deleted since this provision is no longer operative and a new Section 7 is substituted therefor which concerns false invoicing.

ARTICLE X

The changes in Section 6 are merely verbal alterations "his" and "he" being deleted and "the Board's" and "the Board" being substituted therefor.

Section 10 is the standard clause providing for the establishment of standards of safety and health.

FINDINGS

The Deputy Administrator in his final report to the National Industrial Recovery Board on said amendment to said Code having found as hereinafter set forth on the basis of all the proceedings in this matter;

The National Industrial Recovery Board finds 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 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 pro-

ductive 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 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.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 6, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE UPHOLSTERY AND DRAPERY TEXTILE IN- DUSTRY

ARTICLE II—DEFINITIONS

Delete Section 5.

Section 6. Renumber as Section 5.

Delete Section 7. Substitute therefor Section 6 as follows:

SECTION 6. The term "Board" as used herein means the "National Industrial Recovery Board" appointed by the President under the National Industrial Recovery Act.

Renumber Section 8 as Section 7.

Renumber Section 9 as Section 8.

Renumber Section 10 as Section 9.

ARTICLE III—HOURS

Delete Section 1 and substitute therefor a new Section 1, as follows:

SECTION 1. No engineer, electrician, cleaner, fireman or employee working on a repair shop, shipping or outside crew, shall be permitted to work more than 40 hours per week, with a tolerance of ten percent; provided, however, that in the case of emergency maintenance or emergency repair work, involving breakdowns or protection of life or property, the foregoing maximum hours shall not apply, and provided further that all hours worked in excess of 40 hours per week shall be compensated for at the rate of time and one-third. Emergency hours worked shall be reported monthly to the Code Authority provided for in Section 1 of Article VI.

(a) Watchmen shall not work or be permitted to work more than 56 hours per week, provided, however, that such employees shall have one day off in seven.

Section 3 is amended in its entirety as follows:

SECTION 3. No other employee, except outside sales persons, and those employed in a managerial capacity earning in excess of \$35.00 per week, shall be permitted to work in excess of 40 hours per week.

SECTION 5. Delete "Administrator" in the last line of Section 5 and substitute therefor "Board".

ARTICLE IV—WAGES

Add a new Section 7 as follows:

SECTION 7. A person whose earning capacity is limited because of age or 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 desig-

nated 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 employees.

ARTICLE VI—ADMINISTRATION

SECTION 1. Delete "Administrator" wherever it occurs in this Section and substitute therefor "Board." Substitute a semi-colon for the period at the end of the third sentence of Section 1 and add the following:

provided, however, that proposed amendments to the Code shall not be submitted to the Board until they first have been referred to the Industry at a general meeting or by a mail vote.

The Section as amended is as follows:

SECTION 1. To further effectuate the policies of the National Industrial Recovery Act, a Code Authority is hereby set up to cooperate with the Board in the administration of this Code. Such Code Authority shall consist of not less than 8 nor more than 11 members, 8 of whom shall be representatives of the Industry elected by a fair method of selection to be approved by the Board, and 3 of whom without vote may be appointed by the Board. Such agency may present to the Board recommendations based on conditions in the Industry as they may develop which will tend to effectuate the operation of the provisions of this Code and the policies of the National Industrial Recovery Act; provided, however, that proposed amendments to the Code shall not be submitted to the Board until they first have been referred to the Industry at a general meeting or by a mail vote. Such recommendations, when approved by the Board, shall have the same force and effect as any other provisions of this Code.

Sections 2, 3 and 4. Delete "Administrator" wherever it occurs in these Sections and substitute therefor "Board".

Renumber existing Section 6 as Section 12.

Delete Sections 7, 8 and 9 and substitute the following new sections therefor:

SECTION 6. Each member of the Industry shall keep accurate and complete records of its transactions in the Industry whenever such records may be required under any of the provisions of this Code, and shall furnish accurate reports based upon such records concerning any of such activities when required by the Code Authority or the Board. If the Code Authority or the Board 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 Board. In no case shall the facts disclosed by such examination 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 Code.

SECTION 7. 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 Board may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as the Board 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 Board.

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 Board for the Board's approval, subject to such notice and opportunity to be heard as the Board 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 Board, 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 9. 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 Board. 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.

SECTION 10. 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 Board; and no subsequent budget shall contain any deficiency item or expenditures in excess of prior budget estimates except those which the Board shall have so approved.

SECTION 11. 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.

ARTICLE VII—UNIFORM COST ACCOUNTING

Delete Article VII and susbtitute therefor a new Article VII as follows:

ARTICLE VII—COST FINDING AND DESTRUCTIVE PRICE CUTTING

SECTION 1. *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 Board for review. If approved by the Board 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, or 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 2. The standards of fair competition for the Industry with reference to price practices are declared to be as follows:

(a) Wilful, 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 quoted 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 five days afford an opportunity to the member quoting said 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 N. R. A. which shall render a report and recommendation thereon to the Board.

(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, sales below the stated minimum price of such product, in violation of Section 3 hereof, is forbidden.

SECTION 3. *Emergency Provisions.*—If the Board, 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 Board a determination of the stated minimum price of the product affected by the emergency and thereupon the Board may proceed to determine such stated minimum price.

(a) When the Board 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, the Board 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 Board may cause any determinations hereunder to be reviewed or reconsidered and appropriate action taken.

Article VIII is amended in its entirety as follows:

ARTICLE VIII—UNIFORM SALES CONTRACTS AND ORDER BLANKS

SECTION 1. Every sales contract or order, excepting fabrics sold to automobile manufacturers, shall contain the following provisions:

(a) Prices shall be F. O. B. Mill, which shall be understood as permitting free delivery by the manufacturer to common carriers and purchasers located in the Mill city.

(b) In the event that the style, color, or other specifications necessary to filling the order are not specified therein, and the buyer shall decline to furnish such specifications at least ten days before the respective shipping dates, the seller may, at his option, complete the contract upon reasonable specifications.

(c) All bills shall be payable at the seller's office or place of collection designated by the seller in par exchange or the equivalent legal tender of the United States, on a net basis in seventy (70) days from date of shipment; if paid within ten (10) days from date of shipment, a maximum cash discount of two percent may be allowed. If the ten (10) days have elapsed, the buyer shall pay net, but shall have the privilege of anticipating at the rate of six percent per annum, for the unexpired portion of the seventy (70) day period. On all over-due bills, the buyer shall pay interest at the rate of six percent per annum.

(d) Seller or seller's agent shall have the right, at any time, on any unfulfilled portion of this contract, to limit any credit to be extended hereunder or to require payment before delivery, provided, always, that proper adjustment of discount or allowance of anticipation for such prepayment, be made.

(e) When agreed delivery period covers more than thirty (30) days, deliveries shall be in substantially equal quantities for each thirty (30) days unless otherwise specified.

(f) Deliveries within ten (10) days after time specified shall constitute a good delivery.

(g) Title shall pass from seller to buyer when invoice has been rendered and the relative goods accepted by a railroad or other common carrier, subject to the right of the buyer to specify such carrier, or stored on premises of the seller for the account of the buyer and subject to his order.

(h) This contract is subject to delays for non-delivery due to strikes, lock-outs, fires, Acts of God or other causes beyond seller's control making delivery impossible. For such non-delivery the buyer shall have the right to cancel, by giving written notice to seller, any part of this contract, past due and undelivered by reason of such cause: seller shall have the same right, provided notice of such curtailment is mailed to buyer not later than five (5) days after any delivery, hereunder, is interrupted thereby.

(i) Upon the resumption of normal production, seller shall declare to buyer new delivery dates for any part hereof, then past due; five days after receipt of such declaration, the rights to cancel, provided above, shall expire and the delivery schedules, thus amended, shall become valid under this contract.

(j) Returns or claims must be made within thirty (30) days of the receipt of the goods, except for defects in material and/or workmanship and then only if the material has not been processed beyond the form in which it was delivered to the buyer.

(k) It is agreed that the seller in accordance with the Code of Fair Competition for the Upholstery and Drapery Textile Industry cannot except the return of merchandise sold and delivered in due accordance and compliance with this contract or accept or permit any cancellation or modification as to price or terms in connection with merchandise not yet delivered, except as provided herein, provided, however, that adjustment may be made as found necessary on account of depreciation of buyer's credit.

(l) Any delivery not in dispute shall be paid for regardless of controversies relating to other delivered or undelivered merchandise.

(m) Any controversy or claim arising out of or relating to this contract or the breach thereof, shall be settled by arbitration, in accordance with the Rules, then obtaining, of the American Arbitration Association, and judgment upon the award rendered may be entered in the highest court of the forum, state or federal having jurisdiction: provided this provision for arbitration shall not have been deleted by the purchaser upon, or prior to, the execution of this contract.

(n) The use of this contract shall not be required on orders amounting to less than one thousand dollars (\$1,000.00) or for deliveries made in less than thirty (30) days.

ARTICLE IX—UNFAIR TRADE PRACTICES

Delete existing Section 5 and substitute therefor a new Section 5 as follows:

SECTION 5. *Samples*.—Giving samples of fabrics free of cost except that sample cuttings not larger than 6" x 9" may be sent for selection, free of charge; provided, however, that no more than six of any color or pattern shall be given to any customer in one season; and provided further, that larger bona fide samples may be sent on memorandum to be returned within thirty (30) days and if not so returned, to be billed at the regular price. No allowance or discount other than cash discount for merchandise sold is allowed for samples to be used in sample books.

SECTION 6. Delete "Administrator" in the first and second sentences substituting therefor "Board".

Delete Section 7.

Add a new Section 7 as follows:

SECTION 7. *Invoicing*.—No member of the Industry shall withhold from or insert in any invoice any statement which would make the invoice inaccurate in any material particular or a false record, wholly or in part of the transaction to which it refers; nor make any arrangement which contemplates payment or settlement different from that described on the face of the invoice.

ARTICLE X

SECTION 6. Delete "Administrator" in the second line and substitute therefor "Board". Delete "his" in the fifth line and substitute therefor "the Board's". Delete "he" in the fifth line and substitute therefor "the Board".

SECTION 10. *Standards of Safety and Health*.—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 Board for approval within six months after the effective date of this amendment. The standards approved shall thereafter be a part of this Code and enforceable as such.

Approved Code No. 125—Amendment No. 1.

Registry No. 280-1-01.

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

CAN MANUFACTURERS INDUSTRY

As Approved on February 8, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE CAN MANUFACTURERS 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 an amendment to the Code of Fair Competition for the Can Manufacturers Industry, and an opportunity to be heard thereon having been duly noticed 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise does hereby incorporate by reference said annexed report and does 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 does 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, provided Section 3 of Article III be amended by adding thereto the following: "Territories and possessions wage district—All other territories and possessions of the United States, to which the provisions hereinafter set forth as to the Hawaiian Wage District shall apply."

And provided further, that the following be added under Section 4 of Article VI, at the end of the first sentence:

"In addition to the above information there shall be submitted to government agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the National Industrial Recovery Act."

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

KILBOURNE JOHNSTON,
Acting Division Administrator.

WASHINGTON, D. C.,
February 8, 1935.

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 Can Manufacturers Industry to incorporate the principles contained in Executive Order No. 6678 of April 14, 1934, relating to the expenses of Code Administration. This amendment was proposed in accordance with Article VIII of the Code as approved on December 15, 1933, and notice of opportunity to be heard was given from November 13 to December 4, 1934.

FINDINGS

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

We 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 purposes 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 Board of Governors of the Code Authority to present the aforesaid amendment on behalf of the Industry as a whole.

(d) The Code 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 the approval of said amendment.

For these reasons, therefore, this amendment has been approved.
For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 8, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE CAN MANUFACTURERS INDUSTRY

Delete Section 3 of Article VI.

Delete Section 9 of Schedule B and insert the following provision as Section 3 of Article VI of the Code:

SECTION 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 National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it 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 National Industrial Recovery Board, 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 expense of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. 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 said contribution, 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.

(C) 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 National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

Approved Code No. 152—Amendment No. 1.

Registry No. 1147-02.

Approved Code No. 126—Amendment No. 4

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

**CHINAWARE AND PORCELAIN MANUFACTURING
INDUSTRY**

As Approved on February 8, 1935

ORDER

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE
CHINAWARE AND PORCELAIN 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 the Code of Fair Competition for the Chinaware and Porcelain 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate, by reference, said annexed report and does 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 purpose of said Title of said Act, and does 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 National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

W. P. ELLIS,
Division Administrator.

WASHINGTON, D. C.,
February 8, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,

The White House.

SIR: A Public Hearing was held on November 1, 1934 on an Amendment to the Code of Fair Competition for the Chinaware and Porcelain Manufacturing Industry as submitted by the Code Authority for that Industry, in accordance with the provisions of the National Industrial Recovery Act.

The Amendment provides for the inclusion of the words "or offer to sell, or make any quotation either verbal or written offering to sell" in Article II, Section 1 (c) of this Code, which Article concerns open price filing. The lack of these words has heretofore hampered compliance and the enforcement of this provision.

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

We 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 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, we have approved this Amendment.
For the National Industrial Recovery Board.

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 8, 1935.

**AMENDMENT TO CODE OF FAIR COMPETITION FOR
THE CHINAWARE AND PORCELAIN MANUFACTURING
INDUSTRY**

Amend Article XI, Section 1 (c) by inserting between the words “sell” and “any” in the second line, the following: “or offer to sell or make any quotation, either verbal or written, offering to sell.”

Approved Code No. 126—Amendment No. 4.
Registry No. 1033-1-01.

(299)

Approved Code No. 94—Amendment No. 3

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

GARTER, SUSPENDER AND BELT MANUFACTURING INDUSTRY

As Approved on February 8, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE GARTER, SUSPENDER AND BELT 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 the approval of an amendment to a Code of Fair Competition for the Garter, Suspender and Belt Manufacturing Industry, and an opportunity to be heard having been afforded 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate, by reference, said annexed report and does 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 does 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.

NATIONAL INDUSTRIAL RECOVERY BOARD,
W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

PRENTISS L. COONLEY,
Division Administrator.

WASHINGTON, D. C.,
February 8, 1935.

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 Garter, Suspender and Belt Manufacturing Industry.

Article V was amended by adding Section 6 which provides for limiting the liability of Code Authority members.

An opportunity to be heard was afforded all interested parties and no objections have been received by the National Industrial Recovery Board. The National Industrial Recovery Board has also carefully considered the reports of the Industrial Advisory Board, Labor Advisory Board, Consumers' Advisory Board, Research and Planning Division and the Legal Division of the National Recovery Administration, which were made on this amendment.

The Deputy Administrator in his final report to the National Industrial Recovery Board on said amendment to said Code, having found as herein set forth and on the basis of all the proceedings in this matter:

It finds 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 industries 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.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 8, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE GARTER, SUSPENDER AND BELT MANUFACTURING INDUSTRY

The following is to be added to Article V of the Code of Fair Competition for the Garter, Suspender and Belt Industry, to be designated 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 wilful malfeasance or nonfeasance.

Approved Code No. 94—Amendment No. 3.
Registry No. 271-1-01.

Approved Code No. 41—Amendment No. 3

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

WOMEN'S BELT INDUSTRY

As Approved on February 8, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE WOMEN'S BELT 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 an amendment to a Code of Fair Competition for the Women's Belt Industry, and an opportunity to be heard having been afforded 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate, by reference, said annexed report and does 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 does 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.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

PRENTISS L. COONLEY,
Division Administrator.

WASHINGTON, D. C.,
February 8, 1935.

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 Women's Belt Industry.

Article VI was amended by adding Section E which provides for the limiting of the liability of Code Authority members.

An opportunity to be heard was afforded all interested parties and no objections have been received by the National Industrial Recovery Board. The National Industrial Recovery Board has also carefully considered the reports of the Industrial Advisory Board, Labor Advisory Board, Consumers' Advisory Board, Research and Planning Division and the Legal Division of the National Recovery Administration, which were made on this amendment.

The Deputy Administrator in his final report to the National Industrial Recovery Board on said amendment to said Code, having found as herein set forth and on the basis of all the proceedings in this matter:

It finds 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 industries 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.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 8, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE WOMEN'S BELT INDUSTRY

The following is to be added to Article VI of the Code of Fair Competition for the Women's Belt Industry, to be designated as Section E:

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 another member, firm, 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, misfeasance or nonfeasance.

Approved Code No. 41—Amendment No. 3.
Registry No. 902-1-01.

Approved Code No. 126—Amendment No. 5

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

CHINAWARE AND PORCELAIN MANUFACTURING INDUSTRY

As Approved on February 11, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE CHINAWARE AND PORCELAIN 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 the Code of Fair Competition for the Chinaware and Porcelain 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate, by reference, said annexed report and does 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 does 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 National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

W. P. ELLIS,
Division Administrator.

WASHINGTON, D. C.,
February 11, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: A Public Hearing was held in Washington, D. C. on November 1, 1934 on an amendment to the Code of Fair Competition for the Chinaware and Porcelain Manufacturing Industry as submitted by the Code Authority for that industry and on an amendment proposed by the National Recovery Administration.

The amendment proposed by the Code Authority did not have the backing of a sufficient majority of the members of the industry to merit approval at this time. In view of this fact it was deemed advisable to proceed with the approval of the amendment contained in Schedule "B" of the Notice of Hearing and to which the Code Authority has assented.

The amendment proposed by the National Recovery Administration is designed to bring certain provisions of the Code into conformity with approved policy and terminology. The amendment provides for handicapped workers, standards of safety and health, hazardous occupations, supersedance of state and Federal Laws, the posting of labor provisions, dismissal of employees for complaint of code violation, the collection of reports and statistics, the right of the National Industrial Recovery Board to suspend unfair actions of the Code Authority, conferring upon the Code Authority the right to propose amendments, false billing and commercial bribery.

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

We 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 limita-

tion 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, we have approved this amendment.
For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 11, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE CHINAWARE AND PORCELAIN MANUFACTURING INDUSTRY

1. Amend Article II, Section (c) by adding at the end of the paragraph the words "except a member of the Industry."

2. Delete Article II, Section (c) and substitute therefor:

SECTION (c). 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.

3. Delete Article II, Section (f) and substitute therefor:

SECTION (f). The terms "President", "Act" and "National Industrial Recovery Board" as used herein mean respectively the President of the United States, Title I of the National Industrial Recovery Act, and the National Industrial Recovery Board.

4. Delete the word "Administrator" wherever used in the Code and insert in lieu thereof "National Industrial Recovery Board" together with the appropriate pronoun.

5. Amend Article IV, Section (a) by inserting the word "substantially" between the words "do" and "the" in the fourth line.

6. Add a new Section (f) to Article IV as follows:

SECTION (f). A person whose earning capacity is limited because of age or 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. 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.

7. Add a new Section (g) to Article IV as follows:

SECTION (g). This Article establishes minimum rates of pay which shall apply, irrespective of whether an employee is actually compensated on a time rate, piece-work, or other basis.

8. Amend Article V by deleting Section 1 and substitute therefor:

1. No person under sixteen (16) years of age shall be employed in the Industry in any capacity. No person under eighteen (18) years of age shall be employed in the Industry at operations or occupations hazardous in nature or dangerous to health.

The Code Authority shall submit to the National Industry Recovery Board within sixty (60) days a list of such operations or occupations. 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.

9. Amend Article V by deleting Section 5 and substituting therefor:

5. 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, or insurance, or fire protection, than are imposed by this Code.

10. Amend Article V by deleting Section 7 and substituting therefor:

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 National Industrial Recovery Board.

11. Add a new Section 10 to Article V as follows:

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 Code Authority to the National Industrial Recovery Board within ninety (90) days after the effective date of this amendment.

12. Add a new Section 11 to Article V as follows:

11. 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 Code.

13. Amend Article VI by deleting opening paragraph of Section 2 and Subsection 2 (a) and substituting therefor:

2. Subject to such rules and regulations as may be issued by the National Industrial Recovery Board, 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 obtain from members of the Industry such information and reports as are required for the administration of the Code. All information and reports of a confidential nature shall be filed with a confidential and disinterested agent to be named by the Code Authority, subject to the approval of the National Industrial Recovery Board. 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 National Industrial Recovery Board may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as it 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 National Industrial Recovery Board.

14. Change designation of Section 2 (b) to Section 2 (d).

15. Add a new Sub-section (e) to Article VI, Section 2 as follows:

(e) The Code Authority shall have the power to consider proposals for modifications and amendments to this Code and make recommendations thereon from time to time to the National Industrial Recovery Board, which modifications or amendments shall become effective as part of this Code, upon approval by the National Industrial Recovery Board after such notice and hearing as it may specify.

16. Delete Section 4 of Article VI and substitute therefor:

4. If the National Industrial Recovery Board shall at any time determine that any action of the Code Authority or any agency thereof may be unfair or unjust or contrary to public interest, the National Industrial Recovery Board 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 National Industrial Recovery Board approves or unless it shall fail to disapprove after thirty (30) days notice to it of intention to proceed with such action in its original or modified form.

17. Amend Article VII by deleting Section 2 (b) and substituting therefor:

(b) 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.

18. Amend Article VII by deleting Section 2 (k) and substituting therefor:

(k) 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.

Approved Code No. 126—Amendment No. 5.

Registry No. 1033-1-01.

Approved Code No. 48—Amendment No. 5

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

SILK TEXTILE INDUSTRY

As Approved on February 11, 1935

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 have 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does 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 does 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.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN. *Administrative Officer.*

Approval recommended:

PRENTISS L. COONLEY.

Acting Division Administrator.

WASHINGTON, D. C.,

February 11, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,

The White House.

SIR: This is a report on the Hearing covering the Amendment to the Code of Fair Competition for the Silk Textile Industry, held in the Fairfax Room at the Willard Hotel, Washington, D. C., November 7, 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.

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

There are 4 Amendments as follows:

1. An Amendment prohibiting commercial bribery.
2. An Amendment defining duly accredited factors and/or authorized selling agents.
3. An Amendment providing for open price filing for the Sewing Thread and Floss Division of the Industry.
4. An Amendment regarding terms of sale of woven labels.

FINDINGS

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

It finds 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 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 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.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 11, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE SILK TEXTILE INDUSTRY

Article VIII is amended by the addition of a new section, section 11, to read as follows:

1. 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.

Article XI. Ribbons, is hereby amended by the addition of a new provision to read as follows:

The words "duly accredited factors and/or authorized selling agents" as used herein in relation to ribbon manufacturers, are defined to mean individuals or concerns who sell merchandise shipped to them on consignment or memorandum by manufacturers for sale in the name of such manufacturers or factors or selling agents pursuant to a written agency agreement. All ribbon manufacturers who sell through duly accredited factors and/or authorized selling agents shall enter into written agency agreements with said factors and/or selling agents and said written agency agreements shall contain the following provisions and specifications:

(1) The manufacturer shall specify that the selling agent shall sell merchandise shipped to him on consignment or memorandum at prices not less than those determined by the manufacturer.

(2) The manufacturer shall set forth in said agreement the commissions to be paid the selling agent.

(3) The manufacturer shall specify that duplicates of each invoice giving full details of all sales, exclusive of the names of the purchasers, shall be submitted to him monthly.

(4) The manufacturer shall specify in said agreement that net proceeds of sales less commissions and other deductions set forth shall be remitted to the manufacturer.

(5) The manufacturer shall set forth in said agreement that reconignment of merchandise shipped to a selling agent is prohibited except reconignment to another registered selling agent with the consent of the manufacturer.

(6) The manufacturer shall set forth in said agreement that duly accredited factors and/or authorized selling agents cannot sell to themselves.

Article XI. Sewing Threads and Flosses, is hereby amended by the addition of a new provision to read as follows:

SECTION 1. Each member of the Sewing Thread and Floss Industry shall file with a confidential and disinterested agent of the Code

Authority or, if none, then with such an agent designated by the National Industrial Recovery Board, 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 on his "pound goods", as differentiated from "bulk" or "small goods." 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 fifteen (15) 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 therefore 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 fifteen (15) day period after the approval of this provision. 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 National Industrial Recovery Board. Upon request the Code Authority shall furnish to the National Industrial Recovery Board, or any duly designated agent of the National Industrial Recovery Board 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.

SECTION 5. Each employer in his Division shall report on or before August 1st and February 1st of each year his total dollar sales to each customer for the preceding calendar half year. This information shall be held in strict confidence by the confidential agent and shall be used only as the basis for rendering the following reports.

On September 1st and March 1st of each year, the confidential agent shall establish the ratings of all buyers of this division of the industry on the basis of their purchases for each calendar half year. These ratings shall be on the basis of the present prevailing custom in the industry of rating trade buyers in five classes and jobbers in three classes.

Upon written or telegraphic request, the confidential agent shall give members of the division the rating of any individual buyer.

The confidential agent shall on September 1st and March 1st of each year advise each individual buyer of his individual rating in this division of the industry and shall advise each individual buyer of his own individual rating only, and the ratings of other buyers shall be kept confidential.

The Code Authority shall have the right to order the confidential agent to check and/or correct any ratings upon request of any employer in the division and/or buyer.

The cost of compiling and distributing this information to members of the division and to all interested parties shall be borne proportionately by all members of the division desiring this service.

The confidential agent shall be appointed by the Code Authority and approved by the National Industrial Recovery Board. The records of the confidential agent may be examined by a confidential agent of the National Industrial Recovery Board at any time.

Article XI, Woven Labels, is hereby amended to read as follows:

Each employer shall bill woven labels on date of shipment upon the terms of 2/10 e. o. m.

Approved Code No. 48—Amendment No. 5.

Registry No. 263-01.

Approved Code No. 242—Amendment No. 1

**AMENDMENT TO CODE OF FAIR COMPETITION
FOR THE
MARINE AUXILIARY MACHINERY INDUSTRY**

As Approved on February 12, 1935

ORDER

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE
MARINE AUXILIARY MACHINERY 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 Marine Auxiliary Machinery Industry, and opportunity to be heard having been noticed to all interested persons, and no objections thereto 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, does hereby incorporate, by reference, said annexed report and does 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 does 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.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D. C.,
February 12, 1935.

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 Marine Auxiliary Machinery Industry as approved on January 30, 1934. An opportunity to be heard was noticed to all interested persons in accordance with Title I of the National Industrial Recovery Act. No objections were filed.

The amendment is designed to provide for the collection of code administration expenses from Members of the Industry in accordance with Executive Order No. 6678, dated April 14, 1934.

FINDINGS

The Deputy Administrator in his report to the National Industrial Recovery Board on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

It is found 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 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.

For these reasons, therefore, this amendment has been approved.
For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 12, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE MARINE AUXILIARY MACHINERY INDUSTRY

Delete Section #3 of Article VI and substitute in lieu thereof the following:

SECTION 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 National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it 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 National Industrial Recovery Board, 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 National Industrial Recovery Board. 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.

(c) 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 National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

Approved Code No. 4B—Amendment No. 1

**AMENDMENT TO SUPPLEMENTARY CODE OF FAIR
COMPETITION**

FOR THE

**PORTABLE ELECTRIC LAMP AND SHADE
INDUSTRY**

As Approved on February 12, 1935

ORDER

**APPROVING AMENDMENT OF SUPPLEMENTARY CODE OF FAIR COMPETI-
TION FOR THE PORTABLE ELECTRIC LAMP AND SHADE INDUSTRY**

A DIVISION OF THE ELECTRICAL 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 Portable Electric Lamp and Shade Industry, a Subdivision of the Electrical Manufacturing Industry, and hearing 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order number 6859, and otherwise, does hereby incorporate, by reference, said annexed report and does 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 does 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 twenty days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent order to that effect; provided, however, that in order to enable members of the Subdivision to adjust their methods of operation to comply with the provisions of

Article XIV, "Homework", said Article XIV shall become effective ninety (90) days from the date of this Order.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D. C.,
February 12, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,

The White House.

SIR: This is a report on an amendment to the Supplementary Code of Fair Competition for the Portable Electric Lamp and Shade Industry, a Subdivision of the Electrical Manufacturing Industry, Public Hearing having been conducted thereon in Washington, D. C., October 11, 1934, in accordance with the provisions of Title I of the National Industrial Recovery Act. Every person who filed a request for an appearance at the Public Hearing was heard in accordance with regulations of the National Recovery Administration, and all objections filed have been given due consideration. The amendment, which is attached, was presented with the approval of the Basic Code Authority.

The Supplementary Code is amended to incorporate additional fair trade practice provisions, the need of which has been demonstrated by practical experience under the Supplementary Code.

FINDINGS

The Deputy Administrator in his final report to the National Industrial Recovery Board on said amendment to said Supplementary Code having found as herein set forth and on the basis of all the proceedings in this matter:

It is found that:

(a) The amendment to said Supplementary Code and the Supplementary 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 Supplementary 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 Supplementary Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The amendment and the Supplementary 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, this amendment has been approved, the approval to become effective twenty (20) days from date of the Order, and with the provision that Article XIV shall become effective ninety (90) days from date of said Order.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 12, 1935.

AMENDMENT TO SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE PORTABLE ELECTRIC LAMP AND SHADE INDUSTRY

A DIVISION OF THE ELECTRICAL MANUFACTURING INDUSTRY

Amend the Code by adding the following Articles:

ARTICLE VIII—CONSIGNMENT

No employer shall ship or place on consignment products of this Subdivision except under circumstances approved by the Supervisory Agency and subject to review by the National Industrial Recovery Board.

ARTICLE IX—ADVERTISING ALLOWANCES

No employer shall designate as an "advertising allowance", a "promotion allowance", or by a similar term, any price reduction, discount, bonus, rebate, concession, or other form of allowance, or any consideration for advertising or promotion services, offered or given by him to any customer.

No employer shall offer or give any consideration merely for "pushing", "advertising", or otherwise than for definite and specific advertising or promotion services. Such consideration shall be given only pursuant to a separate written contract therefor, which contract shall specifically and completely set forth the advertising or promotion services (in such manner that their specific character may be understood by other employers and their customers) to be performed by the recipient of said consideration, the precise consideration to be paid or given therefor by said employer, the method of determining performances, and all other terms and conditions relating thereto.

ARTICLE X—RETURNED MERCHANDISE

No employer shall accept the return of any product of this Subdivision except when such product is defective or does not meet performance requirements or specifications. However, when the purchaser is unable to meet his obligations, the employer may accept the return of products of this Subdivision, provided that immediate report thereof is made to the Supervisory Agency.

ARTICLE XI—IDENTIFYING MERCHANDISE

Each employer of this Subdivision shall identify the products of his manufacture in a manner to be determined by the Supervisory Agency, subject to the approval of the National Industrial Recovery Board.

ARTICLE XII—TERMS OF PAYMENT

No employer shall sell the products of this Subdivision on any more favorable terms of payment than that of "payment within

thirty days of date of invoice" or a maximum 2% cash discount when payment has been made within ten days of the date of invoice. All products shall be sold F. O. B. city of manufacture.

ARTICLE XIII—STANDARDS COMMITTEE

1. The Supervisory Agency shall establish a standards committee, which shall be fairly representative of the Subdivision and two members of which shall be appointed by the National Industrial Recovery Board, such members to serve without expense to the Industry.

2. The Committee shall study and recommend to the Supervisory Agency and the National Industrial Recovery Board such standards as are deemed feasible.

3. Following such review as the National Industrial Recovery Board may determine, such standards as are adopted shall be made mandatory upon the Subdivision as a part of this code, and non-compliance therewith shall be an unfair method of competition, and a violation of the Supplementary Code; provided that nothing herein shall forbid the manufacture and sale of non-standard products which are clearly identified to the buyer as such.

ARTICLE XIV¹—HOMEWORK

No employer shall manufacture or cause to have manufactured in whole or in part any of the products of this Subdivision in the home, premises or living quarters of any person, provided, however,

(1) A person may be permitted to engage in home work at the same rate of wages as is paid for the same type of work performed in the factory or other regular place of business if a certificate is obtained from the State Authority or other officer designated by the United States Department of Labor, such certificate to be granted in accordance with instructions issued by the United States Department of Labor, provided

(a) Such person is physically incapacitated for work in a factory or other regular place of business and is free from any contagious disease; or

(b) Such person is unable to leave home because his or her services are absolutely essential for attendance on a person who is bed-ridden or an invalid and both such persons are free from any contagious disease.

(c) Any employer engaging such a person shall keep such certificate on file and shall file with the Supervisory Agency the name and address of each worker so certificated.

ARTICLE XV—SUBTERFUGE

No employer of this Subdivision shall engage in any subterfuge so as to defeat the purposes or provisions of the Act or of this Code.

Approved Code No. 4B—Amendment No. 1.
Registry No. 1308-16.

¹ See paragraph 2 of order approving this Amendment.

Approved Code No. 445—Amendment No. 4

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

BAKING INDUSTRY

As Approved on February 13, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE BAKING 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 Baking Industry, and an opportunity to be heard having been duly afforded 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does 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 does 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.

NATIONAL INDUSTRIAL RECOVERY BOARD,

By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

ARMIN W. RILEY,

Division Administrator.

WASHINGTON, D. C.,

February 13, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,

The White House.

SIR: This is a report on an Amendment to Article VII, Sections 12 and 13 of the Approved Code of Fair Competition for the Baking Industry No. 445. This Code was approved by you on May 28, 1934.

The Code Authority for the Baking Industry, in accordance with Article VI, Section 3, and Article IX, Section 1, Subsection (b) of said Code, having found it necessary, in order to support the administration of this Code and to maintain the standards of fair competition, have petitioned the National Industrial Recovery Board to amend Article VII, Sections 12 and 13 of the Code which imposes an undue hardship upon the members of the industry.

Article VII, Section 12 of the Code of Fair Competition for the Baking Industry controls the sale of fresh and stale returns by all members of the industry with the exception of the independent distributor, who is not a manufacturer of bakery products and is commonly known in the industry as a "bob-tailer." It is essential that returns resulting from the sale of bakery products through an independent distributor be controlled in a fair and just manner.

The wholesale bread bakers of the industry can sell returns only at the point of manufacture; retail bakers, specialty bakers, and chain store bakers can only sell their returns at the point of manufacture and/or at points where originally offered for sale. The multiple unit baker can sell his returns at the point of manufacture and/or at plainly identified special outlets devoted exclusively to the sale of such products, meaning stale stores. The number of stale stores is controlled by the Code. The house-to-house baker can dispose of his returns at the point of manufacture and or at plainly identified outlets devoted exclusively to the sale of such products.

The Code of Fair Competition for the Baking Industry in its present form, permits the independent distributor, commonly known in the industry as a "bob-tailer" to dispose of his fresh and/or stale returns in any manner in which he sees fit, with no restrictions. This permitted practice is very unfair to the various divisions of the industry who are compelled by the Code to use certain specified methods and limited number of outlets to dispose of their returned bakery products.

One can understand how easy it would be for an independent distributor to take advantage of the small retail bakery or other members of the industry by disposing of his products in an unfair manner.

Therefore, it is essential that Article VII, Section 12, be amended, by adding thereto subsection (h), which will require the independent distributor to return his stale and fresh returns to the manufacturer from whom he purchased same, to be disposed of at the point of manufacture.

The National Bakers' Council, Code Authority for the Baking Industry, has found through experience that it is necessary to have on file a complete list of independent distributors, such list to be used in checking, from time to time, the filing of prices as well as to assist in enforcing compliance with the other trade practice provisions to which such independent distributors are subject.

It is often the practice of the independent distributor to purchase from a member of the industry bakery products and resell them either at wholesale or retail prices which are below the filed prices of the manufacturer.

These amendments will assist the Code Authority in quickly putting a stop to the numerous unfair trade practices in which independent distributors have heretofore participated.

The Code of Fair Competition for the Baking Industry prohibits a member of the industry from selling bakery products to an independent distributor when such distributor does not comply with the provisions of the Code. Therefore, one can readily understand that considerable time will be saved and discontent avoided if the Code Authority has a list of the independent distributors to whom each member of the industry is selling bakery products.

It may be summed up in this manner, a list of independent distributors would allow the Code Authority to expedite adjustment of Code violations by independent distributors, and prevent, in many instances, the spreading of such violations to members of the industry who do not sell to independent distributors, but who meet their competition, hence the addition of subsection (a) to Section 13.

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

The National Industrial Recovery Board finds 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 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 the Code as amended has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 13, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE BAKING INDUSTRY

Amend Article VII, Section 12, by inserting the following:

“SECTION 12, SUB-SECTION (h). ‘Returns’ resulting from sale of bakery products through independent distributors—by reason of return or resale to said independent distributors by persons receiving or purchasing from said independent distributors—may be sold only at the place or places at which returns are legally sold by the manufacturer of said products.

Amend Article VII, Section 13, by inserting the following:

“SECTION 13 (a). *Lists of Independent Distributors*.—Each member of the Industry delivering or selling bakery products to an independent distributor, or independent distributors, shall file a complete list of such independent distributors with the National Bakers’ Council, Code Authority for the Baking Industry, and shall properly revise said list as occasion shall demand.”

Approved Code No. 445—Amendment No. 4
Registry No. 101-23.

Approved Code No. 436—Amendment No. 2

AMENDMENT TO CODE OF FAIR COMPETITION
FOR THE
FUR MANUFACTURING INDUSTRY

As Approved on February 13, 1935

ORDER

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE FUR
MANUFACTURING INDUSTRY**

WHEREAS, a code of Fair Competition for the Fur Manufacturing Industry was approved by the Administrator for Industrial Recovery on May 19, 1934, which provided in Article VI, Section 1, thereof, for the Code Authority to be selected as set forth therein; and,

WHEREAS, said Code of Fair Competition as approved contained in Article VI, Section 3, the following provision:

“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 may require an appropriate modification in the method of selection of the Code Authority”, and,

WHEREAS, pursuant to the power reserved therein and otherwise, the Administrator for Industrial Recovery held certain hearings for the purpose of determining and/or for the purpose of adopting appropriate Amendments to Article VI, Sections 1, 2 and 3 of said Code, whether said Code Authority (Section 1, Article VI) as constituted was truly representative of the Industry, and whether and in what material respects said Code Authority (Section 1, Article VI) may not be tending to effectuate the policy of Title I of the National Industrial Recovery Act and the provisions of said Code.

WHEREAS, the National Industrial Recovery Board finds that said Section 1 of Article VI should be amended to provide for an additional member on the Code Authority for said Industry (to be designated by the Board of Directors of the American Fur Manufacturers Association), and to permit the election of a Chairman for said Code Authority without affiliation with said Industry and without vote, and that said Industry members selected shall be subject to the approval of and recognition by the National Industrial Recovery Board, and

WHEREAS, the National Industrial Recovery Board has made further provisions in Section 3, whereby it shall have the right to

withdraw its approval and recognition of any member chosen under the provision of Section 1 of this Article for cause.

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order #6859, dated September 27, 1934, and otherwise, does hereby incorporate by reference, said annexed report and findings, and does 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 I of said Act, and does hereby order that said Amendments be and they are 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 amendments to take effect twenty days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD.
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

PRENTISS L. COONLEY,

Division Administrator.

WASHINGTON, D. C.,

February 13, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,

The White House.

SIR: This is a report on the Amendments to the Code of Fair Competition for the Fur Manufacturing Industry, and on the hearing conducted thereon in Washington, D. C., August 24, 1934.

GENERAL STATEMENT

The Code, under Article VI, Section 3, provides as follows:

"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 may require an appropriate modification in the method of selection of the Code Authority."

In accordance with this provision, on August 11, 1934, a hearing was called for August 24, 1934. Based upon the evidence presented at this hearing, together with the preceding evidence which dated back prior to the formulation of the Code, two Amendments are submitted:

RÉSUMÉ OF AMENDMENTS

1. To the first paragraph of Section 1 has been added a clause making the selection of the Code Authority members subject to the approval of and recognition by the National Industrial Recovery Board.

2. The insertion into the Code of a new Sub-section (e) of Section 1 of Article VI, which provides for representation on the Code Authority by the American Fur Manufacturers' Association.

3. The substitution in Section 2 of Article VI of National Industrial Recovery Board for Administrator.

4. A new Sub-section (i) is added to Section 1 of Article VI, which provides for the election of a Chairman, either within the Industry or outside the Industry, but without vote. This was done in order to eliminate a feeling that a Chairman elected from among the Members of the Board might be prejudiced in his attitude. Therefore, an opportunity is given to elect a Chairman from outside the Industry who would be acceptable to the majority of the Members of the Board.

5. The addition of a new Sub-section to Section 3 which gives the National Industrial Recovery Board power to withdraw its approval or recognition of any member of the Code Authority for cause.

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

The National Industrial Recovery Board finds that:

(a) The Amendments to the 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 Code empowers the National Industrial Recovery Board to present the aforementioned 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 the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 13, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE FUR MANUFACTURING INDUSTRY

1. To amend Article VI, Sections 1, 2, and 3 of the Code of Fair Competition for the Fur Manufacturing Industry by substituting the following:

ARTICLE VI

1. A Code Authority is hereby constituted to cooperate with the National Industrial Recovery Board in the administration of this Code. The Industry members of said Code Authority shall be selected as hereinafter set forth, subject to the approval of and recognition by the National Industrial Recovery Board:

(a) Two (2) members of the Industry to be designated by the Board of Directors of the Associated Fur Coat and Trimming Manufacturers, Incorporated.

(b) Two (2) members of the Industry to be designated by the Board of Directors of the New York Fur Trimming Manufacturers Association.

(c) Two (2) members of the Industry to be designated by the Board of Directors of the United Fur Manufacturers Association, Incorporated.

(d) One (1) member of the Industry to be designated by the Board of Directors of the Chicago Fur Trimming Manufacturers Association.

(e) One (1) member of the Industry to be designated by the Board of Directors of the American Fur Manufacturers Association.

(f) One (1) member of the Industry shall be elected by the members of the Industry unaffiliated with any of the Associations hereinabove enumerated, and located in Area "A" as defined in Section 6 (a) of Article IV of this Code. Said election shall be conducted under the supervision of the National Industrial Recovery Board or its authorized representative.

(g) One (1) member of the Industry shall be elected by members of the Industry unaffiliated with any of the Associations hereinabove enumerated, and located in any other part of the United States outside of Area "A" as defined in Section 6 (a) of Article IV of this Code. Said election shall be conducted under the supervision of the National Industrial Recovery Board or its authorized representative.

(h) Three (3) Administration Members without vote may be appointed by the National Industrial Recovery Board, two of which may be appointed upon the nomination of the Labor Advisory Board of the National Recovery Administration.

(i) The Code Authority, in its discretion, may elect as Chairman one of its members or any person not a member of the Industry, and in the latter case the Chairman shall be without vote.

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 National Industrial Recovery Board 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 National Industrial Recovery Board may deem necessary to effectuate the purposes of the Act.

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 and the Code, the National Industrial Recovery Board may prescribe such hearings as it deems proper and may require an appropriate modification in the method of selection and composition of the Code Authority.

(a) The National Industrial Recovery Board shall have the right to withdraw its approval and recognition of any industry members chosen under the provision of Section 1 of this Article for cause.

Approved Code No. 436—Amendment No. 2.
Registry No. 912-03.

Approved Code No. 347L—Amendment No. 1

AMENDMENT TO SUPPLEMENTARY CODE OF FAIR COMPETITION

FOR THE

LOCOMOTIVE APPLIANCE INDUSTRY

As Approved on February 13, 1935

ORDER

APPROVING AMENDMENT OF SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE LOCOMOTIVE APPLIANCE 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 a Supplementary Code of Fair Competition for the Locomotive Appliance Subdivision of the Machinery and Allied Products Industry, and opportunity to be heard 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate, by reference, said annexed report and does 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 does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Supplementary Code is hereby amended to include an approval of said Supplementary Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D. C.,
February 13, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT.

The White House.

SIR: Under the Supplementary Code of Fair Competition for the Locomotive Appliance Subdivision of the Machinery and Allied Products Industry as approved on June 5, 1934, the Code Authority for said Subdivision has submitted the Amendment which is included and attached.

The Amendment provides that no manufacturer shall make any product of the Industry, identical with that originally designed by another manufacturer and bearing his name or trademark, without clearly showing, by tag or otherwise, that such product was not made by the original manufacturer; also, that detailed drawings of the products of the Industry shall not be furnished to purchasers, though general drawings may be so furnished.

Opportunity to be heard was duly noticed to all interested parties. No objections were received.

FINDINGS

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

It is found that:

(a) The Amendment to said Supplementary Code and the Supplementary 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 Supplementary 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 Locomotive Appliance Institute was and is an industrial association truly representative of the aforesaid Industry and that said association imposed and imposes no inequitable restrictions on admission to membership therein and consents to this amendment.

(d) The amendment and the Supplementary Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Supplementary 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, this amendment has been approved.
For the National Industrial Recovery Board :

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 13, 1935.

AMENDMENT TO SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE LOCOMOTIVE APPLIANCE INDUSTRY

A DIVISION OF THE MACHINERY AND ALLIED PRODUCTS INDUSTRY

PURPOSE

Pursuant to Article VIII, Section (b) of the Supplementary Code of Fair Competition for the Locomotive Appliance Industry, a Division of the Machinery and Allied Products Industry, duly approved on June 5, 1934, and further to effectuate the policies of Title I of the National Industrial Recovery Act, the following amendment is established as a part of said Supplementary Code of Fair Competition and, upon approval, shall be binding upon every member of the Locomotive Appliance Industry.

AMENDMENTS

Amend Article VI by the addition thereto of Sections 4 and 5, as follows:

4. So long as the maker (or his successor in business) of any product of this Subdivision bearing the maker's name or trademark, which has required special designing, research or development expense continues to make and supply such spare, repair and replacement parts therefor, no employer shall make or sell repair parts for such product of this Subdivision unless such repair parts shall be plainly marked on each part (or if this is impracticable on the package or tag) so that the ultimate user is clearly informed by such markings on parts, packages, tags and in catalogues, price lists, quoted prices, of such parts that said parts were not made by the original maker of the products of this Subdivision.

5. No employer shall furnish to any purchaser and/or his agent, directly or indirectly, detailed or working drawings of any of the products of this Subdivision. This does not prohibit an employer from furnishing general drawings with such details as may be customarily shown thereon.

Approved Code No. 347L—Amendment No. 1.
Registry No. 1399-65A.

Approved Code No. 422—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

**CANVAS STITCHED BELT MANUFACTURING
INDUSTRY**

As Approved on February 14, 1935

ORDER

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE
CANVAS STITCHED BELT 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 two amendments to a Code of Fair Competition for the Canvas Stitched Belt Manufacturing Industry, and opportunity to be heard having been duly afforded all interested parties 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, the National Industrial Recovery Board pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, does hereby incorporate, by reference, said annexed report and does 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 does hereby order that said amendments be and they are 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.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

PRENTISS L. COONLEY,
Division Administrator.

WASHINGTON, D. C.,
February 14, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT.

The White House.

SIR: This is a report on two amendments to the Code of Fair Competition for the Canvas Stitched Belt Manufacturing Industry. The amendments which are attached were presented by the Code Authority for the Canvas Stitched Belt Manufacturing Industry.

Notice of opportunity to be heard was given all interested parties, and no objections were received.

One amendment revises the definition of the term "Industry" to include the Balata Belt Manufacturing Industry and the other specifies that the weight per commercial yard of cotton duck must be stated in billing or quoting the price of any standard competitive grade of canvas stitched belting.

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

The National Industrial Recovery Board finds 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 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 the above reasons these amendments have been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 14, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE CANVAS STITCHED BELT MANUFACTURING INDUSTRY

Article II, Section 1, shall be amended to read as follows:

The term "Industry" as used herein includes the manufacture and the sale by manufacturers of canvas stitched belting and/or balata belting, but does not include solid woven, rubber, or leather belting, or the manufacture of the fabric used in canvas stitched and/or balata belting.

The following shall be added as Article VII, Section 5:

No member of the Industry shall quote or bill any standard competitive grade of canvas stitched belting without plainly specifying as part of the quotation and/or billing the weight in ounces per commercial yard of 36 inches by 42 inches, of the cotton duck used in the manufacture of the belt being quoted and/or sold.

Approved Code No. 422—Amendment No. 1.
Registry No. 205-02.

Approved Code No. 425—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

MANGANESE INDUSTRY

As Approved on February 14, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE MANGANESE 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 an amendment to a Code of Fair Competition for the Manganese Industry, and NOTICE OF OPPORTUNITY TO BE HEARD, Administrative Order No. 425-8, dated December 4, 1934, having been published and no objection 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does 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 does 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.

NATIONAL INDUSTRIAL RECOVERY BOARD.

By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

W. P. ELLIS,

Division Administrator.

WASHINGTON, D. C.,

February 14, 1935.

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 Manganese Industry, submitted by the Code Authority for the said Industry.

The existing provisions of Section 3 of Article III of the Code of Fair Competition for the Manganese Industry have been found to be inadequate, in that the operations in this Industry require the employment of hoist men, powerhouse men and pump men for longer periods than ordinary workers.

FINDINGS

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

We 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 including 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 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, therefore, we have approved this amendment.
For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 14, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE MANGANESE
INDUSTRY

Add to Section 3. Article III:

(c) There shall be an exemption as to the limitations of hours of labor as it shall apply to hoist men, power house men, or pump men, provided that total working hours of such employees shall not exceed forty-eight (48) hours in any one (1) week.

Approved Code No. 425—Amendment No. 1.
Registry No. 1218-06.

(354)

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

**TRANSPARENT MATERIALS CONVERTERS
INDUSTRY**

As Approved on February 14, 1935

ORDER

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE
TRANSPARENT MATERIALS CONVERTERS INDUSTRY**

Amendment to Sections 1, 2, and 5 of Article V

WHEREAS, Section 6 of Article V of the above-named Code provides as follows:

“In the event that the wages specified for the Northern Zone in Article V, Section 1, in the Code of Fair Competition for the Paper Bag Manufacturing Industry, and Article V, Section 4, of said Code, as approved on January 26, 1934 are modified pursuant to the hearing held on February 13, 1934 for the purpose of determining the adequacy of the minimum wages established in said Code, then and in that event, such amended provisions shall apply also to this Industry and this Code, and Sections 1, 2, and 5 of Article I of this Code shall be deemed to have been amended so as to conform thereto and the Administrator may direct that this Code be reprinted and republished as so amended.”

and

WHEREAS, by Administrative Order No. 230-23, dated February 5, 1935, the National Industrial Recovery Board approved an amendment increasing the wages specified for the Northern Zone in Article V, Section 1 and Article V, Section 4 of the Code of Fair Competition for the Paper Bag Manufacturing Industry as set forth in said Order, in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, and

WHEREAS, the annexed report on an amendment to the Code of Fair Competition for the Transparent Materials Converters Industry, containing findings with respect thereto, has been made and directed to the President;

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including

Executive Order No. 6859, by Section 6 of Article V of said Code of Fair Competition for the Transparent Materials Converters Industry and otherwise, does hereby incorporate by reference said annexed report and does 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 does hereby order that said amendment to the Code of Fair Competition for the Transparent Materials Converters Industry be and it hereby is approved as of February 5, 1935, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

JOSEPH F. BATTLE, *Division Administrator*.

WASHINGTON, D. C.,
February 14, 1935.

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 Transparent Materials Converters Industry. Your Order dated November 17, 1933, approving the Code of Fair Competition for the Paper and Pulp Industry, provided, in part, that within ninety days after the effective date of the Code of Fair Competition for the Paper and Pulp Industry a further hearing shall be held for the purpose of determining the adequacy of the minimum wages established in said Code, after which a report and recommendation should be submitted to you for your further order which should have the effect of a condition to your approval of said Code.

Because of the relationship between the Paper and Pulp Industry and the Paper Bag Manufacturing Industry, the wage provisions in the two Codes were identical. Further, in view of the provision in your Order approving the Code for the Paper and Pulp Industry a provision was included in the Paper Bag Manufacturing Industry Code requiring that a similar hearing be held on that Code and that in the event any of the provisions of the Paper and Pulp Code relating to wages and hours of labor should be amended, then and in that event, such amended provisions should apply also to the Code for the Paper Bag Manufacturing Industry.

Because of the same relationship, the provision in the Code for the Transparent Materials Converters Industry with respect to wages is parallel to the wage provision applicable to the Northern Zone under the Code of Fair Competition for the Paper Bag Manufacturing Industry. The Code of Fair Competition for the Transparent Materials Converters Industry provides in Section 6 of Article V that in the event the wages specified for the Northern Zone in Article V, Section 1 of the Code for the Paper Bag Manufacturing Industry, and in Article V, Section 4, are modified, then and in that event such amended provisions shall also apply to the Code for the Transparent Materials Converters Industry, and that Sections 1, 2, and 5 of Article V of the Transparent Materials Converters Industry Code shall be deemed to have been amended so as to conform thereto.

The Codes for the Paper and Pulp Industry and for the Paper Bag Manufacturing Industry, having been amended, it is now necessary to amend Sections 1, 2, and 5 of Article V of the Code for the Transparent Materials Converters Industry.

The effect of the amendment will be to increase by two cents (2¢) per hour the minimum wages of all employees other than office or clerical employees, employed in any plant in the Industry or on work connected with or incidental to the operations of such plant; to delete a provision permitting sub-minimum wages based upon the rate paid on July 15, 1929, as low as 90% of the minimum; and

to eliminate a provision fixing the wages of all other employees, except commission salesmen, at \$12.00, \$14.00, \$14.50, and \$15.00 per week, depending upon the population of the city in which the plants may be located and in lieu thereof, to insert a provision fixing the minimum wage of all such employees at \$16.00 per week.

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

The Board finds 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 Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Code provides that such amendment shall become effective upon approval of an amendment to Sections 1 and 4 of Article V of the Code of Fair Competition for the Paper Bag Manufacturing Industry.

(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, the said Amendment has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 14, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE TRANSPARENT MATERIALS CONVERTERS IN- DUSTRY

Article V, Section 1 is hereby deleted and in lieu thereof the following is inserted:

SECTION 1. The minimum rate of wage of any employee, other than office or clerical employees, employed in any plant of the Industry, or on work connected with or incidental to the operation of such plant, shall be as follows:

Male labor 40 cents per hour.

Female labor 35 cents per hour.

Article V, Section 2 is hereby deleted.

Article V, Section 3 is renumbered as Section 2.

Article V, Section 4 is renumbered as Section 3.

Article V, Section 5 is hereby deleted and in lieu thereof the following is inserted as Section 4:

SECTION 4. The minimum rate of wages for all other employees, except commission salesmen, shall be not less than \$16.00 per week.

Article V, Sections 6, 7, 8, 9 and 10 are renumbered as Sections 5, 6, 7, 8 and 9 respectively.

Approved Code No. 382—Amendment No. 2.

Registry No. 402-02.

Approved Code No. 335—Amendment No. 2

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

ART NEEDLEWORK INDUSTRY

As Approved on February 15, 1935

ORDER

APPROVING AMENDMENT OF 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 amendments to a Code of Fair Competition for the Art Needlework Industry, and a hearing being 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does find that said amendments and the Code as constituted after being amended complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendments be and they are 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 upon the following conditions:

(1) Within fifteen (15) days from the date hereof a committee shall be appointed which shall consist of two representatives of the Industry to be chosen by the Code Authority, one representing the Stamped Goods Division and one representing the Yarn Division; one representative of the Division of Research and Planning of the National Recovery Administration, and one representative of the Labor Advisory Board of the National Recovery Administration, and

(2) It shall be the duty of this committee to prepare within ninety (90) days from the date hereof a schedule of rates of pay for home-

workers employed in the finishing of samples and display models not intended for resale, and

(3) Such committee shall investigate the problem of homework in this Industry and make recommendations within said period as to the possibility of either eliminating or regulating homework in this Industry.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

PRENTISS L. COONLEY,
Division Administrator.

WASHINGTON, D. C.,
February 15, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on amendments to the Code of Fair Competition for the Art Needlework Industry. Notice of Hearing on these amendments was published on August 22, 1934; and a hearing was held on September 7, 1934. The amendments, which are attached, were presented by duly qualified and authorized representatives of the Industry, complying with statutory requirements, and being the duly constituted Code Authority under the provisions of the said Code for the Said Industry.

These amendments provide for additional 64 hours overtime in any calendar year, to obtain from the members of the Industry such information and reports as are required for the administration of the Code, and for the use of N. R. A. labels.

The Deputy Administrator in his final report to the National Industrial Recovery Board on said amendments to said Code having found as herein set forth, and on the basis of all the proceedings in this matter;

The National Industrial Recovery Board finds 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 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 Authority is empowered 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.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 15, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE ART NEEDLEWORK INDUSTRY

Article III, Section 1 is amended to read as follows:

Maximum Hours.—No employee, except outside salesmen and employees engaged in a managerial capacity who receive not less than Thirty-five (\$35) Dollars per week, shall be permitted to work in excess of forty (40) hours in any one (1) week or eight (8) hours in any twenty-four (24) hour period, except that both office and factory employees may be permitted to work not more than sixty-four (64) additional hours in any calendar year, but not in excess of eight (8) additional hours in any one (1) week, provided that time and one-third is paid for such additional hours.

All overtime shall be reported to the Code Authority monthly on a form to be provided for that purpose by the Code Authority.

Article VII is amended by the deletion of Section (1) and substituting in its place the following new Subsection (1):

(1) 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 National Industrial Recovery Board may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as it 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.

Article VII is amended by the addition of the following new Section 4:

4. Each member of the Industry shall keep accurate and complete records of its transactions in the Industry whenever such records may be required under any of the provisions of this Code, and shall furnish accurate reports based upon such records concerning any of such activities when required by the Code Authority or the National Industrial Recovery Board. If the Code Authority or the National Industrial Recovery Board 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 National Industrial Recovery Board. In no case shall the facts disclosed by such examination 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 Code.

With a view to keeping the President informed as to the observance or non-observance of this Code of Fair Competition and any supplements thereto and as to whether the art needlework industry is taking appropriate steps to effectuate the declared policy of the National Industrial Recovery Act, members of the Industry shall be required to furnish duly certified reports in substance as follows, to the Code Authority in such form as may hereafter be required by said Code Authority.

Wages and Hours of Labor.—Returns to be filed every four (4) weeks.

- (1) Average number of employees.
- (2) Total hours worked.
- (3) Total wages paid.
- (4) Such facts regarding home work and home workers as may be required by the Code Authority in drawing up and enforcing plans for homework rates and the control of homework.
- (5) Such information as may be required by the Code Authority for the purpose of effectively administering the N. R. A. label provision of this Code.

(6) Such imports as may be required by the Code Authority for the purpose of accurately levying Code Authority Assessments.

The Code is amended by the addition of the following new Article XIII:

Subject to all rules and regulations and orders covering the issuance and/or use of labels heretofore and hereinafter prescribed by the National Industrial Recovery Board, all members of the industry shall affix by stamp or stencil to all products the official insignia issued and/or prescribed by the Code Authority bearing thereon the N. R. A. insignia. This provision shall become effective thirty (30) days from the date of its approval, but not before May 1st, 1935.

Approved Code No. 335—Amendment No. 2.
Registry No. 231-08.

Approved Code No. 84V—Amendment No. 1

**AMENDMENT TO SUPPLEMENTARY CODE OF FAIR
COMPETITION**

FOR THE

**DRAPERY AND CARPET HARDWARE
MANUFACTURING INDUSTRY**

As Approved on February 15, 1935

ORDER

APPROVING AMENDMENT OF SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE DRAPERY AND CARPET HARDWARE 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, for the approval of an Amendment to the Supplementary Code of Fair Competition for the Drapery and Carpet Hardware Manufacturing Industry, and opportunity to be heard thereon having been duly noticed 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, does hereby incorporate, by reference, said annexed report and does find that said Amendment and the Supplementary Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policies and purposes of said Title of said Act, and does hereby order that said Amendment be and it is hereby approved, and that the previous approval of said Supplementary Code is hereby amended to include an approval of said Supplementary Code in its entirety as amended; provided such

approval and such Amendment to take effect twenty (20) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

JOHN W. UPP.

Acting Division Administrator.

WASHINGTON, D. C.,

February 15, 1935.

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 Article IV of the Supplementary Code of Fair Competition for the Drapery and Carpet Hardware Manufacturing Industry, a division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, by the Supplementary Code Authority for that Industry.

The Supplementary Code of Fair Competition for the Drapery and Carpet Hardware Manufacturing Industry was approved on May 9, 1934. Article IV, Section 11, Sub-section (f), provides that the Supplementary Code Authority shall secure from the members of the Industry an equitable and proportionate payment of the reasonable expenses of maintaining the Supplementary Code Authority and its activities.

The above in effect provides for voluntary contributions on the part of the members of the Industry. This method of providing funds for the proper administration of the Supplementary Code has been found to be unsatisfactory. The amendment has, therefore, been proposed to create a legal obligation, on the part of the Industry members, to pay their pro rata share of the expenses of the Supplementary Code Authority.

FINDINGS

The Assistant Deputy Administrator in his final report to the National Industrial Recovery Board on said amendment of said Supplementary Code having found as herein set forth and on the basis of all proceedings in this matter:

It has been found that:

(a) The amendment of said Supplementary Code and the Supplementary 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 co-operative 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 Supplementary 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 the Supplementary Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The amendment and the Supplementary 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, the amendment has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 15, 1935

AMENDMENT OF SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE DRAPERY AND CARPET HARDWARE MANUFACTURING INDUSTRY

A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND METAL FINISHING AND METAL COATING INDUSTRY

Amend Article IV by deleting Subsection (f) of Section 11 and substituting the following in lieu thereof:

SECTION 11. (f) (a) 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:

(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 Supplementary Code.

(2) To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it 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 the members of the Industry;

(3) After such budget and basis of contribution has been approved by the National Industrial Recovery Board, 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 Supplementary Code Authority determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. 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 selections 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.

(c) The Supplementary Code Authorities shall neither incur nor pay any obligations 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 National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item or expenditures in excess of prior Budget estimates except those which the National Industrial Recovery Board shall have so approved.

Delete Subsection (g) of Article IV, Section 11.

Re-number subsection (h) to read subsection (g).

Re-number subsection (i) to read subsection (h).

Re-number subsection (j) to read subsection (i).

Approved Code No. 84V—Amendment No. 1.

Registry No. 1114-22.

Approved Code No. 446—Amendment No. 4

AMENDMENT TO CODE OF FAIR COMPETITION
FOR THE
CANNING INDUSTRY

As Approved on February 16, 1935

ORDER

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE
CANNING 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 Canning Industry, and hearings having been duly held thereon, and the Deputy Administrator for Hawaii having made and submitted to the National Industrial Recovery Board his report on said amendment, containing his findings with respect thereto, and the annexed report of the National Industrial Recovery Board 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, Executive Order No. 6542-A and otherwise: does hereby incorporate by reference said report of the Deputy Administrator for Hawaii and the annexed report of the National Industrial Recovery Board, and does hereby concur in and adopt the findings of fact made therein, and does find that the 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 Title I of the National Industrial Recovery Act; and does hereby order that said amendment to the Code of Fair Competition 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. This approval to the afore-said amendment is subject to the following condition:

That the provisions of Section 9 of Article V of said Code requiring authorization in writing by employees for deductions from wages shall not be applicable to the deductions for perquisites which

may be authorized by the Deputy Administrator for Hawaii as provided in the amendment.

This amendment shall become effective on the 17th day of March 1935.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

ARMIN W. RILEY,
Division Administrator.

WASHINGTON, D. C.,
February 16, 1935.

REPORT TO THE PRESIDENT

I. INTRODUCTION

The PRESIDENT,
The White House.

SIR: This is a report of a hearing on an amendment to the Code of Fair Competition for the Canning Industry held in Honolulu, T. H. pursuant to the provisions of Sections 2 and 3 of Article IV of the Code of Fair Competition for the Canning Industry, approved on May 29, 1934, and continued until October 30, 1934, in accordance with the conditions of the National Industrial Recovery Act.

At the request of the National Canning Code Authority the continued hearing was delayed until October 30, 1934, in order to permit Mr. A. W. Eames, member of the National Canning Code Authority to be present.

All of the members of the industry in the Territory of Hawaii were represented at the hearing.

II. LABOR PROVISIONS

The amendment provides that in the Territory of Hawaii the minimum rate of pay shall not be less than that paid for the same class of work on July 15, 1929, provided that the minimum rate in the City and County of Honolulu shall be 25¢ per hour for males and 20¢ per hour for females, and that the minimum rate elsewhere shall be 90% of the Honolulu rate. It also provides that no deductions of perquisites shall be made unless such deductions are previously approved in the case of each cannery by the Deputy Administrator in the Territory of Hawaii, the maximum deduction for perquisites not to exceed \$2.75 per week. This provision is the same in the case of both seasonal and non-seasonal employees.

It is estimated that the proposed amendment will increase the payroll of the industry over \$200,000 a year with actual average weekly increase in cash wages to seasonal employee of \$1.50 to \$2.00 a week.

III. FINDINGS

The Deputy Administrator for Hawaii having made and submitted to us his report on said amendment, containing his findings with respect thereto, we do hereby adopt said report and incorporate it by reference in this report.

We find that:

(a) The amendment as recommended complies in all respects with the pertinent provisions of Title I of the National Industrial Recovery Act, including, without limitation, sub-section (a) of Section 7, and sub-section (b) of Section 10 thereof.

(b) The hearings on the proposed amendment were held pursuant to Article IV, Sections 2 and 3 of the Code of Fair Competition for

the Canning Industry. Every member of the Industry in the Territory of Hawaii was represented at the hearing as was also the Code Authority for the Industry. Article VI, Section 5, sub-section (m) and Article IX, Section 2 empower the Code Authority to present the aforesaid amendment on behalf of the Industry as a whole. The Code Authority submitted the aforesaid amendment for approval in pursuance of such provisions of the Code.

(c) The amendment and the Code as amended are not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will not permit monopolies, or monopolistic practices. This protection is assured by the provisions in the amendment establishing a minimum wage differential between the City and County of Honolulu and elsewhere in the Territory. This protects the small canneries in the rural sections elsewhere in the Territory. An additional safeguard against the oppression of the small rural canneries is established by allowing them to make deductions for perquisites. No deductions are made for perquisites in the City and County of Honolulu.

(d) The amendment and Code as amended will remove obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof. The adoption of the minimum rates contained in the aforesaid amendment will result in an annual pay-roll increase of approximately \$200,000. The weekly wage of about six thousand employees will be increased. This will effect a considerable addition to the mass purchasing power of the Territory. When this increase is added to that which will be effected by the adoption of Codes of Fair Competition by other industries in the Territory there will result a tremendous addition to the amount of goods which will be consumed in the Territory, which goods will be imported principally from the mainland. Consequently, one of the principal obstructions which diminishes the amount of commerce between the Territory and the mainland, and indirectly between the various states, will be removed.

(e) The amendment and the Code as amended will promote the fullest possible utilization of the present productive capacity of industries. The aforesaid increased purchasing power resulting from the adoption of the proposed amendment will create additional demand for goods and commodities of all sorts and kinds. In order to meet these demands, the productive capacity of industries will be promoted and utilized. This increase in production will have the effect of beneficially encouraging interstate commerce, both in the movement of raw material used in the process of production and in the distribution of finished goods and commodities.

(f) The amendment and Code as amended will avoid undue restriction of production. There exists at present this undue restriction of production due to the absence of demand for goods produced, which in turn is caused by the depressed purchasing power of the public. The increased purchasing power effected by the adoption of the proposed amendment will tend to avoid this undue restriction of production.

(g) The amendment and the Code as amended will increase the consumption of industrial and agricultural products by increasing purchasing power in the manner above described.

(h) The amendment and the Code as amended will reduce and relieve unemployment. The increase in production brought about by the said added mass purchasing power will tend to make necessary the employment of persons not now employed.

(i) Practically the entire product of the industry in the Territory is shipped to the mainland, where it is consumed. Canned pineapple and canned pineapple juice, the principal products of the industry in the Territory, exceed in volume virtually every other canned fruit. The pack of the Territory represents 1/15 of the entire canning industry volume. Thus we see the extent to which commerce between the Territory and the mainland and also between the various states is affected by the economic condition of the pineapple industry.

From a merchandising point of view, most of the canned products are closely interrelated. If the price of pineapple goes too high, the consumption of that product will shift to some lower price canned fruit. Similarly if the price of pineapple becomes too low in relation to other canned fruits, consumption of those other canned fruits will fall off. If the labor rates under which pineapple is canned are allowed to be substantially under the mainland rates, the entire competitive structure of the industry will be disrupted. Not only is commerce between the Territory and the mainland affected but, due to the amount of pineapple consumed on the mainland, interstate commerce as well, is most vitally affected by the condition of this industry; hence, it is evident that the establishment of reasonable minimum wages for the Territory directly affects interstate commerce.

(j) Those engaged in other stops of the economic process have not been denied the right to be heard at the public hearing. The notice of the hearing was duly publicized. All parties whatsoever who desired to be heard were given the privilege to speak at the hearing.

We have, therefore, approved this amendment, subject to the condition, however, that the provisions of Article V, Section 9 of the Code requiring authorization in writing by employees for deductions from wages shall not be applicable to the deductions for perquisites which may be authorized by the Deputy Administrator for Hawaii, as provided in the amendment.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 16, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE CANNING INDUSTRY

Amend Article IV, Section 2, last paragraph. Eliminate the word "Hawaii" and add a new paragraph, viz.:

"Hawaii District. The minimum rate paid for the same class of work as on July 15, 1929, provided that the minimum rate in the City and County of Honolulu shall be 25¢ per hour for males and 20¢ per hour for females, and the minimum rate elsewhere in the Territory of Hawaii shall be 90% of the Honolulu rate. No deductions for perquisites shall be made unless such deductions are previously approved in the case of each cannery by the Deputy Administrator in the Territory of Hawaii, the maximum deduction for perquisites not exceeding \$2.75 per week."

Amend Article IV, Section 3, last paragraph. Eliminate the word "Hawaii" and add a new paragraph, viz.:

"Hawaii District. The minimum rate in the City and County of Honolulu shall be 25¢ per hour for males and 20¢ per hour for females, and the minimum rate elsewhere in the Territory of Hawaii shall be 90% of the Honolulu rate. No deductions for perquisites shall be made unless such deductions are previously approved in the case of each cannery by the Deputy Administrator in the Territory of Hawaii, the maximum deduction for perquisites not exceeding \$2.75 per week."

Approved Code No. 446—Amendment No. 4.
Registry No. 105-03.

Approved Code No. 141—Amendment No. 3

AMENDMENT TO CODE OF FAIR COMPETITION

FOR

INVESTMENT BANKERS

As Approved on February 18, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR INVESTMENT BANKERS

Applications 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 of Amendment No. 2 of the Code of Fair Competition for Investment Bankers, which are attached hereto and hereby made a part hereof, and Notice of Opportunity to be Heard having been afforded to all interested parties, and any objections filed having been duly considered 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859 dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does 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 does hereby order that said amendments, which are attached hereto and made a part hereof, be and they are hereby approved, and that the previous approvals of said Code and said Amendment No. 2 are hereby modified to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By L. C. MARSHALL, *Executive Secretary*.

Approval recommended:

L. H. PEEBLES,
Division Administrator.

WASHINGTON, D. C.,
February 18, 1935.

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 the amendment of Amendment No. 2 of the Code of Fair Competition for Investment Bankers for the following purposes:

1. To clarify the definitions "interim certificate" and "interim receipt" in paragraph (t) of Article II.

2. To modify subsection (d) of Section 1 of Article IV regarding the acceptance of stock dividends in excess of the amount charged earnings or earned surplus by a company paying a stock dividend.

3. To clarify Section 2 of Article V with respect to three-day notice of organization of selling syndicate or selling group.

4. The addition of a new Section 14 to Article X to provide for automatic suspension and cancellation of registration in cases of nonpayment of code assessments.

5. The addition of a new Section 15 to Article X to provide for automatic suspension and cancellation of registration for failure to supply necessary reports on which code assessments are predicated.

6. The addition of a new Section 16 to Article X to provide for reregistration in cases of cancellation as provided in Sections 14 and 15 of Article X.

The Code of Fair Competition for Investment Bankers was approved on November 27, 1933. Amendment No. 2 of this Code contains all of the Fair Trade Practice provisions and was approved on March 23, 1934.

The proposed amendment clarifying paragraph (t) of Article II with reference to definition of the terms "interim certificate" and "interim receipt" is advisable in order to avoid the possibility that a temporary security which gives the holder all the legal rights might be considered either an interim certificate or interim receipt, as in that case under Article IV, Section 3 of the Code the required refund of monies paid for a security would be unjustified since the purpose of Article IV, Section 3 in requiring refunds of monies paid is to protect the holders of interim certificates or interim receipts in the event that the security purchased cannot for any unforeseen reason be delivered. In contrast with such temporary security interim certificates and interim receipts do not give the holder the legal rights he would possess if the security were in permanent form.

It is proposed to modify subsection (d) of Section 1 of Article IV so as to permit an organization which receives regularly recurring stock dividends from a company neither controlled by nor affiliated with it to promptly sell such stock dividends and take up the proceeds

as income regardless of whether or not the proceeds are more or less than the proportionate amount charged against earnings or earned surplus by the issuing company. The section as written prohibits taking up as income stock dividends received at an amount greater than that charged against earnings or earned surplus by a company paying such stock dividends and this is in accordance with sound business practice when applied to corporations in general, such as operating corporations. This principle is not applicable, however, with respect to organizations defined in the proposed amendment, such as investment trusts.

The clarification of Section 2 of Article V is necessary because of uncertainty among investment bankers as to its exact intentions. The proposed amendment accomplishes the following two purposes, which I am advised was the intention of the provision now in the Code:

1. It provides a three-day period during which an investment banker may come to a decision as to whether or not he wishes to participate in the distribution of the issue of securities as well as the amount of his participation, and

2. It provides a three-day period during which the investor may come to a decision as to whether or not his order for a portion of the issue is a firm order since the order cannot become a firm order in accordance with the Code until written confirmation from the seller, which confirmation may not be given by the seller within the three-day period.

Under the existing Code the Code Committee has authority to cancel the registration of any registered investment banker in cases of non-payment of code assessments, but may do so only after formal procedure entailing unnecessary expenses. The proposed amendment adding Section 14 to Article X provides ample time for the payment of an assessment by a registered investment banker before any action occurs since he has thirty days after the notice of indebtedness has been sent to him to pay such assessment and if the assessment is not received within that time a second notice is mailed to him with which second notice it is required that a copy of this amended section be included. A period of fifteen days after the second notice is provided, after which time the investment banker is automatically suspended and if payment is not received within another fifteen day period after suspension, his registration is automatically cancelled. Provision is made, however, that the Investment Bankers Code Committee may stay the operation of automatic cancellation in any case in which it finds that undue or unreasonable hardship will result by reason of the requirement that the assessment be paid within the period prescribed. Necessary discretion is thus insured to the Code Committee in cases which warrant special consideration.

The above remarks with reference to the proposed Section 14 are likewise applicable to the proposed amendment to add a new Section 15 to Article X involving the submission of reports upon which are predicated the code assessments, except that there is, of course, no necessity for discretion with respect to automatic cancellation in this case since there would appear to be no valid excuse why any investment banker could not forward a report as to the number of his employees. The plan of assessment is based on the number of em-

ployees of a registered investment banker, and therefore, is the controlling factor in assessments for code expenses.

The proposed amendment adding Section 16 to Article X provides that an investment banker whose registration has been cancelled in accordance with the new Section 14 may again become a registered investment banker upon application, provided payment has been made in full of the amount of the indebtedness for which the original registration was cancelled. It further provides that if an investment banker's registration has been cancelled in accordance with the new Section 15 for failure to send in the reports required by the Code the investment banker may again become a registered investment banker upon application if the required reports are submitted. This section further provides that an investment banker who has assented to the Code is entitled to new registration only if he pays in full the amount of any unpaid assessment owing by him in his capacity as an assessor.

FINDINGS

The Deputy Administrator in his report to the National Industrial Recovery Board on said amendments of said Amendment No. 2 of said Code having found as herein set forth and on the basis of all of the proceedings in this matter:

It finds that:

(a) The amendments of 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 Committee 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, therefore, these amendments have been approved.

For the National Industrial Recovery Board:

L. C. MARSHALL,
Executive Secretary.

FEBRUARY 18, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR INVESTMENT BANKERS

Amend Paragraph (t) of Article II of Amendment No. 2 of the Code of Fair Competition for Investment Bankers:

Strike out the first period and insert in lieu thereof a semicolon and the following:

but the term "interim certificate" or "interim receipt" shall not include any security in temporary form which entitles the holder thereof to the possession of the same legal rights in respect of such security as would be possessed by the holder of the security in permanent form.

Amend Article IV, Section 1, Sub-Section (d) of Amendment No. 2 of the Code of Fair Competition for Investment Bankers: Add the following to the present Sub-Section:

Where a corporation (or a voluntary association) receives regularly recurring stock dividends from a company not directly or indirectly controlled by it or affiliated with it and promptly sells such stock dividends, such recipient may take up as income the cash proceeds from the sale of such stock dividends, provided the amount thereof is segregated from other income in such recipient's published reports and a statement of the basis upon which the credit is computed is given.

Amend Article V, Section 2 of Amendment No. 2 of the Code of Fair Competition for Investment Bankers:

Strike out all of the existing Section and in lieu thereof insert the following:

SECTION 2. *Three-day Notice of Organization of Selling Syndicate or Selling Group.*—Any investment banker proposing to organize a selling syndicate or a selling group to distribute new securities other than those of the United States Government or any instrumentality thereof or of any State or subdivision or instrumentality thereof shall mail or deliver or telegraph a copy of the prospectus or an adequate description of the security to each investment banker who is to be offered a participation in such syndicate or a membership in such selling group at such time that, in the usual course of delivery, such prospectus or description will be received by all such investment bankers on approximately the same day and at least three days (excluding Sundays and holidays but including the day of delivery) before the date fixed by the manager when participants in such syndicate or members in such group must accept or refuse such participation or membership and such manager shall, either at the time of the mailing or delivery or telegraphing of such prospectus or description as aforesaid or at another time, fix a date for the public offering of such securities which offering date shall be a date not earlier than the date fixed by such manager when participants in such syndicate or members in such group must accept or refuse such participation or membership.

After the receipt of the prospectus or description any investment banker who is to be offered a participation in a selling syndicate or a membership in a selling group may advise prospective purchasers in regard to the security, but no such investment banker shall confirm an order for such securities before the day fixed by the manager for the public offering or before he shall have accepted in whole or in part the participation or membership offered to him.

Amend Article X of Amendment No. 2 of the Code of Fair Competition for Investment Bankers:

Add the following new Section to be numbered Section 14:

SECTION 14. *Payment of Assessment.*—Any registered investment banker who shall, upon the date when this amended Section becomes effective, have failed to pay any assessment levied against him pursuant to the provisions of Section 13 of this Article X, within 30 days after notice of his indebtedness shall have been sent him, or any registered investment banker who shall, at any time after this amended Section becomes effective, fail to pay any assessment levied against him pursuant to the provisions of Section 13 of this Article X, within 30 days after notice of his indebtedness shall have been sent him, shall immediately be sent by registered mail a second notice in writing of his indebtedness, and if said indebtedness be not liquidated within 15 days after the date of the mailing of such second notice, the registration of such delinquent registered investment banker is thereby automatically suspended; provided that a copy of this amended Section shall have been sent to such delinquent registered investment banker with such second notice. Any registered investment banker whose registration shall have been suspended as provided in this amended Section shall be immediately notified in writing of the suspension of his registration, and his registration may be automatically reinstated after payment of his indebtedness; provided such payment shall be made within 15 days after such registration has been so suspended. If any delinquent registered investment banker shall fail to pay his indebtedness after 15 days suspension his registration shall be automatically canceled; provided, however, that the Investment Bankers Code Committee may stay the operation of the automatic cancellation provided for herein, in any case in which it finds that undue or unreasonable hardship will result to a registered investment banker by reason of the payment by him of his assessment within the period prescribed.

Amend Article X of Amendment No. 2 of the Code of Fair Competition for Investment Bankers:

Add the following new Section to be numbered Section 15:

SECTION 15. *Filing of Reports for Assessments.*—Any registered investment banker who shall, upon the date when this amended Section becomes effective, have failed to file with the Investment Bankers Code Committee any report within 30 days after notice shall have been sent him that such report is required for the purpose of any assessment to be levied pursuant to the provisions of Section 13 of this Article X, or any registered investment banker who shall, at any time after this amended Section becomes effective, fail to file with the Investment Bankers Code Committee any report within 30 days after notice shall have been sent him that such report is required for the purpose of any assessment to be levied pursuant to

the provisions of Section 13 of this Article X, shall immediately be sent by registered mail a second notice in writing to file such report, and if such report be not filed within 15 days after the mailing of such second notice the registration of such delinquent registered investment banker is thereby automatically suspended; provided that a copy of this amended Section shall have been sent to such delinquent registered investment banker with such second notice. Any registered investment banker whose registration shall have been thus suspended shall be immediately notified in writing of the suspension of his registration; and his registration may be automatically reinstated after filing such report and after payment of any assessment levied against him based on such report; provided such payment shall be made within 15 days after notice of his indebtedness shall have been sent to him. If any delinquent registered investment banker shall fail to file his report after 15 days suspension or shall fail to pay his indebtedness within 15 days after notice of assessment levied based on such report, his registration shall be automatically cancelled.

Amend Article X of Amendment No. 2 of the Code of Fair Competition for Investment Bankers:

Add the following new Section to be numbered Section 16:

SECTION 16. Application for Renewal of Cancelled Registrations.—Any investment banker whose registration as a registered investment banker shall have been cancelled as provided in Section 14 or 15 of this Article X, may apply for a new registration as a registered investment banker by an application therefor made in the same manner and under the same conditions as are specified in this Article X with respect to an original application for such registration; provided, that in the event such cancellation shall have been made under the provisions of said Section 14, the application for new registration shall be preceded or accompanied by payment in full of the amount of the indebtedness for which the original registration of such applicant shall have been cancelled; and, provided, further that in the event such cancellation shall have been made under the provisions of said Section 15, the application for such new registration shall be preceded or accompanied by the report or reports as to which the applicant was delinquent, and thereupon there shall be levied against such applicant the same assessment or assessments based on said report or reports which would have been levied if said report or reports had been filed in accordance with the original notice thereof, and such new registration shall not be granted until such applicant shall pay in full the amount of said assessment or assessments. No investment banker who shall have assented to the Code shall be entitled to a new registration as provided in this Section unless he shall also first pay in full the amount of any unpaid assessment owing by him in his capacity as such Assessor.

Approved Code No. 72—Amendment No. 2

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

PACKAGING MACHINERY INDUSTRY AND TRADE

As Approved on February 18, 1935

ORDER

APPROVING AMENDMENT 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 an amendment to the Code of Fair Competition for the Packaging Machinery Industry and Trade, and a hearing 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does 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 does 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.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D. C.,
February 18, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,

The White House.

SIR: This is a report on an amendment of the Code of Fair Competition for the Packaging Machinery Industry and Trade, approved October 31, 1933, and amended July 17, 1934, to amplify and clarify the definition of the Industry, and to add certain provisions to the Articles of the Code relating to Employment, Wages, Hours, State Labor Regulations and Activities of the Code Authority. The amendment was proposed by the Code Authority for said Industry.

This amendment is designed to replace Section 1, Article II; Section 1 (d), Article VII; and Article IX; and to add Sections 2 and 3 to Article V; Section 1 (e) to Article VIII; and Sections 5 and 6 to Article X. A hearing on this amendment was held July 26, 1934. No objections were received.

FINDINGS

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

The National Industrial Recovery Board finds 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, 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, the amendment has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 18, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE PACKAGING MACHINERY INDUSTRY AND TRADE

ARTICLE II—THE INDUSTRY AND TRADE

Amend Section 1 to read as follows:

“The term ‘packaging machinery industry’, as used herein, is defined to mean the manufacture of power-driven automatic and semiautomatic or hand or foot operated machinery and/or equipment and parts thereof used in the manufacture of packages (except machinery and/or equipment for the manufacture of glass, wood and metal packages specifically included under codes of fair competition approved by the President) and nailing machines and machinery and/or equipment and parts therefor used in packaging processes and/or in the preparation of products for shipment, and such other related machines and/or equipment as may be incorporated in the definition of the industry upon approval of the President.”

ARTICLE V—EMPLOYMENT

Number sole paragraph in Article V as Section 1 and add Section 2 to read as follows:

“SECTION 2. 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.”

Add Section 3 to read as follows:

“SECTION 3. Every employer shall provide for the safety and health of employees during the hours and at the places of their employment. Standards of safety and health shall be submitted by the Code Authority to the National Industrial Recovery Board within six months after the effective date of this amendment.”

ARTICLE VII—WAGES

Amend Section 1 (d) to read as follows:

“A person whose earning capacity is limited because of age or 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. 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 VIII—HOURS

Add sub-section 1 (c) to read as follows:

“For the purposes of providing factual information on the effects of the hours and wages provisions of this Code, each member of the Industry and/or Trade shall report to the Code Authority for the information of the National Industrial Recovery Board such statistics as the National Industrial Recovery Board may require.”

ARTICLE IX—STATE REGULATIONS

Amend Article IX to read as follows:

“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.”

ARTICLE X—CODE AUTHORITY

Add Section 5 to read as follows:

“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.”

Add Section 6 to read as follows:

“If the National Industrial Recovery Board 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 National Industrial Recovery Board 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 National Industrial Recovery Board approves or unless it shall fail to disapprove after thirty (30) days' notice to it of intention to proceed with such action in its original or modified form.”

Approved Code No. 72—Amendment No. 2.
Registry No. 1399-30.

Approved Code No. 201P—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

SHEET METAL DISTRIBUTING TRADE

As Approved on February 18, 1935

ORDER

APPROVING AMENDMENT OF SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE SHEET METAL 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 an amendment to a Supplementary Code of Fair Competition for the Sheet Metal Distributing Trade to the Code of Fair Competition for the Wholesaling or Distributing Trade, and opportunity to be heard having been afforded all members of said Trade 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendment and the Supplementary 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 does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Supplementary Code is hereby amended to include an approval of said Supplementary Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

HARRY C. CARR,

Acting Division Administrator.

WASHINGTON, D. C.,

February 18, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report of Opportunity to be Heard on an amendment to a Supplementary Code of Fair Competition for the Sheet Metal Distributing Trade, a division of the Wholesaling or Distributing Trade, said Supplementary Code being Approved Code No. 201—Supplement No. 16 and approved by the Administrator for Industrial Recovery on July 27, 1934. Notice of Opportunity to be Heard on this amendment was published on December 3, 1934 giving members of the Trade until December 24 to file objections.

This Supplementary Code has been amended by substituting, in Section 4 of Article III, the words "three or more Members" for the previous wording "not more than three Members", thereby authorizing the Divisional Code Authority to select Regional Committees consisting of more than three members in such territorial areas as comprise a number of states, and which would be too large for a Regional Committee of only three to administer in securing compliance with the provisions of the Supplementary Code.

The Deputy Administrator in his final report to the National Industrial Recovery Board on said amendment to said Supplementary Code having found as herein set forth and on the basis of all the proceedings in this matter;

The Board finds that:

(a) The amendment to said Supplementary Code and the Supplementary 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 Supplementary 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 Sheet Metal Distributors was and is a trade association truly representative of the aforesaid Trade

and that said association imposed and imposes no inequitable restrictions on admission to membership therein and consents to this amendment.

(d) The amendment and the Supplementary Code as amended are not designated to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Supplementary 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 the approval of this amendment to the Supplementary Code.

For these reasons this amendment to the above-named Supplementary Code has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 18, 1935.

AMENDMENT TO SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE SHEET METAL DISTRIBUT- ING TRADE

A DIVISION OF THE WHOLESALING OR DISTRIBUTING TRADE

The Supplementary Code of Fair Competition for the Sheet Metal Distributing Trade, a division of the Wholesaling or Distributing Trade, is hereby amended by substituting the words "three (3) or more Members" for the words "not more than three (3) Members", in line two of Article III, Section 4, so that Section 4 reads as follows:

SECTION 4. The Divisional Code Authority shall cause to be selected a Regional Committee of three (3) or more Members for each of such regional areas as it may establish to act as its agent in handling such matters as may be referred to such Committee provided that nothing herein shall relieve the Divisional Code Authority of any of its responsibilities under this Supplemental Code or under the General Code and provided further that such Regional Committee shall at all times be subject to and comply with the provisions hereof.

Approved Code No. 201 P—Amendment No. 1.
Registry No. 1135-03.

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

AIR VALVE INDUSTRY

As Approved on February 19, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE AIR VALVE 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 Air Valve Industry, and opportunity to be heard having been 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, does hereby incorporate, by reference, said annexed report and does 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 does 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, provided however, that Subsections (h) and (i) of Section 5, Article VI be deleted and the Subsections immediately following be relettered to read (h) and (i) respectively, such approval and such amendment to take effect twenty (20) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D. C.,
February 19, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the amendment to the Code of Fair Competition for the Air Valve Industry, as submitted by the Code Authority of said Industry. An opportunity to be heard from December 7, 1934 to December 27, 1934 was duly noticed, in accordance with Article X, Section 3 of said Code, as approved March 31, 1934.

The amendment provides for mandatory contributions on an equitable basis by all members of the Industry.

FINDINGS

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

It is found 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 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.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 19, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE AIR VALVE INDUSTRY

PURPOSE

Pursuant to Article X, Section 3, of the Code of Fair Competition for the Air Valve Industry duly approved by the Administrator on March 31, 1934, and further to effectuate Title I of the National Industrial Recovery Act, the following amendment is established as a part of said Code of Fair Competition and shall be binding upon every member of the Air Valve Industry.

ARTICLE VI—ORGANIZATION

Amend Article VI by deleting Section 9 and substituting in lieu thereof section to read as follows:

SECTION 9. (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 National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it 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 National Industrial Recovery Board, 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 National Industrial Recovery Board. 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 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 National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates, except those which the National Industrial Recovery Board shall have so approved.

Approved Code No. 376—Amendment No. 1.
Registry No. 1335-06.

Approved Code No. 265—Amendment No. 2

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

COFFEE INDUSTRY

As Approved on February 19, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE COFFEE 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 Coffee Industry, and an opportunity to be heard has been 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does 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 does 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 and such amendment to take effect ten days from the date hereof unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the said Board issues a subsequent order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

ARMIN W. RILEY,

Division Administrator.

WASHINGTON, D. C.,

February 19, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT.

The White House.

SIR: This is a report on an amendment to Section 6 of Article IV to the approved Code of Fair Competition for the Coffee Industry, No. 265. This Code was approved on February 6, 1934.

The Code Authority for the Coffee Industry, in accordance with Section 2 of Article XI of said Code, having found it necessary in order to maintain standards of fair competition, has made application for amendment of said Code. This amendment is deemed advisable inasmuch as the present provision of the Code compels the employer to pay the watchmen overtime for working on Sundays and holidays. Since watchmen are definitely engaged for the purpose of working on Sundays and holidays when the plant is not in use it is illogical and unfair to allow the payment of overtime to watchmen for working on such days.

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

The National Industrial Recovery Board finds 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 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 the Code as amended has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 19, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE COFFEE INDUSTRY

Amend Article IV, Section 6 by adding the words "night watchmen" after the words "or over" so that the amended section will read as follows:

"Time and one-third shall be paid for all time workers (except by office workers receiving \$35 per week or over, night watchmen and those classified as managerial, executive and technical employees in Section 1 (a) of Article III) on Sundays and the following holidays: Christmas Day, Thanksgiving Day, George Washington's Birthday, Labor Day, July Fourth, New Year's Day and such other holidays as may be proclaimed by the President of the United States."

Approved Code No. 265—Amendment No. 2.
Registry No. 111-1-01.

Approved Code No. 84W—Amendment No. 1

AMENDMENT TO SUPPLEMENTARY CODE OF FAIR COMPETITION

FOR THE

MACHINE SCREW MANUFACTURING INDUSTRY

As Approved on February 19, 1935

ORDER

APPROVING AMENDMENT OF SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE MACHINE SCREW 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, for approval of an amendment to a Supplementary Code of Fair Competition for the Machine Screw Manufacturing 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, does hereby incorporate by reference, said annexed report and does find that said amendment and the Supplementary 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 does hereby order that said amendment 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 amended; provided, however, that the provisions of Article V, Section 2, 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 further Order of the National Industrial Recovery Board.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

JOHN W. UPP,
Acting Division Administrator.

WASHINGTON, D. C.,
February 19, 1935.

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 the deletion of Paragraphs K and L, and the amendment of Paragraph M of Article VII of the Supplementary Code of Fair Competition for the Machine Screw Manufacturing Industry, a division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, by the Supplementary Code Authority for that Industry.

The Supplementary Code of Fair Competition for the Machine Screw Manufacturing Industry was approved on May 10, 1934. Article VII, Paragraphs K, L and a portion of Paragraph M, prohibits price protection on contracts.

These methods of contract sale have been found to be unsuitable to the customers of the Industry and it is proposed to delete Paragraphs K and L and that portion of M which applies to price protection and pass this protection along to customers of the Industry.

FINDINGS

The Assistant Deputy Administrator in his final report to the National Industrial Recovery Board on said amendment of said Supplementary Code having found as herein set forth and on the basis of all proceedings in this matter:

It has been found that:

(a) The amendment of said Supplementary Code and the Supplementary 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 co-operative 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 Supplementary 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 Supplementary Code Authority to present the aforesaid amendment on behalf of the Industry as a whole.

(d) The amendment and the Supplementary Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Supplementary 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.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 19, 1935.

AMENDMENT TO SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE MACHINE SCREW MANUFACTURING INDUSTRY

A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND METAL FINISHING AND METAL COATING INDUSTRY

Delete Paragraphs K and L of Article VII and amend Paragraph M of Article VII to read as follows:

“Making contracts at a specified price for an unspecified quantity for delivery as demanded by the buyer during the period unless the contract is for a fixed percentage of the total consumption requirements of the purchaser of the particular product; or making any such unspecified quantity contract above described except on a standard form or forms approved by the Supplementary Code Authority and the National Industrial Recovery Board; or failing to file with the Secretary a copy of each and every different form of contract entered into by a member of the Industry within five days after entering into a contract in such form.”

Re-letter paragraph “M” to -K-; paragraph “N” to -L-; paragraph “O” to -M-; paragraph “P” to -N-; paragraph “Q” to -O-.

Approved Code No. S4W—Amendment No. 1.
Registry No. 1104-06.

(411)

Approved Code No. 315—Amendment No. 2

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

INDUSTRIAL SAFETY EQUIPMENT INDUSTRY AND INDUSTRIAL SAFETY EQUIPMENT TRADE

As Approved on February 21, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE IN- DUSTRIAL SAFETY EQUIPMENT INDUSTRY AND INDUSTRIAL SAFETY EQUIPMENT 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 the approval of an amendment to a Code of Fair Competition for the Industrial Safety Equipment Industry and Industrial Safety Equipment Trade, and opportunity to be heard having been 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does 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 does 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.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D. C.,
February 21, 1935.

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 Industrial Safety Equipment Industry and Industrial Safety Equipment Trade. In accordance with the requirements of the National Recovery Administration, due opportunity to be heard was afforded to all interested persons, and all objections received were given due consideration.

This Amendment is designed to effectuate an open price policy.

FINDINGS

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

The National Industrial Recovery Board finds 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 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, the Board has approved this Amendment.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 21, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE INDUSTRIAL SAFETY EQUIPMENT INDUSTRY AND INDUSTRIAL SAFETY EQUIPMENT TRADE

Amend Article VII by deleting Section 6 (g) and substituting in lieu thereof, the following:

(g) *Open Price Policy*.—(1) When any group manufacturing and/or selling specified products of this Industry and/or Trade decide by majority vote of such group, that it is desirable to adhere to a policy of published prices for each individual member of the group, it shall be mandatory for each member of the group to adhere to this policy and each member of the product group shall file with a confidential and disinterested agent of the Code Authority or, if none, then with such an agent designated by the National Industrial Recovery Board, identified lists of all of his prices, discounts, rebates, allowances, and all other terms or conditions of sale, hereinafter in this Subsection 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 product group as are sold or offered for sale by said member and for such of said member's non-standard products of said product group as shall be designated by the Code Authority. Said price terms shall in the first instance be filed within ten days after the date established by the product group as the effective date for such first price filing. 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 product group 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 product group and their customers, as aforesaid; provided, that prices filed in the first instance shall not be released until the expiration of the aforesaid ten day period after the date established by the product group as the effective date for such first price filing. 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 National Industrial Recovery Board. Upon request the Code Authority shall furnish to the National Industrial Recovery Board or any duly designated agent of said Board copies of any such lists or revisions of price terms.

(2) When any member of the product group has filed any revision, such member shall not file a higher price within forty-eight (48) hours.

(3) No member of the product group shall sell or offer to sell any products of the product group, for which price terms have been filed

pursuant to the provisions of this Subsection, except in accordance with such price terms.

(4) No member of the product group 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 product group 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 Subsection to create.

Approved Code No. 315—Amendment No. 2.

Registry No. 1399-24.

Approved Code No. 93—Amendment No. 4

AMENDMENT TO CODE OF FAIR COMPETITION
FOR THE
WASHING AND IRONING MACHINE MANUFACTURING INDUSTRY

As Approved on February 21, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE
WASHING AND IRONING 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 the Washing and Ironing Machine 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate, by reference, said annexed report and does 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 does hereby order 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 does hereby order that said Amendment be and it is hereby approved, and that the previous approval of said Code as amended is hereby modified to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

JOHN W. UPP,
Acting Division Administrator.

WASHINGTON, D. C.,
February 21, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: The Code Authority for the Washing and Ironing Machine Manufacturing Industry on July 23, 1934 submitted an application for an amendment to the Code of Fair Competition for the said Industry. The purpose of the proposed amendment was to correct, in so far as possible, existing inequities.

A public hearing was held in Washington on August 20, 1934 pursuant to the provisions of the National Industrial Recovery Act. Every person who requested an appearance was heard in accordance with statutory and regulatory requirements.

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

It is found 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, 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.

For these reasons, therefore, this Amendment has been approved.
For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 21, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR
THE WASHING AND IRONING MACHINE MANUFACTURING INDUSTRY

ITEM 1. Delete Paragraph 4 of Article VII, Subsection A.

ITEM 2. Change the present titular numbers 5, 6, 7, and 8 to 4, 5, 6, and 7 respectively.

ITEM 3. Amend the present Paragraph 7 (changed to paragraph 6, pursuant to above Item 2) to read as follows:

“7. *Guarantee*.—The giving of any guarantee in excess of one year from date of sale to replace defective parts or workmanship.”

Approved Code No. 93—Amendment No. 4.

Registry No. 1399-1-11.

Approved Code No. 84B1—Amendment No. 1

**AMENDMENT TO SUPPLEMENTARY CODE OF FAIR
COMPETITION**

FOR THE

JOB GALVANIZING METAL COATING INDUSTRY

As Approved on February 25, 1935

ORDER

**APPROVING AMENDMENT OF SUPPLEMENTARY CODE OF FAIR COMPE-
TITION FOR THE JOB GALVANIZING METAL COATING 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, for approval of an Amendment to the Supplementary Code of Fair Competition for the Job Galvanizing Metal Coating 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, does hereby incorporate by reference said annexed report and does find that said Amendment and the Supplementary 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 does hereby order that said Amendment be and it is hereby approved, and that the previous approval of said Supplementary Code is hereby amended to include an approval of said Supplementary Code in its entirety as amended; provided, however, that this Amendment shall not become effective until thirty days from the date hereof.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

JOHN W. UPP.

Acting Division Administrator.

WASHINGTON, D. C.,

February 25, 1935.

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, by the Supplemental Code Authority for the Job Galvanizing Metal Coating Industry for an amendment to the Supplementary Code of Fair Competition for the Job Galvanizing Metal Coating Industry, approved May 17, 1934, a Division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry.

The purpose and effect of this amendment is to require members of the industry to sell in accordance with filed prices. Heretofore they have been filing maximum discounts, which created a minimum price and permitted them to sell at any price in excess of the filed price. This amendment is in conformity with the present policy of the National Recovery Administration.

The Deputy Administrator in his final report to me on said amendment to said Supplementary 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 Supplementary Code and the Supplementary 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 Supplementary 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 Supplementary Code empowers the Supplementary Code Authority to present the aforesaid amendment on behalf of the industry as a whole.

(d) The amendment and the Supplementary Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Supplementary 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 foregoing reasons this amendment to the Supplementary Code of Fair Competition for the Job Galvanizing Metal Coating Industry has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 25, 1935.

AMENDMENT TO SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE JOB GALVANIZING METAL COATING INDUSTRY

A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND
METAL FINISHING AND METAL COATING INDUSTRY

Amend Article VII, Section (c) to read as follows:

“No member of the Industry shall sell or offer to sell, directly or indirectly, by any means whatsoever, any product of this Industry, covered by provisions of this Article VII, at a price or at discounts, or on conditions of sale different than those provided in his own current net price lists, or price lists and discount sheets.”

Approved Code No. 84B1—Amendment No. 1.
Registry No. 1135-21.

(424)

Approved Code No. 111—Amendment No. 3

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

AIR TRANSPORT INDUSTRY

As Approved on February 26, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE AIR TRANSPORT 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 the Code of Fair Competition for the Air Transport Industry, and an opportunity to be heard having been duly afforded all interested parties 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does 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 does 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.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

L. H. PEEBLES,
Division Administrator.

WASHINGTON, D. C.,
February 26, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: An application has been duly made pursuant to and in full compliance with the National Industrial Recovery Act for the amendment of Section 3 of Article II and for the amendment of Article VII of the Code of Fair Competition for the Air Transport Industry for the following purposes:

1. The inclusion of the territory of Hawaii in the territory covered by the definition of the term "Industry", thus applying the pertinent provisions of the Air Transport Code to the Air Transport Industry in Hawaii.

2. The addition of a new Section covering Publicity and Advertising Fair Trade Practices to Article VII as amended.

These amendments are submitted in the form as revised by the Code Authority, no objections, criticisms or suggestions having been received during the period provided in the Notice of Opportunity to be Heard published January 16, 1935.

FINDINGS

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

We 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 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.

(g) The territory of Hawaii properly belongs in the territory covered by the Code.

(h) Provisions of proposed amendment to Article VII dealing with false advertising and misrepresentation are reasonable and well adapted for the correction of certain unfair trade practices in this Industry.

For these reasons, these amendments have been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 26, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE AIR TRANSPORT INDUSTRY

Section 3 of Article II of the Code of Fair Competition for the Air Transport Industry shall be amended so as to include the territory of Hawaii in the territory included in the Section so that the said Section will read as follows:

“The term ‘Industry’ includes all public carriers for hire by aircraft for passengers, and/or mail, and/or cargo on scheduled operations and services incidental thereto within the several States of the United States, the District of Columbia, and the territories of Alaska and Hawaii, and such branches or subdivisions thereof as may, from time to time, be included by the President under the provisions of this Code, but does not include scheduled operations and/or services incidental thereto not within the several States of the United States, the District of Columbia, and the territories of Alaska and Hawaii.”

The Code of Fair Competition for the Air Transport Industry shall be amended by adding to Article VII a new Section, as follows:

“*Publicity and Advertising.*—No member of the Industry shall either directly or through an agent publish or contract for the publishing of advertising (whether printed, radio, display or of any other nature) which is misleading or inaccurate in any material particular; nor in any way misrepresent any values, policies or services, or the nature or form of the business conducted.”

Approved Code No. 111—Amendment No. 3.
Registry No. 1741-2-04.

Approved Code No. 64—Amendment No. 7

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

DRESS MANUFACTURING INDUSTRY

As Approved on February 26, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE DRESS 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 Dress Manufacturing Industry, and an opportunity to be heard having been afforded thereon, and the annexed report containing findings with respect thereto having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive order No. 6859, dated September 27, 1934, and otherwise, does hereby incorporate by reference said annexed report and does 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 does 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 to take effect twenty (20) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

PRENTISS L. COONLEY.
Division Administrator.

WASHINGTON, D. C.
February 26, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: The Code Authority for the Dress Manufacturing Industry submitted a proposed amendment to the Code of Fair Competition for the Dress Manufacturing Industry. This amendment was presented to the Legal Division, the Industrial Advisory Board, the Division of Research and Planning, the Consumers Advisory Board and the Labor Advisory Board and received their approval.

As this amendment was in accordance with standard form and consistent with the policies of the Administration, a Public Hearing was considered unnecessary, and in lieu thereof a Notice of Opportunity to be Heard was printed and distributed in the same manner as a Notice of Public Hearing. A specified date was set forth in such Notice, by which time objections and criticisms were to be received relative to this amendment.

The amendment prohibits the employment of persons under eighteen (18) years of age at operations or occupations which are hazardous in nature or dangerous to health.

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

The National Industrial Recovery Board finds 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 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 purpose 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 increased purchasing power, by reducing and relieving unemployment, by improving standards of labor and 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 will not have been deprived of the right to be heard prior to the effective date of this amendment.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 26, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE DRESS MANUFACTURING INDUSTRY

Article V, Section 1, of the Code of Fair Competition for the Dress Manufacturing Industry is amended so as to read as follows:

No person under sixteen years of age shall be employed in the Dress Manufacturing 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 Administration for approval within sixty (60) days after the approval of this Amendment 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.

Approved Code No. 64—Amendment No. 7.
Registry No. 228-01.

Approved Code No. 141—Amendment No. 4

AMENDMENT TO CODE OF FAIR COMPETITION

FOR

INVESTMENT BANKERS

As Approved on February 27, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR INVESTMENT BANKERS

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 Section 4 of Article V of Amendment No. 2 of the Code of Fair Competition for Investment Bankers, which is attached hereto and hereby made a part hereof, and Notice of Opportunity to be Heard having been 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859 dated September 27, 1934, and otherwise; does hereby adopt and incorporate, by reference, said annexed report and does concur in and adopt the findings of fact made therein, and does 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 does hereby order that said amendment, which is attached hereto and made a part hereof, be and it is hereby approved, and that the previous approvals of said Code and said Amendment No. 2 are hereby modified to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By L. C. MARSHALL, *Executive Secretary*.

Approval recommended:

L. H. PEEBLES,
Division Administrator.

WASHINGTON, D. C.,
February 27, 1935.

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 the amendment of Amendment No. 2 of the Code of Fair Competition for Investment Bankers for the following purposes:

The addition of a new Sub-Section (e) to Section 4 of Article V to require that in order to receive a concession on each purchase of securities the investment banker (other than a member of the selling syndicate or selling group organized in connection with the distribution of the issue of securities in question) must sign a certificate which will indicate that said investment banker is performing a service for which he is entitled to the concession.

The Code of Fair Competition for Investment Bankers was approved on November 27, 1933. Amendment No. 2 of this Code contains all of the Fair Trade Practice provisions and was approved on March 23, 1934.

The Code provides that where new securities are being distributed through a selling syndicate or selling group there can be only one price at which the new securities can be offered to the public during the life of the selling syndicate or selling group, the intent being to avoid any preference or discrimination in sales to investors. However, the Code provides that another investment banker may have the concession from such public offering price if and to the extent that the selling syndicate or selling group agreement authorizes such concession. Since certain purchasers, notably banks in the normal course of their business, purchase new issues of securities, either for redistribution or for their own investment account or both, they are as a class in the dual capacity of distributors and investors. Therefore, such purchasers, under the Code as now written, when purchasing solely for their own investment account, are in a position of receiving preference as compared with other investors.

The proposed amendment would require that before a concession could be given to an investment banker (other than a member of the selling syndicate or selling group organized in connection with the distribution of the issue of securities in question) he must certify that he is purchasing the securities either (1) solely for the account of clients, or (2) for his own account but with the intention of redistributing the securities to his clients in the ordinary course of his business. No certificate is required of participants in the selling syndicate or members of the selling group, because the necessary control is included in the syndicate or group agreements.

The effect of the amendment would be to consistently maintain the principle of no discrimination between investors by putting all investment bankers on a level with private investors when they purchase securities solely for investment and not for distribution. It proceeds on the theory that an investment banker is entitled to a lower price than that available to the public only when that investment

banker actively participates in the distribution to others of the securities in question.

FINDINGS

The Deputy Administrator in his report to the National Industrial Recovery Board on said amendment of said Amendment No. 2 of said Code having found as herein set forth and on the basis of all of the proceedings in this matter:

The National Industrial Recovery Board finds that:

(a) The amendment of 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 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 effect of the amendment will be to consistently maintain the principle of no discrimination between investors by putting all investment bankers on a level with private investors when they purchase securities solely for investment and not for distribution.

(c) The amendment will eliminate unfair competitive practices by prohibiting the granting of a concession by a selling investment banker to any purchaser where such concession is merely an inducement for the purchaser to purchase securities from said investment banker rather than the recognition that the purchaser will perform a service in the distribution of the securities which entitles him to such concession.

(d) 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.

(e) The Code empowers the Code Committee to present the aforesaid amendment on behalf of the Industry as a whole.

(f) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(g) 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.

(h) 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, this amendment has been approved.

For the National Industrial Recovery Board:

L. C. MARSHALL,
Executive Secretary.

FEBRUARY 27, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR INVESTMENT BANKERS

Amend Article V, Section 4, of Amendment No. 2 of the Code of Fair Competition for Investment Bankers: Add the following new Sub-section to be known as Sub-section (e) :

(e) No investment banker (other than a member of the selling syndicate or selling group organized in connection with the distribution of the issue of securities in question) shall be allowed a commission or concession by such selling syndicate or selling group, nor shall any investment banker, (other than as aforesaid), be allowed a commission or concession by a participant in such selling syndicate or by a member of such selling group as provided in paragraph (b) of this section, unless the investment banker receiving such commission or concession shall furnish to the manager of the selling syndicate or selling group or to such participant in the selling syndicate or such member in the selling group at the time of the confirmation of the purchase or the entering of a subscription in connection with which such commission or concession is or is to be received, or prior to the date of confirmation of sale or of allotment, a certificate in a form to be approved by the Code Committee and signed by such investment banker stating he claims a commission or concession upon the purchase of the security in question and that such security is being acquired either (1) solely for the account of clients, or (2) for such investment banker's own account but with the intention of redistributing such security to clients in the ordinary course of his business.

Approved Code No. 141—Amendment No. 4.
Registry No. 1707-04.

**AMENDMENT TO SUPPLEMENTARY CODE OF FAIR
COMPETITION**

FOR THE

**MACHINE SCREW NUT MANUFACTURING
INDUSTRY**

As Approved on February 27, 1935

ORDER

APPROVING AMENDMENT OF SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE MACHINE SCREW NUT 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, for approval of an amendment to the Supplementary Code of Fair Competition for the Machine Screw Nut Manufacturing 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does find that said amendment and the Supplementary 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 does hereby order that said amendment 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 amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

JOHN W. UPP,
Acting Division Administrator.

WASHINGTON, D. C.,
February 27, 1935.

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 VII of the Supplementary Code of Fair Competition for the Machine Screw Nut Manufacturing Industry, a division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, by the Supplementary Code Authority for that Industry.

The Supplementary Code of Fair Competition for the Machine Screw Nut Manufacturing Industry was approved on May 5, 1934. The proposed amendment provides for the deletion of paragraphs K and L of Article VII and amending paragraph M of Article VII by the deletion of that part of said paragraph M which reads as follows: "and unless it is agreed in such contract that specifications placed during the last third period thereof shall not exceed the total pieces specified for shipment during the first two-thirds thereof." Paragraphs K, L and M of Article VII are provisions pertaining to the making of contracts of sale.

FINDINGS

The Assistant Deputy Administrator in his final report to the National Industrial Recovery Board on said amendment of said Supplementary Code having found as herein set forth and on the basis of all proceedings in this matter:

It has been found that—

(a) The amendment of said Supplementary Code and the Supplementary 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 Supplementary 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 Supplementary Code empowers the Code Authority to present the aforesaid amendment on behalf of the industry as a whole.

(d) The amendment and the Supplementary Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Supplementary 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.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 27, 1935

AMENDMENT TO SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE MACHINE SCREW NUT MANUFACTURING INDUSTRY

A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND METAL FINISHING AND METAL COATING INDUSTRY

Delete Paragraphs K and L of Article VII and amend Paragraph M of Article VII to read as follows:

Making contracts at a specified price for an unspecified quantity for delivery as demanded by the buyer during the period unless the contract is for a fixed percentage of the total consumption requirements of the purchaser of the particular product; or making any such unspecified quantity contract above described except on a standard form or forms approved by the Supplementary Code Authority and the National Industrial Recovery Board; or failing to file with the Secretary a copy of each and every different form of contract entered into by a member of the Industry within five days after entering into a contract in such form.

Re-letter Paragraph "M" to -K-; Paragraph "N" to -L-; Paragraph "O" to -M-; Paragraph "P" to -N-; Paragraph "Q" to -O-.

Approved Code No. 84T—Amendment No. 1.
Registry No. 1104-09.

Approved Code No. 84L1—Amendment No. 2

AMENDMENT TO SUPPLEMENTARY CODE OF FAIR COMPETITION

FOR THE

COMPLETE WIRE AND IRON FENCE INDUSTRY

As Approved on March 1, 1935

ORDER

APPROVING AMENDMENT OF SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE COMPLETE WIRE AND IRON FENCE 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, for approval of an amendment to a Supplementary Code of Fair Competition for the Complete Wire and Iron Fence 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, does hereby incorporate by reference, said annexed report and does find that said amendment and the Supplementary 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 does hereby order that said amendment 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 amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

JOHN W. UPP,
Acting Division Administrator.

WASHINGTON, D. C.,
March 1, 1935.

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 Act for an amendment to Article VII of the Supplementary Code of Fair Competition for the Complete Wire and Iron Fence Industry, a division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, by the Supplementary Code Authority for that Industry.

The Supplementary Code of Fair Competition for the Complete Wire and Iron Fence Industry was approved on July 3, 1934.

FINDINGS

The Assistant Deputy Administrator in his final report to the National Industrial Recovery Board on said amendment of said Supplementary Code having found as herein set forth and on the basis of all proceedings in this matter:

It has been found that:

(a) The amendment of said Supplementary Code and the Supplementary 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 co-operative 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 Supplementary 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 Supplementary Code Authority to present the aforesaid amendment on behalf of the Industry as a whole.

(d) The amendment and the Supplementary Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Supplementary 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.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

MARCH 1, 1935.

AMENDMENT TO SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE COMPLETE WIRE AND IRON FENCE INDUSTRY

A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND
METAL FINISHING AND METAL COATING INDUSTRY

Amend Article VII by adding the following:

Section 5. The provisions of this Article VII 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.

Approved Code No. S4L1—Amendment No. 2.
Registry No. 1113-01.

(444)

Approved Code No. 1—Amendment No. 14

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

COTTON TEXTILE INDUSTRY

As Approved on March 2, 1935

ORDER

APPROVING AMENDMENT 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 an opportunity to be heard thereon having been given 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, does hereby incorporate, by reference, said annexed report and does 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 does 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.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

PRENTISS L. COONLEY,
Division Administrator.

WASHINGTON, D. C.,
March 2, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on an amendment to the Trade Practices Governing the Merchandising of the Products of the Cotton Thread Manufacturing Branch of the Cotton Textile Industry, approved July 17, 1934. Notice of Opportunity to be Heard on this amendment was published on January 31, 1935; no objections were received within the twenty day period ending February 20, 1935. The amendment, which is attached, was presented by duly qualified and authorized representatives of the Industry, complying with statutory requirements, and being the duly constituted Code Authority under the provisions of the said Code for the said Industry.

This amendment deletes existing Section 8 of the Trade Practices Governing the Merchandising of the Products of the Cotton Thread Manufacturing Branch and substitutes therefor a new Section 8. This new Section clarifies the former provision governing the distribution of samples of cotton thread and its purpose is to prevent the giving of samples of thread by members of the Industry as an integral part of a sale or as a means of making any specific sale. Section 8 as amended will not interfere with the customary practices prevailing in the Industry concerning the distribution of samples.

The Deputy Administrator in his final report to the National Industrial Recovery Board on said amendment to said Code having found as herein set forth, and on the basis of all the proceedings in this matter;

The National Industrial Recovery Board finds 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 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.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

MARCH 2, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE COTTON TEXTILE INDUSTRY

Delete Section 8 of the Fair Trade Practices Governing the Merchandising of the Products of the Cotton Thread Manufacturing Branch and add in lieu thereof a new Section 8 to read as follows:

“8. *Samples*—Whereas, the giving of free trial samples of cotton thread to customers or prospective customers of members of the Industry for the purpose of obtaining business is not in itself a trade abuse, it is an unfair trade practice if any quantity of cotton thread other than trial samples is given by a member of the Industry as an integral part of a sale or as a means of making any specific sale. Any of the aforesaid free trial samples shall be marked as required by the provisions of Section 12 hereof.”

Approved Code No. 1—Amendment No. 14.
Registry No. 299-25.

Approved Code No. 64—Amendment No. 8

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

DRESS MANUFACTURING INDUSTRY

As Approved on March 2, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE DRESS 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 Dress 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, does hereby incorporate, by reference, said annexed report and does 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 does 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 is hereby amended to include an approval of said Code in its entirety as amended, such approval and such amendment to take effect twenty (20) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,

By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

PRENTISS L. COONLEY,
Division Administrator.

WASHINGTON, D. C.,
March 2, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,

The White House.

SIR: On June 18, 1934, a joint public hearing was held on a proposed amendment to the Codes of Fair Competition for the Cotton Garment Industry and the Dress Manufacturing Industry. The nature of this proposed amendment was to clarify certain general and vague definitions contained in each of these codes in reference to the manufacture of inexpensive dresses made of material of which cotton is the chief content and generally known in the trade as a house dress or house dresses.

In accordance with the information and facts brought out at this hearing, the Code of Fair Competition for the Cotton Garment Industry was subsequently amended on September 27, 1934, insofar that in Article II, Section A, Item (8) of said Code the words "cotton wash dresses" were stricken out and the words "dresses of linen or of chief content of cotton selling at wholesale to the retailer up to and including \$22.50 per dozen" were inserted.

In order to synchronize the Code of Fair Competition for the Dress Manufacturing Industry with the Code of Fair Competition for the Cotton Garment Industry as amended on September 27, 1934, it is deemed advisable to approve this amendment. This amendment amends Article II, Section 1 of the Code of Fair Competition for the Dress Manufacturing Industry insofar that in said Article and Section the words "provided that nothing in this definition shall include the manufacture of inexpensive dresses made of material of which cotton is the chief content and generally known in the trade as a house dress or house dresses" are stricken out and the words "provided that nothing in this definition shall include the manufacture of dresses of linen or of chief content of cotton selling at wholesale to the retailer up to and including \$22.50 per dozen" are inserted.

In accordance with the counsel of the Legal Division, notices of opportunity to be heard were printed and distributed in the same manner as Notices of Public Hearing. A specified date was set forth in such Notices, by which time objections and criticisms were to be received relative to this amendment.

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

The National Industrial Recovery Board finds 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 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 purpose 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 increased 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 will not have been deprived of the right to be heard prior to the effective date of this amendment.

For these reasons this amendment has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

MARCH 2, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE DRESS MANUFACTURING INDUSTRY

Article II, Section 1, of the Code of Fair Competition for the Dress Manufacturing Industry shall be amended to read as follows:

The term "Dress Manufacturing Industry" as used herein includes the manufacture and sale by the manufacturer (as defined in paragraphs 6 and 7 of this Article) in whole or in part, in the United States on the North American Continent, of women's, misses', and juniors' dresses, dressmakers' ensembles, and waists when used with ensembles, whether such manufacture and distribution shall be by inside or outside manufacturers, contractors, or otherwise; provided that nothing in this definition shall include the manufacture of dresses of linen or of chief content of cotton selling at wholesale to the retailer up to and including \$22.50 per dozen.

Approved Code No. 64—Amendment No. 8.
Registry No. 228-01.

Approved Code No. 175—Amendment No. 2

AMENDMENT TO CODE OF FAIR COMPETITION
FOR THE
MEDIUM AND LOW PRICED JEWELRY
MANUFACTURING INDUSTRY

As Approved on March 4, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE
MEDIUM AND LOW PRICED JEWELRY 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 the Medium and Low Priced Jewelry Manufacturing Industry, said amendment being to eliminate subsection (c) of Section 1 of Schedule A of said Code, 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, the National Industrial Recovery Board, pursuant to authority vested in said Board by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does 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 does 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.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

JOHN W. UPP,

Acting Division Administrator.

WASHINGTON, D. C.,

March 4, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,

The White House.

SIR: Public Hearing on an amendment to the Code of Fair Competition for the Medium and Low Priced Jewelry Manufacturing Industry submitted by the Schoenthaler-Green-Ellbogen-Wood Committee, representing 57 manufacturers of fraternity jewelry out of a possible 100 concerns manufacturing this product, was conducted in Washington on April 27, 1934, in accordance with the provisions of the National Industrial Recovery Act.

As a result of said hearing, it is believed that Section C, of Section 1, Schedule "A" of the above Code, would tend to establish monopolies.

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

It is found that:

(a) The Amendment of 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 group was and is an industrial group truly representative of the manufacturers operating under Schedule A of the Code for the Industry and that said group imposed and imposes no inequitable restrictions on admission to membership therein and has applied for this amendment.

(d) The amendments and the Code 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 the approval of said amendments and modifications.

For these reasons the amendment has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

MARCH 4, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR
THE MEDIUM AND LOW PRICED JEWELRY MANUFACTURING INDUSTRY

Delete the following subsection (c), Section 1 of Schedule A:

“(c) Where a fraternity controls the manufacture and distribution of its insignia under contract, it is an unfair trade practice for unauthorized persons to manufacture, solicit, or accept orders for such insignia.”

Approved Code No. 175—Amendment No. 2.
Registry No. 1215-1-01.

Approved Code No. 362—Amendment No. 2

AMENDMENT TO CODE OF FAIR COMPETITION
FOR THE
PHOTOGRAPHIC AND PHOTO FINISHING
INDUSTRY

As Approved on March 4, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE
PHOTOGRAPHIC AND PHOTO FINISHING 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 Photographic and Photo Finishing 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate, by reference, said annexed report and does 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 does hereby order that said Amendment be and it is hereby approved, and that the previous approval of said Code as amended is hereby modified to include an approval of said Code in its entirety as amended, such approval and such Amendment to take effect twenty (20) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

JOHN W. UPP,
Acting Division Administrator.

WASHINGTON, D. C.,
March 4, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT.

The White House.

SIR: The Code Authority for the Photographic and Photo Finishing Industry on November 20, 1934 submitted an application for an amendment to the Code of Fair Competition for the said Industry. The purpose of the proposed amendment was to correct, in so far as possible, existing inequities.

A public hearing was held in Washington on January 3, 1935 pursuant to the provisions of the National Industrial Recovery Act. Every person who requested an appearance was heard in accordance with statutory and regulatory requirements.

The proposed amendments include a change in the administrative organization, the modification of certain provisions to a form more equitable and capable of administration, and the conformation of certain other provisions to existing policy.

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

It is found 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, 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.

For these reasons, therefore, this Amendment has been approved.
For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

MARCH 4, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE PHOTOGRAPHIC AND PHOTO FINISHING INDUSTRY

ITEM 1. Wherever used in the Code, delete the word "Administrator" or the phrase "Administrator for Industrial Recovery" and substitute therefor the phrase "National Industrial Recovery Board", and wherever the word "he", referring to Administrator is used, substitute the word "it."

ITEM 2. Wherever used in the Code, delete the words "Code Authority" and substitute therefor the words "Divisional Code Authority."

ITEM 3. In the second line of Subparagraph (c), Paragraph 1, of Article II, delete the word "or" before the word "exposed" and substitute the word "of."

ITEM 4. Delete the present provision of Paragraph 2 of Article III and substitute therefor the following:

"No other employee, except watchmen who may work not more than fifty-two (52) hours per week and outside salesmen, may be permitted to work in excess of forty (40) hours per week."

ITEM 5. Delete the present provision of Paragraph 3 of Article III and substitute therefor the following:

"The provisions of Sections 1 and 2 of this Article shall not apply to members of the Industry operating individually owned and individually operated units, or to employers or employees engaged in a managerial capacity earning more than thirty-five (35.00) dollars per week."

ITEM 6. Add to Article V the following Paragraph to be listed as Paragraph 10:

"No member of the Industry 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."

ITEM 7. Delete Paragraphs 1 and 2 of Article VI and substitute therefor the following four Paragraphs:

1. "A Basic Code Authority is hereby constituted which shall consist of the Chairman of each of the Divisional Code Authorities to be elected pursuant to the provisions of this Article. The Basic Code Authority shall coordinate and adjust all matters involving inter-divisional conflicts."

2. "A Divisional Code Authority for each of the Divisions listed in Paragraph 1 of Article II is hereby constituted. Each divisional Code Authority shall consist of at least three (3) and not more than five (5) members of that Division, provided, however, the Portrait and Commercial Division may administer the provisions of this Code through one Divisional Code Authority. The election of all members of each Divisional Code Authority shall be by a fair method, which method shall be submitted to the National Industrial Recovery Board

for approval. The National Industrial Recovery Board may appoint additional members without vote to represent such governmental agencies as it desires."

3. "Each Divisional Code Authority shall in accordance with such regulations as may be prescribed by the National Industrial Recovery Board have exclusive jurisdiction over matters pertaining and/or problems relating exclusively to that Division, including the collection and disposition of funds paid by members of that Division for Code purposes."

4. "Each Divisional Code Authority may establish in any Trade Area local Trade Area Code Committees to administer the provisions of this Code in that particular Trade Area, provided, however, that such Trade Area signifies its desire for such administration. The cost of such administration shall be borne on a voluntary basis by the members of that Trade Area. All action of Trade Area Code Committee so constituted shall be subject to the approval of the Divisional Code Authority."

ITEM 8. Delete the present titular numbers of Paragraphs 3 and 4 of Article VI and substitute therefor the titular numbers 5 and 6.

ITEM 9. Delete the present Paragraph 5 of Article VI of the Code as amended on October 6, 1934, and substitute therefor the following to be listed as Paragraph 7:

7. "Nothing contained in this Code shall constitute the Members of the Basic Code Authority or any Divisional Code Authority partners for any purpose. Nor shall any Member of the Basic Code Authority or any Divisional Code Authority be liable in any manner to anyone for any act of any other Member, Officer, Agent or Employee of the Basic Code Authority or any Divisional Code Authority. Nor shall any Member of the Basic Code Authority or any Divisional Code Authority be liable to anyone for any action or omission to act under the Code, except for his own willful misfeasance or non-feasance."

ITEM 10. Delete the present titular number of Paragraph 6 of the Code as amended on October 6, 1934 and substitute therefor the titular number 8.

ITEM 11. Delete the present titular number of Paragraph 7 of the Code as amended on October 6, 1934 and substitute therefor the following to be listed as Paragraph 9:

9. "If the National Industrial Recovery Board shall determine that any action of either the Basic Code Authority or any Divisional Code Authority or any agency thereof may be unfair or unjust or contrary to public interests, the National Industrial Recovery Board may require that such action be suspended to afford an opportunity for an investigation of the merits of such action and further consideration by the Basic Code Authority or the Divisional Code Authority or any agency thereof pending final action which shall not be effective unless the National Industrial Recovery Board approves or unless it shall fail to disapprove after thirty (30) days notice to it of intention to proceed with such action in its original or modified form."

ITEM 12. Add to the two existing Subparagraphs of Paragraph 3 of Article VIII the following Subparagraphs:

C. "To fail to include as a condition of sale filed with the Trade Area Code Committee, in such regions where price filing is required, the length of time generally required before the finished Industry Product is ready for the consumer."

D. "To grant or offer to grant trade discounts contrary to the provision as set forth in Schedule 'C' attached hereto."

ITEM 13. Delete Article IX and substitute therefor the following:

1. "Each member of the Industry in those Trade Areas which have elected Trade Area Code Committees pursuant to the provisions of Paragraph 4 of Article VI shall file with a confidential and disinterested agent of the Trade Area Code Committee or, if none, then with such an agent designated by the National Industrial Recovery Board, 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 Divisional 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 available to both the members of the Industry and their customers who have applied therefor and have offered to defray the cost actually incurred by the Divisional Code Authority or its agent in the preparation and distribution thereof. The Code Committee 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 National Industrial Recovery Board. Upon request the Trade Area Code Committee shall furnish to the National Industrial Recovery Board or any duly designated agent of the National Industrial Recovery Board copies of any such lists or revisions of price terms."

2. "When any member of the Industry has filed any revision such member shall not file a higher price within forty-eight (48) hours."

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."

4. "No member of the Industry shall enter into any agreement, understanding, combination or conspiracy to fix or maintain price terms, no 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."

5. "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 Divisional 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 Divisional 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 the National Recovery Administration which shall render a report and recommendation thereon to the National Industrial Recovery Board.

‘(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 Paragraph 6 hereof, is forbidden.’ ”

6. “(a) If the National Industrial Recovery Board, after investigation shall at any time find both (1) that an emergency has arisen within the Industry adversely affecting small enterprise 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 Divisional Code Authority may cause an impartial agency to investigate costs and recommend to the National Industrial Recovery Board a determination of the stated minimum price of the product affected by the emergency and thereupon the National Industrial Recovery Board may proceed to determine such stated minimum price.

“(b) When the National Industrial Recovery Board 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, it 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 Divisional Code Authority may recommend review or reconsideration or the National Industrial Recovery Board may cause any determinations hereunder to be reviewed or reconsidered and appropriate action taken.”

ITEM 14. Delete Article X.

ITEM 15. Delete the present Article XI and substitute therefor the following to be listed as Article X.

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 until Title I of said Act,

and specifically, but without limitations, to be the right of the President to cancel or modify his approval of this Code or any conditions imposed by him upon approval thereof."

2. "This Code, except as to provisions required by the Act, may be modified upon the basis of experience or changes in circumstances, such modifications to be based upon application to the National Industrial Recovery Board by either the Basic Code Authority or any Divisional Code Authority and such notice and hearing as it shall specify, and to become effective upon approval by the President."

ITEM 16. Change the titular numbers of Articles XIII, and XII, to XI and XII.

ITEM 17. Delete the provisions of Schedule "C" and substitute therefor the following:

"The total of all discounts including cash discounts shall not exceed thirty-five per cent (35%). All cash discounts are conditioned upon the payment of the account by the fifteenth of the following month, however, the Divisional Code Authority may authorize exception to this trade discount provided, that eighty-five per cent (85%) of the members of the Industry in a Trade Area show that due to conditions peculiar to that area or for other sufficient cause, exception should be permitted. The National Industrial Recovery Board may approve, disapprove, or modify the determination."

Approved Code No. 362—Amendment No. 2.

Registry No. 1650-17.

Approved Code No. 21—Amendment No. 3

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

LEATHER INDUSTRY

As Approved on March 5, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE LEATHER 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 Leather Industry, and 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does 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 does 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.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

PRENTISS L. COONLEY,
Division Administrator.

WASHINGTON, D. C.,
March 5, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,

The White House.

SIR: This is a report on the Amendment to the Code of Fair Competition for the Leather Industry and on the Notice of Opportunity to be Heard, dated January 23, in accordance with the provisions of Title I of the National Industrial Recovery Act.

GENERAL STATEMENT

The Leather Industry, through the General Planning Committee, its Code Authority, has availed itself of provisions in Article XV of the Code of Fair Competition for the Leather Industry, approved by you on the seventh day of September, 1933.

RÉSUMÉ OF AMENDMENT

The Amendment calls for a revision of Article XV, paragraph 2, and will enable the Code Authority to propose Amendments on behalf of the Industry or any Division thereof, without the necessity of a three-quarter vote of the entire Industry, as provided in the original article. At the time the Leather Code was formulated, it included only tanners of leather. They were comparatively few in number, and an approval by seventy-five (75) per cent was democratic and workable. Since the Code was originally approved, there have been included under the Code many small and scattered groups of related industries, such as the Leather Belting Division. On several occasions it has been found that, although they received one hundred (100) per cent vote of approval by the tanners to a proposed action, the absence of any vote from many of the smaller members made the securing of seventy-five (75) per cent a physical impossibility. In other words, their hands have been tied in taking any constructive action. It was only after the expenditure of considerably over one thousand dollars in long distance telephone calls that the Code Authority was able to get the necessary votes on this particular Amendment.

The Deputy Administrator, in his final report to the National Industrial Recovery Board on said Amendment to said Code, having found as herein set forth and on the basis of all the proceedings in this matter:

The National Industrial Recovery Board finds that:

(a) The Amendment to the 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 Code empowers the General Planning Committee 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.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

MARCH 5, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE LEATHER INDUSTRY

Amend the Title of Article XV by deleting the last two words "and Voting" and change "comma" to "period" after the word "terminations."

Article XV, paragraph (2) shall be amended to read as follows:

Such of the provisions of this Code as are not required to be included herein by the Act may, upon recommendation of the General Planning Committee as provided herein and, with the approval of the National Industrial Recovery Board, 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 of the provisions of this Code, unless so modified or eliminated, shall remain in effect until June 16, 1935.

Approved Code No. 21—Amendment No. 3.
Registry No. 930-1-01.

(468)

APPENDIX

CODE APPENDIX

FOR THE

**INDUSTRIAL WIRE CLOTH MANUFACTURING
INDUSTRY**

As Approved on February 8, 1935

ORDER

APPROVING APPENDIX FOR THE INDUSTRIAL WIRE CLOTH MANUFACTURING INDUSTRY

A SUBDIVISION 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 4 of Article IV of the Code of Fair Competition for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, approved November 2, 1933, as amended June 1, 1934, for approval of an Appendix establishing trade practice provisions for the Industrial Wire Cloth Manufacturing Subdivision of said Industry, and Notice of Opportunity to be Heard having been duly publicized, and objections having been received and duly considered thereon; and the annexed report on said Appendix to 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate by reference said annexed report and does find that said Appendix to said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and does hereby order that said Appendix of said Code of Fair Competition be and it is hereby approved:

PROVIDED, HOWEVER, that the operation of the provisions of Section A of Article V of the Code of Fair Competition for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry be and it is hereby stayed as to all members

of the Industrial Wire Cloth Manufacturing Subdivision of said Industry subject thereto until the National Industrial Recovery Board may by its order otherwise direct.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

KILBOURNE JOHNSTON,
Acting Division Administrator.

WASHINGTON, D. C.,
February 8, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on an Appendix to the Code of Fair Competition for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, approved on November 2, 1933, and as amended on June 1, 1934.

GENERAL STATEMENT

The Industrial Wire Cloth Manufacturing Industry, being truly representative of this Subdivision of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, has elected to avail itself of the option of operating under the Code for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, with the assistance of additional fair trade practice provisions.

RÉSUMÉ OF THE APPENDIX

Paragraph A, accurately defines the term "Industrial Wire Cloth Manufacturing Subdivision."

Paragraph B, sets up a governing body consisting of members of the Subdivision and also provides for an Administration Member. This governing body is to be known as the Subdivisional Committee for the Industrial Wire Cloth Manufacturing Subdivision.

Paragraph C, prescribes the effective date of the Appendix.

TRADE PRACTICES

Section 1, provides for the formulating of methods of cost finding and accounting capable of use by all members of this Subdivision.

Section 2, provides for open price filing by the members of the subdivision.

Section 3, provides for standards of fair competition with reference to pricing practices, such as wilfully destructive price cutting, and declared emergency conditions.

Section 4, provides for the determination of a lowest reasonable cost in the event of a destructive price cutting emergency.

Section 5, provides against indemnifying a purchaser against either a decline or an advance in price.

Section 6, provides that no purchaser shall receive advance notice of any change in price or condition of sale.

Section 7, provides that full specifications covering quantity, price and fixed delivery date shall accompany orders.

Section 8, provides that an invoice must be dated as of the actual date of shipment.

Section 9, sets forth the practice of combination sales.

Section 10, provides against inducing breach of contract.

Section 11, provides against consignment shipments.

Section 12, sets forth the practices in reference to return of obsolete products.

Section 13, provides against consequential damages.

Section 14, provides against substitution.

Section 15, provides that products are to be described in terms common to the Subdivision.

Section 16, relates to the classification of customers.

FINDINGS

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

It has been found that:

(a) Said Appendix to 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 the National Industrial Recovery Board as a major industry.

(c) The Appendix to said 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 association truly representative of the aforesaid industry; and that said association imposes no inequitable restrictions on admission to membership therein.

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

(e) The Appendix to said 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 Appendix to said Code.

For these reasons, therefore, this Appendix of said Code has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 8, 1935.

CODE APPENDIX FOR THE INDUSTRIAL WIRE CLOTH MANUFACTURING INDUSTRY

A SUBDIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND METAL FINISHING AND METAL COATING INDUSTRY

Pursuant to Section 4 of Article IV of the Code of Fair Competition of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, as amended, (the terms of which apply to each member of the Industrial Wire Cloth Manufacturing Subdivision) the following provisions are established as an Appendix to said Code of Fair Competition of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry for the Industrial Wire Cloth Manufacturing Subdivision of that Industry.

A. *Definition.*—The term “Industrial Wire Cloth Manufacturing Subdivision” hereinafter in these trade practice provisions referred to as the “subdivision”, means and includes, but without limitation, any individual, partnership, association, corporation, or other form of enterprise, engaged either, as an employer, or on his or its own behalf, in the manufacture, for sale, of woven wire cloth in any and all metals and for all purposes except fourdrinier and other wire cloth for use in pulp and paper mills as covered by the Supplementary Code of Fair Competition for the Pulp and Paper Mill Wire Cloth Manufacturing Industry, also excepting insect wire screen cloth woven from copper, bronze, aluminum, monel metal, steel wire or other alloys in 12, 14, 16, and 18 mesh, and, further excepting wire poultry netting, fish trap wire netting, auto top wire netting, stucco wire netting, standard hardware wire cloth and woven wire lath.

B. *Subdivisional Committee.*—The members of the subdivision shall set up a subdivisional committee for the Industrial Wire Cloth Manufacturing Subdivision, hereafter referred to as the “subdivisional committee”, consisting of as many members as may be determined by and in a manner satisfactory to the Basic Code Authority and the National Industrial Recovery Board. The National Industrial Recovery Board may appoint a member of the subdivisional committee who shall be given reasonable notice of and may sit at all meetings of the subdivisional committee, but who shall be without vote and shall serve without expense to the subdivision.

C. *Effective Date.*—This Appendix shall become effective ten (10) days after its approval by the National Industrial Recovery Board.

TRADE PRACTICES

Any member of the subdivision who directly or indirectly through any officer, employee, agent, or representative violates or evades any of the following trade practice provisions shall be guilty of violation of this Code.

SECTION 1. *Cost Finding.*—The subdivisional committee shall cause to be formulated, methods of cost finding and accounting capable of use by all members of the subdivision, and shall submit such methods to the National Industrial Recovery Board for review. If approved by the National Industrial Recovery Board, full information concerning such methods shall be made available to all members of the subdivision. Thereafter, each member of the subdivision shall utilize such methods to the extent found practicable. Nothing herein contained shall be construed as permitting the subdivisional committee, any agent thereof, or any member of the subdivision 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. The principles of accounting and costing as approved and set up under this section shall not be used by the subdivisional committee or the Basic Code Authority in the administration of the provisions of Article V, Section A of the Basic Code.

SECTION 2. *Open Price Filing.*—(a) Each member of the subdivision shall file with a confidential and disinterested agent of the subdivisional committee, or, if none, then with such an agent designated by the National Industrial Recovery Board, identified lists of all of his prices, discounts, rebates, allowances, and all other terms or conditions of sale, hereinafter in this Appendix 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 subdivision 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 subdivisional committee.

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 subdivision and to all of their customers who have applied therefor and have offered to defray the cost actually incurred by the agent of the subdivisional committee 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 subdivision 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 Appendix.

The subdivisional committee 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 National Industrial Recovery Board. Upon request, the subdivisional committee shall furnish to the National Industrial Recovery Board or

any duly designated agent of the National Industrial Recovery Board, copies of any such lists or revisions of price terms.

(b) When any member of the subdivision has filed any revision, such member shall not file a higher price within forty-eight (48) hours.

(c) No member of the subdivision shall sell or offer to sell any products or services of the subdivision for which price terms have been filed pursuant to the foregoing provisions, except in accordance with such price terms.

(d) No member of the subdivision 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 subdivision 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 Section to create.

SECTION 3. *Costs and Price Cutting.*—The standards of fair competition for this subdivision 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 subdivision or of any other subdivision or industry or the customers of either, may at any time complain to the subdivisional committee 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 subdivisional committee 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 National Industrial Recovery Board.

(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 the following Section 4 hereof, is forbidden.

SECTION 4. *Emergency Provisions.*—(a) If the National Industrial Recovery Board after investigation, shall at any time find both (1) that an emergency has arisen within the subdivision 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 subdivision, for a limited period is necessary to mitigate the conditions constituting such emergency and to effectuate the purposes of the Act, the subdivisional committee may cause an impartial agency to investigate costs and to recommend to the National Industrial Recovery Board a determination of the stated minimum price of the product affected by the emergency and thereupon the National Industrial Recovery Board may proceed to determine such stated minimum price.

(b) When the National Industrial Recovery Board 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, they shall publish such price. Thereafter, during such stated period, no member of the subdivision 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 subdivisional committee may recommend review or reconsideration or the National Industrial Recovery Board may cause any determinations hereunder to be reviewed or reconsidered and appropriate action taken.

SECTION 5. *Indemnifying Against Decline or Advance in Price.*—No member of the subdivision shall indemnify a purchaser nor offer to indemnify a purchaser against either a decline or an advance in price.

SECTION 6. *Advance Notice of Price Changes.*—No member of the subdivision shall give to any purchaser, or prospective purchaser, any advance notice of an intention to change his price terms and/or conditions of sale.

SECTION 7. *Specifications and Definite Delivery Date to Accompany Orders.*—No member of the subdivision shall enter into or accept a contract, order or commitment unless such contract, order or commitment is accompanied by full specifications covering quantity, price and a fixed delivery date which does not extend beyond ninety (90) days from receipt of such contract, order or commitment.

SECTION 8. *Pre-dating and Post-dating of Invoices.*—No member of the subdivision shall state in any invoice, as the date thereof, a date earlier or later than the actual date of shipment, or include in any invoice, any product shipped on a date earlier or later than the date of such invoice.

SECTION 9. *Combination Sales.*—No member of the subdivision shall enter into any contract, accept an order or render any invoice to include goods other than products of the subdivision, unless the price charged or to be charged, for the product of the subdivision included therein, is separately stated and set forth.

SECTION 10. *Inducing Breach of Contract.*—No member of the subdivision shall induce or attempt to induce the breach of a contract between a competitor and his customer or between a competitor and his source of supply; nor shall any member of the subdivision interfere with or obstruct the performance of such contractual duties or services.

SECTION 11. *Shipments on Consignment.*—No member of the subdivision shall ship goods on consignment except where peculiar circumstances within the subdivision may require the practice and then only under conditions to be defined by the subdivisional committee and approved by the National Industrial Recovery Board.

SECTION 12. *Return of Obsolete Products.*—No member of the subdivision shall offer to accept or accept for credit or refund, products of the subdivision which are obsolete, or for other reasons not readily saleable, as shown by sales records of the preceding year, unless such member of the subdivision shall have, prior to such offer or acceptance, filed with the subdivisional committee a statement in

writing, setting forth the facts concerning and reasons for such proposed offer or acceptance, provided, however, that such credit or refund granted by the member of the subdivision to any customer shall in no case amount to more than the resale or salvage value of the products returned, whichever is higher. Provided, further, that the provisions of this Section shall not apply to the return of products which are defective as to workmanship or material nor in cases where the member of the subdivision has failed to comply with the contract of sale.

SECTION 13. *Consequential Damages*.—No member of the Subdivision shall enter into any agreement to assume responsibility for damages, or other items of expense, which normally cannot be anticipated by any member of the subdivision in original costs and selling prices, provided that this section shall not apply in cases of wanton or wilful malfeasance or negligence or in cases where its provisions conflict with existing state laws.

SECTION 14. *Substitution*.—No member of the subdivision shall substitute or deliver, without the consent of the purchaser, any material or product other than that specified by the purchaser.

SECTION 15. *Products to be Described in Terms Common to the Subdivision*.—No member of the subdivision shall use in any invoice, any descriptive term which does not fully describe the product sold, or to be sold, in terms customarily used in the subdivision.

SECTION 16. *Classification of Customers*.—The subdivisional committee shall cause to be formulated and keep current a classification of all types of customers of the subdivision. Such classification shall be subject to the disapproval of the National Industrial Recovery Board and shall contain: (a) A complete list of all the classes of customers of the subdivision, including a class to cover every known type of customer; and (b) definitions or descriptions of the several classes in terms of functions performed, or in other appropriate terms such as purchasers of defined quantities.

After submission to the National Industrial Recovery Board, if there is no disapproval or request for suspension of action within twenty (20) days, full information concerning the classification shall be made available to all members of the subdivision.

No one shall by intimidation, coercion, or other undue influence, cause, or attempt to cause, the inclusion of any customer in, or the exclusion of any customer from, any class of customers, or the exclusion of any class of customers from the classification, or the use of uniform or stipulated prices, discounts or differentials and each member of the subdivision may at all times classify his own customers in accordance with his own judgment.

Approved Code No. 84—Appendix No. 6

CODE APPENDIX

FOR THE

COSMETIC CONTAINER MANUFACTURING INDUSTRY

As Approved on February 12, 1935

ORDER

APPROVING APPENDIX FOR THE COSMETIC CONTAINER MANUFACTURING
INDUSTRY

A SUBDIVISION 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 4 of Article IV of the Code of Fair Competition for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, approved November 2, 1933, as amended June 1, 1934, for approval of an Appendix establishing trade practice provisions for the Cosmetic Container Manufacturing Subdivision of said Industry, and Notice of Opportunity to be Heard having been duly publicized, and no objections having been received thereon; and the annexed report on said Appendix to 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate by reference said annexed report and does find that said Appendix to said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and does hereby order that said Appendix to said Code of Fair Competition be and it is hereby approved; provided, that Section 8 thereof be and it hereby is stayed for a period of twenty (20) days from the date hereof, and at the expira-

tion of that time it shall become effective unless good cause to the contrary is shown to the National Industrial Recovery Board before that date.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

KILBOURNE JOHNSTON,
Acting Division Administrator.

WASHINGTON, D. C.
February 12, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,

The White House.

SIR: This is a report on an Appendix to the Code of Fair Competition for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, approved on November 2, 1933, and as amended on June 1, 1934.

GENERAL STATEMENT

The Cosmetic Container Manufacturing Industry, being truly representative of this Subdivision of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, has elected to avail itself of the option of operating under the Code for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, with the assistance of additional fair trade practice provisions.

RÉSUMÉ OF THE APPENDIX

Paragraph A. Definition, accurately defines the term "Cosmetic Container Manufacturing."

Paragraph B. Governing Body, sets up a governing body consisting of members of the Subdivision and also provides for an Administration Member. This governing body is to be known as the Subdivisional Committee for the Cosmetic Container Manufacturing Subdivision.

Paragraph C. Effective Date, prescribes the effective date of the Appendix.

TRADE PRACTICES

Section 1 provides that no member shall falsely classify any product for the purpose of securing lower freight rates.

Section 2 prohibits the sale of or quotations on other products and/or commodities, as a subterfuge toward disposing of products of this Industry at less than the invoiced price plus all incidental costs.

Section 3 provides that no member shall secure confidential information by false or misleading statement or by bribery or any other false method.

Section 4 makes it a violation for any member of the Industry to use the term "advertising allowances" when applied to any part of price offer or to denote payment for the purchase of specific promotion services.

Section 5 provides that no member of the subdivision shall grant terms on payment of sales more favorable than net cash.

Section 6 makes it a violation for any member of the Industry to publish or circulate threats of suits for infringement of patents or trade marks or any other legal proceedings not in good faith.

Section 7 prohibits the breach of a written contract between a competitor and his consumer.

Section 8 makes it a violation for any member of the Industry to grant the right to purchasers to remove tools from the employer's plant because of the payment by the purchaser of fitting up charges to cover the cost of such tools and fixtures made especially for an order.

Section 9 prohibits the return by the purchaser of damaged or shopworn merchandise without previous return authorization by the said member of the subdivision.

Section 10 prohibits the making or offering to make contracts under terms of which the customer shall have the right to take delivery of any part or all of the goods after 90 days from date of first delivery; (provided, that contracts may be accepted for more extended time.)

Section 11 prohibits the failure to invoke available legal remedies upon breach of contract by a customer, for the purpose of securing competitive advantage over other members of this subdivision.

Section 12 makes it a violation for any member of the Industry to discriminate in price in favor of purchasers of goods for export compared with domestic purchasers; provided, that nothing shall prevent discrimination between purchasers that makes only due allowance for differences in grade, quality, or quantity of the commodity sold, or in the cost of selling or transportation.

FINDINGS

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

It has been found that:

(a) Said Appendix to 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 the National Industrial Recovery Board as a major industry.

(c) The Appendix to said Code as approved complies in all respects with the pertinent provisions of said Title of said Act, includ-

ing 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 association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

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

(e) The Appendix to said 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 Appendix to said Code.

For these reasons, therefore, this Appendix of said Code has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 12, 1935.

CODE APPENDIX FOR THE COSMETIC CONTAINER MANUFACTURING INDUSTRY

A SUBDIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND METAL FINISHING AND METAL COATING INDUSTRY

Pursuant to Section 4 of Article IV of the Code of Fair Competition for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, as amended, (the terms of which apply to each member of the Cosmetic Container Manufacturing Industry Subdivision) the following provisions are established as an Appendix to said Code of Fair Competition of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry for the Cosmetic Container Manufacturing Subdivision of that Industry.

A. *Definition.*—The term “Cosmetic Container Manufacturing” is defined to mean the manufacture for sale of unfilled containers made in whole or in part of metal (other than tin decorated containers or collapsible tubes), which are sold to the manufacturer of toilet goods in order to be used for the holding of perfume, cosmetic, and other toilet preparations.

B. *Subdivisional Committee.*—The members of the Subdivision shall set up a Subdivisional Committee for the Cosmetic Container Manufacturing Subdivision, hereafter referred to as the “Subdivisional Committee”, consisting of as many members as may be determined by and in a manner satisfactory to the Basic Code Authority and the National Industrial Recovery Board. The National Industrial Recovery Board may appoint a member of the Subdivisional Committee who shall be given reasonable notice of and may sit at all meetings of the Subdivisional Committee, but who shall be without vote and shall serve without expense to the Subdivision.

C. *Effective Date.*—This Appendix shall become effective ten (10) days after its approval by the National Industrial Recovery Board.

TRADE PRACTICES

Any member of the Subdivision who directly or indirectly through any officer, employee, agent, or representative, violates or evades any of the following trade practice provisions shall be guilty of violation of this Code.

SECTION 1. *Classification.*—No member of the Subdivision shall falsely classify any product of this Subdivision as to nature thereof for the purpose of securing lower freight rates.

SECTION 2. *Combination Sales.*—No member of the Subdivision shall sell or offer to sell commodities other than products of this Subdivision for the purpose of influencing a sale of products of this Subdivision at prices below the invoice price plus all incidental cost

of such products. If and when the products of this Subdivision are sold in combination with products of other industries, the invoice must clearly show the unit price of all articles listed.

SECTION 3. *Espionage of Competitors.*—No member of the Subdivision shall secure or attempt to secure confidential information concerning the business of a competitor by false or misleading statement or representation, by false impersonation of one in authority, by bribery or by any other unfair method.

SECTION 4. *Advertising Allowances.*—No member of the Subdivision shall use in a sales agreement the term "advertising allowances" when it is applied to any part of the price offer or used otherwise than to denote the payment for the purchase of specific promotion services. No member of the Subdivision shall arrange for advertising allowances except in agreements entirely separate and distinct from sales agreements, nor shall any member grant advertising allowances except as payments for specific promotion performances which are possible, practicable, and capable of being audited.

SECTION 5. *Terms.*—No member of the Subdivision shall grant terms of payment on sales more favorable than net cash, thirty (30) days, or, if discount is allowed, such discount shall not be in excess of two (2%) percent, 10 days proximo, net 30 days. Bills must be dated the day of shipment.

SECTION 6. *Threats of Litigation.*—No member of the Subdivision shall publish or circulate 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.

SECTION 7. *Interference with Another's Contracts.*—No member of the Subdivision shall induce or attempt to induce the breach of a written contract between a competitor and his customer or source of supply, or interfere with or obstruct the performance of contractual duties or services covered by any such contract.

SECTION 8. *Fitting up Charges.*—No member of the Subdivision shall grant the right to purchasers to remove tools from the employer's plant because of the payment by the purchaser of fitting up charges to cover the cost of such tools and fixtures made specially for an order. The terms on fitting up charges shall be net cash. After a period of two years without a reorder, unless otherwise mutually agreed upon, the employer shall be at liberty to make any disposition or use of such tools as he desires. No exception to this Section shall be allowed except under circumstances to be defined by the Subdivisional Committee and approved by the National Industrial Recovery Board.

SECTION 9. *Goods Returned for Repair or Reconditioning.*—No member of the Subdivision shall accept, after performing his part of the agreement of sale, the return by the purchaser of damaged or shopworn merchandise without previous return authorization by the said member of the Subdivision. A charge to cover the cost of reconditioning and handling such merchandise shall be made. Nothing in this Section shall be construed to preclude the return of merchandise when authorized by a member of the Subdivision due to defects in workmanship or material.

SECTION 10. *Contracts or Order for Extended Deliveries.*—No member of the Subdivision shall make or offer to make contracts,

or accept orders, under the terms of which the customers shall have the right to take delivery of any part or all of the goods after 90 days from the estimated date that the first delivery would be available for shipment or in accordance with the manufacturer's ability to produce, or to modify existing contracts or orders to include such provisions; (provided, however, that contracts or orders may be accepted for more extended deliveries at the customer's request if provision is made for adjusting the price of undelivered portions at the end of the first ninety (90) days above mentioned and at the end of each three months' period thereafter, so that price during each three months' period shall be higher or lower, as the case may be, by an amount equal to the change in labor and/or material costs entering into the manufacture of the product covered by the contract of the individual member, as of the first day of the period in comparison with these costs at the date when the contract was made or the order taken.)

SECTION 11. *Completion and Cancellation of Contracts.*—No member of the Subdivision shall fail to invoke available legal remedies upon breach of contract by a customer, for the purpose of securing competitive advantage over other members of this Subdivision. Nothing in this Section shall be construed to preclude reasonable out-of-court settlements in cases of breach of contract.

SECTION 12. *Export Prices.*—No member of the Subdivision shall discriminate in price in favor of purchasers of goods for export as compared with domestic purchasers; provided, however, that nothing herein shall prevent discrimination between purchasers that makes only due allowance for difference in the grade, quality or quantity of the commodity sold or differences in the cost of selling or transportation. "Export trade" as used herein is defined to mean export trade as the term is used in the Export Act of 1918.

Approved Code No. 84—Appendix No. 6.
Registry No. 1636-01.

CODE APPENDIX

FOR THE

METAL SAFETY TREAD MANUFACTURING INDUSTRY

As Approved on February 15, 1935

ORDER

APPROVING APPENDIX FOR THE METAL SAFETY TREAD MANUFACTURING INDUSTRY

A SUBDIVISION 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 4 of Article IV of the Code of Fair Competition for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, approved November 2, 1933, as amended, for approval of an Appendix establishing trade practice provisions for the Metal Safety Tread Manufacturing Subdivision of said Industry, and Notice of Opportunity to be Heard having been given to all interested parties, and objections received thereon having been satisfied, and the annexed report on said Appendix to 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate by reference said annexed report and does find that said Appendix to said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and does hereby order that said Appendix of said Code of Fair Competition be and it is hereby approved.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

JOHN W. UPP,
Acting Division Administrator

WASHINGTON, D. C.,
February 15, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,

The White House.

SIR: This is a report on an Appendix to the Code of Fair Competition for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, approved on November 2, 1933, and as amended on June 1, 1934.

GENERAL STATEMENT

The Metal Safety Tread Manufacturing Industry, being truly representative of this Subdivision of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, has elected to avail itself of the option of operating under the Code for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, as amended on June 1, 1934, with the assistance of additional fair trade practice provisions.

RÉSUMÉ OF THE APPENDIX

Paragraph A, Definition, accurately defines the term "Metal Safety Tread Manufacturing Subdivision."

Paragraph B, Governing Body, sets up a governing body consisting of members of the Subdivision to be known as the Subdivisional Committee for the Metal Safety Tread Manufacturing Subdivision.

Paragraph C, Effective Date, prescribes the effective date of the Appendix.

Section 1 provides for open price filing.

FINDINGS

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

It has been found that:

(a) Said Appendix to 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 Appendix to said 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 association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein:

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

(e) The Appendix to said 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 Appendix to said Code.

For these reasons, therefore, this Appendix of said Code has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 15, 1935.

CODE APPENDIX FOR THE METAL SAFETY TREAD MANUFACTURING SUBDIVISION

A SUBDIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND METAL FINISHING AND METAL COATING INDUSTRY

Pursuant to Section 4 of Article IV of the Code of Fair Competition of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, as amended, (the terms of which apply to each member of the Metal Safety Tread Manufacturing Subdivision) the following provisions are established as an Appendix to said Code of Fair Competition of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry for the Metal Safety Tread Manufacturing Subdivision of that Industry.

A. Definition.—The term “Metal Safety Tread Manufacturing Subdivision” means and includes the manufacture for sale of Metal Safety Tread containing either lead or abrasive to provide anti-slip quality.

B. Subdivisional Committee.—(1) Members of the subdivision shall set up a governing body which shall be known as the Subdivisional Committee and shall consist of six members of the subdivision, four of whom shall be members of the Metal Safety Tread Association elected by members of that association, one of whom shall be a non-member of the said association elected by non-members of the association, and one of whom may be either a member or non-member of the association who shall be elected at large by all members of the subdivision.

(2) The members of the Subdivisional Committee shall be elected in a manner to be approved by the Basic Code Authority and the National Industrial Recovery Board. The National Industrial Recovery Board may appoint a member of the Subdivisional Committee who shall be given reasonable notice of and may sit at all meetings of the Subdivisional Committee but who shall be without vote and shall serve without expense to the Subdivision.

(3) The Subdivisional Committee shall have such powers and duties to administer any of the provisions of the Basic Code and this Appendix within this Subdivision as may be delegated to it by the Code Authority.

C. Effective Date.—This Appendix shall become effective ten (10) days after its approval by the National Industrial Recovery Board.

TRADE PRACTICE

SECTION 1. Open Price Filing.—(a) Each member of the subdivision shall file with a confidential and disinterested agent of the subdivisional committee or, if none, then with such an agent des-

ignated by the National Industrial Recovery Board, 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 subdivision 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 subdivisional committee. 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 subdivision and to all of their customers who have applied therefor and have offered to defray the cost actually incurred by the subdivisional committee 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 persons until released to all members of the subdivision 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 Appendix. The Subdivisional Committee 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 National Industrial Recovery Board. Upon request the Subdivisional Committee shall furnish to the National Industrial Recovery Board or any duly designated agent of the National Industrial Recovery Board copies of any such lists or revisions of price terms.

(b) When any member of the subdivision has filed any revision, such member shall not file a higher price within forty-eight (48) hours.

(c) No member of the subdivision shall sell or offer to sell any products of the subdivision, for which price terms have been filed pursuant to the foregoing provisions, except in accordance with such price terms.

(d) No member of the subdivision 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 subdivision 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 provision to create.

SUPPLEMENTS

Approved Code No. 60—Supplement No. 3

SUPPLEMENTARY CODE OF FAIR COMPETITION

FOR THE

RETAIL CUSTOM MILLINERY TRADE

As Approved on January 25, 1935

ORDER

APPROVING SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE
RETAIL CUSTOM MILLINERY TRADE

A DIVISION OF THE RETAIL TRADE

SCHEDULE "D"

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 Schedule "D" for the Retail Custom Millinery Trade to the Code of Fair Competition for the Retail Trade and hearings having been duly held thereon and the annexed report on said Schedule "D" containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States the National Industrial Recovery Board pursuant to authority vested in it by Executive Orders of the President including Executive Order No. 6859, dated September 27, 1934, and otherwise, does hereby incorporate by reference said annexed report and does find that said Schedule "D" complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and does hereby order that said Schedule "D", being a Supplementary Code of Fair Competition for the Retail Custom Millinery Trade, be and it is hereby approved; and it does hereby order as follows:

There shall forthwith be established and maintained, subject to the following provisions, a Millinery Inter-Industry Board, said Board to be composed of three (3) members, one (1) of whom shall be appointed by the Divisional Code Authority for the Retail Custom Millinery Trade, and one (1) of whom shall be appointed by the Code Authority of the Millinery Industry, and an impartial chairman to be appointed by the National Industrial Recovery Board.

(1) All acts and decisions of said Millinery Inter-Industry Board shall be subject to approval by the National Industrial Recovery Board.

(2) Subject to the provisions of this Order, the said Millinery Inter-Industry Board shall have the following powers and duties:

(a) To establish rules and regulations for its procedure, and for the administration of its duties as set forth herein.

(b) To consider any case of a disagreement, arising between the Divisional Code Authority for the Retail Custom Millinery Trade and the Code Authority of the Millinery Industry, relating to jurisdiction over any particular establishment subject to either or both of the codes governing the Retail Custom Millinery Trade and the Millinery Manufacturing Industry, and/or over any particular department or operation of any such establishment; and to recommend to the National Industrial Recovery Board whether such establishment or any department or operation thereof is governed by the Supplementary Code for the Retail Custom Millinery Trade and/or the Code for the Millinery Industry, as these Codes are now constituted and as they may hereafter be amended or modified and/or interpreted by the National Industrial Recovery Board, and/or to recommend such exemption from either or both of said Codes as may seem warranted and equitable.

(c) To consider any case of a disagreement arising between said Divisional Code Authority and said Code Authority as to trade practice matters, and to make recommendations to the National Industrial Recovery Board concerning the same.

(d) To perform such other duties and functions as from time to time may be prescribed by the National Industrial Recovery Board.

(3) The cost of maintaining the said Millinery Inter-Industry Board shall be approved by the National Industrial Recovery Board, and shall be borne equally by the Retail Custom Millinery Trade and the Millinery Manufacturing Industry, the funds therefor to be provided by the said Divisional Code Authority and the said Code Authority within their respective approved budgets.

(4) The members of the Millinery Inter-Industry Board shall hold office for a term of six (6) months, unless the National Industrial Recovery Board shall otherwise specify. The method of selection provided above shall be observed in selecting successors to members of the said Millinery Inter-Industry Board, whether for new terms or for unexpired terms.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

HARRY C. CARR,
Acting Division Administrator.

WASHINGTON, D. C.,
January 26, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report of the Hearing on the Supplementary Code of Fair Competition for the Retail Custom Millinery Trade conducted in the Small Ball Room of the Raleigh Hotel on August 23, 1934. The Supplementary Code which is attached was presented by duly qualified and authorized representatives of the Trade complying with the statutory requirements.

THE TRADE

The Trade has about 3,600 members. Typical members of the Trade are exclusive custom milliners, specialty shops and departments of large department stores. The members of this Trade are scattered all over the country, roughly proportional to the distribution of urban population.

The Retail Custom Millinery Trade differs radically from the Millinery Manufacturing Industry in its technology of manufacturing, in the type of its employees, and in the nature of the demand for its products. The Millinery Manufacturing Industry is organized to produce ready-made women's hats on a mass production scale, with specialization of the employees' tasks. Naturally this technology of production allows both the efficiencies of specialization and those of typical factory operation. On the other hand, the Retail Custom Millinery Trade is organized in such a manner that each employee performs all the functions incident to making and selling a hat to the customer's special order. Also, the demand for custom made hats is not subject to the vicious competition that has made life so precarious for the average millinery manufacturer and his employees.

Quite unlike the employees in the Millinery Manufacturing Industry, the employees in this Trade enjoy almost continuous employment throughout the year. This is due to the fact that retail shops must be open all year round and to the small size of the establishments in the Trade.

ADMINISTRATION

The general problems of the Retail Custom Millinery Trade requires a Divisional Code Authority which can understand the characteristic problems of the Trade, and which can speak on behalf of the Trade. However, the widely scattered nature of the individual units in this Trade makes the probable cost of local administration seem rather high. Therefore, the Supplementary Code provides for local administration through the Local Retail Code Authorities provided under the Code of Fair Competition for the Retail Trade.

LABELS

In accordance with the practice of other industries and trades producing garments, this Trade has adopted an N. R. A. label. Experience has shown that the use of N. R. A. labels provides a mechanism for better code compliance and more efficient collection of assessments. In addition, N. R. A. labels in this Trade will serve to distinguish its products from those of the Millinery Manufacturing Industry which also bear N. R. A. labels.

TRADE PRACTICE PROVISIONS

Several of the Trade Practice provisions deal with the use of labels in order that the labels sold by the Divisional Code Authority may not be confused or exchanged with those of the Millinery Manufacturing Code Authority. In an effort to prevent the pirating of customers, the Supplementary Code prohibits the use of competitors' mailing lists obtained by hiring away employees.

FINDINGS

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

It finds 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 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 30,000 employees and it is not classified by the National Industrial Recovery Board 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 a trade association truly representative of the aforesaid Trade; 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 the approval of this Supplementary Code.

For these reasons, this Supplementary Code has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

JANUARY 25, 1935.

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE RETAIL CUSTOM MILLINERY TRADE

A DIVISION OF THE RETAIL TRADE

ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, this Supplementary Code is established as a Code of Fair Competition for the Retail Custom Millinery Trade in accordance with the provisions of the Code of Fair Competition for the Retail Trade, approved on October 21, 1933. Each and all of the provisions of the Code of Fair Competition for the Retail Trade, including any present and future amendments thereto, excepting any such provision thereof as is expressly superseded by the provisions of this Supplementary Code, or is repugnant to or contradictory of any provision contained in this Supplementary Code, are hereby incorporated into this Supplementary Code and made a part hereof. The provisions of this Supplementary Code (which is hereby defined to include the said provisions of the General Code and any and all amendments which may hereafter be made to this Supplementary Code) are the standards of fair competition for and are binding upon every member of said Trade.

ARTICLE II—DEFINITIONS

(SUPPLEMENTING ARTICLE II OF THE GENERAL CODE)

SECTION 1. *Custom Milliner*.—The term “Custom Milliner”, as used herein, is defined to mean any individual, partnership, corporation, or other organization (whether operating a store, shop, or a department or a division thereof, or otherwise), engaged in the business of designing, draping and assembling of component parts of ladies’, misses’, and/or childrens’ hats to the specific order and/or measurements of the consumer, which hats are generally known as “custom made” and which are sold to the consumer from the premises of the person so engaged in business.

SECTION 2. *Trade*.—The term “Trade”, as used herein, is defined to be the business in which a custom milliner, as above defined, is engaged.

SECTION 3. *Member of the Trade*.—The term “Member of the Trade”, as used herein, shall mean a custom milliner as defined above, either as the employer, or on his or its own behalf.

SECTION 4. *Milliner*.—The term “Milliner”, as used herein, shall mean any employee, except an apprentice milliner, engaged in the designing, draping, and/or assembling of component parts of ladies’, misses’, and/or children’s hats to the specific order and/or measurements of the consumer.

SECTION 5. *Apprentice Milliner.*—The term "Apprentice Milliner", as used herein, shall mean a person of at least sixteen (16) years of age, with less than one year's experience in the Trade, who is employed for the purpose of learning the art of draping, designing, and/or assembling ladies', misses', and/or children's hats, and for the purpose of learning the custom millinery trade generally, but this term shall not include any employee using her own initiative in performing the functions of a milliner as herein defined.

SECTION 6. *President, Act.*—The terms "President" and "Act", as used herein, shall mean, respectively, the President of the United States and Title I of the National Industrial Recovery Act and any and all amendments which may hereafter be made thereto.

SECTION 7. *General Code.*—The term "General Code", as used herein, shall mean the Code of Fair Competition for the Retail Trade, approved on October 21, 1933, and any present and future amendments thereto, subject to the limitations contained in Article I hereof.

SECTION 8. *Divisional Code Authority.*—The term "Divisional Code Authority", as used herein, shall mean the Divisional Code Authority for the Retail Custom Millinery Trade, a Division of the Retail Trade.

ARTICLE III—HOURS OF LABOR AND WAGES

(SUPPLEMENTING ARTICLES V AND VI OF THE GENERAL CODE)

SECTION 1. *Milliners.*—On and after the effective date of this Supplementary Code, the maximum hours of labor specified in Article V of the General Code shall apply to milliners, except that no milliner shall be engaged in the actual operations of manufacturing millinery for more than forty (40) hours per week, and the minimum weekly rates of wages for milliners, which wages shall be paid for a work week as specified below—whether such wages are calculated upon an hourly, weekly, monthly, commission or any other basis—shall be as follows:

(a) Within cities of over 500,000 population, the following minimum wages shall prevail: (1) A milliner shall not be paid less than at the rate of fifteen dollars (\$15.00) per week for a forty (40) hour work week, nor shall any milliner be permitted to work in excess of forty (40) hours per week, except as otherwise provided herein. (2) In establishments operating under Group B of the General Code, milliners may be employed not more than four (4) hours in excess of forty (40) hours per week, provided that no milliner so employed shall receive less than the sum of seventeen dollars (\$17.00) per week in such establishments. (3) In establishments operating under Group C of the General Code, milliners may be employed not more than eight (8) hours in excess of forty (40) hours per week, provided that no milliner so employed shall receive less than the sum of nineteen dollars (\$19.00) per week in such establishments.

(b) Within cities of over 100,000 to 500,000 population, the minimum weekly wages paid to any milliner, computed in accordance with subsection (a) of this section, may be reduced by not more than one dollar (\$1.00).

(c) Within cities of from 25,000 to 100,000 population, the minimum weekly wages paid to any milliner, computed in accordance with subsection (a) of this section, may be reduced by not more than two dollars (\$2.00).

(d) Within places of less than 25,000 population, the respective minimum weekly wages prescribed in subsections (d) and (e) of Article VI, Section 1 of the General Code for places of the respective populations therein stated shall apply.

SECTION 2. *Southern Wage Differential*.—The provisions of Article VI, Section 3 of the General Code concerning a southern wage differential shall apply to the minimum weekly wages of milliners prescribed in Section 1 of this Article and to those of apprentice milliners prescribed in Section 3 of this Article.

SECTION 3. *Apprentice Milliners*.—(Supplementing Article VI, Section 2 of the General Code). Apprentice milliners shall be subject to the maximum hours of labor specified for milliners in Section 1 of this Article, and shall be paid not less than the minimum weekly wages prescribed as follows: Apprentice milliners may be paid not less than ten dollars (\$10.00) per week (except that in places of small population where the minimum weekly wage for milliners under this Supplementary Code is equal to or less than the minimum specified above for apprentice milliners, any apprentice milliner may be paid one dollar (\$1.00) per week less than the minimum wage applicable to milliners), until such time as such employee, using her own initiative, performs the functions of a milliner; provided, however, that an employee shall not be regarded as an apprentice milliner within the meaning of the provisions of this Section, if she has had experience in the Trade for one (1) year or more; and provided, further, that the number of employees classified as apprentice milliners shall not exceed a ratio of one (1) such apprentice milliner to every five (5) milliners or fraction thereof, except that an establishment employing less than five (5) milliners may employ one (1) apprentice milliner.

ARTICLE IV—GENERAL LABOR PROVISIONS

(The following provisions shall supersede Section 2 of Article IV of the General Code, but Section 1 of said Article IV is hereby expressly incorporated herein.)

SECTION 1. *Child Labor*.—On and after the effective date of this Supplementary Code, no person under the age of sixteen (16) years shall be employed; provided, however, that when a state law prescribes a higher minimum age, no person below the age specified by such State law shall be employed within such state.

SECTION 2. *Reclassification of Employees*.—No member of the Trade shall reclassify employees or duties of occupation performed or engage in any other subterfuge so as to defeat the purposes or provisions of the Act or of this Supplementary Code.

SECTION 3. *Posting Code*.—(Supplementing Article V, Section 2 of the General Code). All members of the Trade shall post and keep posted copies of this Supplementary Code and the General Code in conspicuous places accessible to all employees. Every member of the Trade 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 National Industrial Recovery Board.

SECTION 4. *Protection of Complainants.*—No member of the Trade 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.

SECTION 5. *Standards of Safety and Health.*—Every member of the Trade shall make reasonable provision for the safety and health of his employees at the places and during the hours of their employment. Standards for safety and health shall be submitted by the Divisional Code Authority to the National Industrial Recovery Board for approval within six (6) months after the effective date of this Supplementary Code. The standards approved shall thereafter be a part of this Supplementary Code and enforceable as such.

SECTION 6. *Federal or State Law.*—No provision in this Supplementary 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.

ARTICLE V—ADMINISTRATION

(SUPERSEDING ARTICLE X OF THE GENERAL CODE)

SECTION 1. *Divisional Code Authority.*—(a) There shall be a Divisional Code Authority for this Trade to consist of seven (7) persons to be chosen as follows: The Board of Directors of the National Association of Custom Milliners shall choose four (4) members and shall submit to the National Industrial Recovery Board within sixty (60) days after the effective date of this Supplementary Code, a fair plan for choosing the other three (3) members, one (1) of whom shall be chosen from among those members of the Trade who are not members of said association, one (1) of whom shall be chosen to represent department stores with Custom Millinery departments, and one (1) of whom shall be chosen to represent specialty shops. In case no such fair plan of choosing these last three (3) members satisfactory to the National Industrial Recovery Board is submitted to it, they may be appointed by the National Industrial Recovery Board.

(b) In addition to membership as above provided, there may be one or more members, without vote, to be known as Administration Members, to be appointed by the National Industrial Recovery Board to serve for such terms as it may specify.

(c) The term of office of members of the Divisional Code Authority shall be one year, unless the National Industrial Recovery Board shall otherwise specify. The method of selection provided in Subsection (a) of this section shall be followed in selecting successors to members of the Divisional Code Authority, whether for new terms or for unexpired terms.

(d) Until such time as the Divisional Code Authority is chosen as herein provided, the committee designated by the National Associa-

tion of Custom Milliners to present this Supplementary Code shall act as the Temporary Divisional Code Authority, provided, however, that this authorization shall not extend for more than sixty (60) days after the effective date of this Supplementary Code.

SECTION 2. Powers and Duties.—The Divisional Code Authority shall have the following powers and duties to the extent permitted by the Act:

(a) To adopt by-laws and rules and regulations for its procedure and for the administration of this Supplementary Code; to elect officers, and to employ a staff as needed to exercise its functions.

(b) To require each member of the Trade to keep accurate and complete records of its transactions in the Trade whenever such records may be required under any of the provisions of this Supplementary Code, and to furnish accurate reports based upon such records concerning any of such activities when required by the Divisional Code Authority or the National Industrial Recovery Board. If the Divisional Code Authority or the National Industrial Recovery Board 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 of the Trade as may be required for the verification of such report may be examined by an impartial agency, agreed upon by the Divisional Code Authority and such member of the Trade, or, in the absence of agreement, appointed by the National Industrial Recovery Board. In no case shall the facts disclosed by such examination be available in identifiable form to any competitor, whether on the Divisional 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 Supplementary Code.

(c) To make investigation as to the functioning or observance of any provisions of this Supplementary Code; provided, however, that the Divisional Code Authority shall not investigate, nor attempt to adjust complaints of violations of the labor provisions of this Supplementary Code until so authorized by the National Industrial Recovery Board.

(d) To present to the National Industrial Recovery Board, such reports and recommendations based on conditions in the Trade as will tend to effectuate the purposes of the Act, which recommendations upon approval of the National Industrial Recovery Board shall become operative as part of this supplementary Code; and to recommend to the National Industrial Recovery Board such amendments or modifications of this Supplementary Code as may seem desirable to effectuate the policies of the Act and to assent to such amendments or modifications on behalf of the Trade.

(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 this Supplementary Code, except other Supplementary Codes to the General Code, for the purpose of formulating fair trade practice provisions to govern the relations between the production and distribution employers under this Supplementary Code and under such other Codes to the end that such fair trade practices may be proposed to the National Industrial Recovery

Board as amendments to this Supplementary Code and such other Codes.

(f) To use such trade associations and other agencies as it deems proper for carrying out any of its activities provided for herein; provided that nothing herein shall relieve the Divisional 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.

(g) Subject to the approval of the National Industrial Recovery Board, or its duly authorized agent, to provide for the appointment of not more than two (2) members of the Trade as representatives of the Trade upon any local Retail Code Authority, or, in the discretion of the National Industrial Recovery Board, or its duly authorized agent, to provide for advisory committees to any Local Retail Code Authority, for the purpose of assisting in the administration of this supplementary Code; provided, however, that upon application from the Divisional Code Authority advising the National Industrial Recovery Board that separate Local Code Authorities for the Trade are necessary to secure effective administration of this Supplementary Code in metropolitan areas, the National Industrial Recovery Board, or its duly authorized agent, may authorize the organization of such local Code Authorities. Such separate Local Code Authorities shall assist in the administration of this Supplementary Code in such areas as may be placed within their jurisdiction.

(h) In addition to the specific powers herein conferred, the Divisional Code Authority shall have all general powers necessary to assist the National Industrial Recovery Board in the administration of this Supplementary Code.

SECTION 3. *Nonliability*.—Nothing contained in this Supplementary Code shall constitute the members of the Divisional Code Authority or the members of any local Code Authority partners for any purpose. Nor shall any member of the Divisional Code Authority or of any local 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 or any local Code Authority. Nor shall any member of the Divisional Code Authority or of any local 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 wilful non-feasance or misfeasance.

SECTION 4. *Payment of Cost of Administration*.—(a) 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 Divisional Code Authority and the local Code Authorities established in accordance with the provisions of this Supplementary Code are 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 this Supplementary Code;

(2) To submit to the National Industrial Recovery Board for its approval, subject to such notices and opportunity to be heard as it may deem necessary, (1) an itemized budget of its or their 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 National Industrial Recovery Board, 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 the name of the Divisional Code Authority or of the appropriate local Code Authority, as the case may be.

(b) Each member of the Trade shall pay his or its equitable contribution to the expenses of the maintenance of the Divisional Code Authority and said local Code Authorities, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the Trade complying with this 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 Divisional Code Authority or of said local Code Authorities or to receive the benefits of any of its or their voluntary activities, or to make use of any emblem or insignia of the National Recovery Administration; provided, however, that nothing in this Supplementary Code shall relieve members of the Trade of their obligations to pay assessments levied by the National Retail Code Authority, Inc., or Local Retail Code Authorities, when approved by the National Industrial Recovery Board, unless duly exempted therefrom.

(c) The Divisional Code Authority and said local Code Authorities shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in the approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget assessments except those which the National Industrial Recovery Board shall have so approved.

SECTION 5. Information for Government Agencies.—The Divisional Code Authority shall have the power to obtain from members of the Trade such information and reports as are required for the administration of this Supplementary Code. In addition to the information required to be submitted to the Divisional Code Authority, or its agencies, members of the Trade shall furnish such statistical information and reports as the National Industrial Recovery Board may deem necessary for the purposes recited in Title I, Section 3 (a) of the Act, to such Federal and/or State agencies as the National Industrial Recovery Board may designate; but nothing herein shall relieve any member of the Trade of any existing or future obligation to furnish reports to government agencies. No individual report shall be disclosed to any other member of the

Trade or any other party except to such other government agencies as may be directed by the National Industrial Recovery Board.

SECTION 6. *Suspension of Acts of the Divisional Code Authority.*—If the National Industrial Recovery Board 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 National Industrial Recovery Board 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 National Industrial Recovery Board approves or unless it shall fail to approve or disapprove after thirty (30) days' notice to it of intention to proceed with such action in its original or modified form.

SECTION 7. *Exceptions in Cases of Unusual or Undue Hardship.*—Where the operation of the provisions of this Supplementary Code impose an unusual or undue hardship upon any custom milliner, such custom milliner may make application for relief to the National Industrial Recovery Board. Such application shall be transmitted to the Divisional Code Authority and forwarded by it to the National Industrial Recovery Board with its recommendations. The National Industrial Recovery Board, after such public notice and hearing as it may deem necessary, or, if the circumstances warrant, without public notice or hearing, may grant such exception to, or modification of the provisions of this Supplementary Code as may be required to effectuate the purposes of the National Industrial Recovery Act.

SECTION 8. *Interpretations.*—The National Industrial Recovery Board or its duly authorized agent, may from time to time, issue such administrative interpretations of the various provisions of this Supplementary Code as are necessary to effectuate its purposes, and such interpretations shall become operative as a part of this Supplementary Code, unless the National Industrial Recovery Board shall otherwise specify.

SECTION 9. *Obligations of Trade Associations.*—(a) Each trade association directly or indirectly participating in the selection or activities of the Divisional Code Authority or its agency shall (1) impose no inequitable restrictions on membership and (2) submit to the National Industrial Recovery Board 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 National Industrial Recovery Board may deem necessary to effectuate the purposes of the Act.

(b) In order that the Divisional Code Authority and its agencies shall be at all times truly representative of the Trade, and in all other respects comply with the provisions of the Act, the National Industrial Recovery Board may provide such hearings as it may deem proper; and thereafter, if it shall find that the Divisional Code Authority or any of its 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 the Divisional Code Authority or any agency thereof, and take such other action as it may deem necessary or proper.

ARTICLE VI—TRADE PRACTICES

(SUPPLEMENTING ARTICLE IX OF THE GENERAL CODE)

SECTION 1. *N. R. A. Labels.*—All custom-made millinery, made and sold subject to the provisions of this Supplementary Code, shall bear an N. R. A. label to symbolize to purchasers of said custom-made millinery that the same is custom made under the provisions of this Supplementary Code.

The Divisional Code Authority shall have the exclusive right in this trade to issue and furnish said labels to the members thereof. Any and all custom milliners may apply to the Divisional Code Authority for a permit to use such N. R. A. labels, which permit to use the labels shall be granted to them, but only for and so long as they comply with this Supplementary Code. The Divisional Code Authority, subject to approval by the National Industrial Recovery Board, shall establish rules and regulations and appropriate machinery for the issuance of labels and the inspection, examination, and supervision of the practices of custom milliners using such labels in observing the provisions of this Supplementary Code for the purpose of ascertaining the right of said custom milliners to the continued use of said labels, of protecting purchasers in relying on said labels, and of insuring to each individual custom milliner that the symbolism of said labels will be maintained by virtue of compliance with the practices herein contained by all other custom milliners using said labels.

The charge made for such labels by the Divisional Code Authority shall at all times be subject to supervision and revision by the National Industrial Recovery Board and, except as otherwise provided below, shall not be more than the amount necessary to cover the actual reasonable cost thereof, including actual printing and distribution cost, and any other costs approved by the National Industrial Recovery Board; provided, however, that this shall not prohibit the use of labels as the basis of contribution by which the members of the Trade shall bear the cost of administration of this Supplementary Code by the Divisional Code Authority, if the National Industrial Recovery Board deems this to be the most equitable basis of contribution.

SECTION 2. It shall be an unfair trade practice and a violation of this Supplementary Code for a custom milliner to use or cause to be used on millinery purchased for resale, N. R. A. labels or other labels indicating that said millinery is custom-made.

SECTION 3. No member of the trade shall purchase ready-to-wear millinery unless such millinery bears an N. R. A. label distributed by the millinery manufacturers' Code Authority, as long as such a label is required by the provisions of the Code applicable to manufacturers of ready-to-wear millinery.

SECTION 4. No member of the Trade shall work, or permit any work to be done for him, in any building, home, tenement house, cellar, or other place which is unsanitary, dangerous or detrimental to health, or unsafe by reason of fire risk, or other hazard.

SECTION 5. No custom milliner shall use mailing lists, acquired by an employee of a competitor during the course of such employee's

employment with such competitor, for a period of six (6) months after the termination of such employment by said employee.

SECTION 6. It shall be an unfair trade practice and a violation of this Supplementary Code for any member of the Trade to employ any subterfuge for the purpose of avoiding or attempting to avoid any of the provisions of this Supplementary Code, or the spirit or intent thereof, or the purposes or intent of the National Industrial Recovery Act, which is designed, among other things, to eliminate unfair competitive practices, increase purchasing power, reduce unemployment, improve the standards of labor, and to provide for the general welfare.

ARTICLE VII—INCORPORATION OF CODE AUTHORITIES

The Divisional Code Authority and each Local Code Authority created under the provisions of this Supplementary Code upon submission to the National Industrial Recovery Board, or its duly authorized agent of its proposed certificate of incorporation and by-laws, and upon securing the written consent thereto of the National Industrial Recovery Board, or such agent, may incorporate under the laws of any State of the United States or of the District of Columbia under the name of "Divisional Code Authority for the Retail Custom Millinery Trade, Inc." or "Local Custom Millinery Code Authority for (the local area), Inc.," as the case may be; provided, however, that, to the extent that the National Industrial Recovery Board, or such agent, shall require, the powers, objects and purposes of each such corporation shall be limited to the powers, objects and purposes of such Code Authority as the same are now or may hereafter be defined in this Supplementary Code; and provided, further, that each such corporation shall exercise the powers given to it by the provisions of this Supplementary Code only during the existence of such Supplementary Code. The right to incorporate pursuant to the terms hereof is given upon the condition, that the National Industrial Recovery Board, or its duly authorized agent, from time to time, upon such notice and hearing or either, as it shall deem necessary, may require the certificate of incorporation, by-laws, and corporate organization, or any of them, of any corporation formed pursuant hereto, to be amended or changed, and may suspend or revoke any or all of the powers granted to it hereunder, and it may do such other or further acts and things, in connection therewith, as it may deem necessary or proper.

ARTICLE VIII—MODIFICATION

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. Such of the provisions of this Supplementary Code as are not required to be included herein by the Act may, with the approval of the National Industrial Recovery Board, be modified or eliminated in such manner as may be indicated by the needs of the public, by changes in circumstances, or by experience.

ARTICLE IX—MONOPOLIES

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

ARTICLE X—VIOLATION

Each member of the Trade is hereby expressly prohibited from violating any provision of this Supplementary Code, or from doing any act which is forbidden by any provision thereof or described therein as an unfair trade practice, or from violating any interpretation, rule, regulation, or order, heretofore or hereafter made under the provisions thereof or pursuant to the Act.

ARTICLE XI—EFFECTIVE DATE

This Supplementary Code shall become effective ten days after approval.

Approved Code No. 60—Supplement No. 3.
Registry No. 247-09.

Approved Code No. 105—Supplement No. 10

SUPPLEMENTARY CODE OF FAIR COMPETITION

FOR THE

RADIATOR MANUFACTURING INDUSTRY

As Approved on February 1, 1935

ORDER

**APPROVING SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE
RADIATOR MANUFACTURING INDUSTRY**

**A PRODUCT GROUP OF THE AUTOMOTIVE PARTS AND 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 a Supplementary Code of Fair Competition for the Radiator Manufacturing Industry, a Product Group of the Automotive Parts and Equipment Manufacturing Industry, and hearings 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does 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 does hereby order that said Supplementary Code of Fair Competition be and it is hereby approved.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D. C.,
February 1, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT.

The White House.

SIR: This is a report on a Supplementary Code of Fair Competition for the Radiator Manufacturing Industry, a Product Group of the Automotive Parts and Equipment Manufacturing Industry. A proposed Code was submitted on March 1, 1934 by the Code Authority Committee of the Automotive Parts and Equipment Manufacturing Industry, on behalf of the Automotive Radiator Institute which represents approximately 95% of the total volume of sales and 72% of the number of members of the Industry.

A Public Hearing on the proposed Supplementary Code was conducted in Washington on June 26, 1934 in accordance with the provisions of the National Industrial Recovery Act. It was later revised and approved in its present form. This Supplementary Code is designed primarily to put into legal effect certain Fair Trade Practice Rules which long have been recognized in the Industry, but which have been without binding legal effect. The labor provisions of this Supplementary Code are those of the Basic Automotive Parts and Equipment Manufacturing Industry Code. The purpose of the Supplementary Code is stated in Article I and Article II is devoted to definitions.

An Administrative Committee to administer the Supplementary Code is set up in Article III. This Committee is composed of the Executive Committee of the Automotive Radiator Institute, but one additional member may in the discretion of the National Industrial Recovery Board be added to represent the non-members of the Institute who comply with the Code.

Fair Trade Practice Rules are set forth in Article IV.

FINDINGS

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

The National Industrial Recovery Board finds^{*} 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 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) Said Product Group normally employs not more than 50,000 employees; and is not classified by the National Industrial Recovery Board 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 industrial 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, the National Industrial Recovery Board has approved this Supplementary Code.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 1, 1935.

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE RADIATOR MANUFACTURING INDUSTRY

A PRODUCT GROUP OF THE AUTOMOTIVE PARTS AND EQUIPMENT MANUFACTURING 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 are hereby established as the standards of Fair Competition for the Radiator Manufacturing Industry, which has been organized into an administrative unit as a Product Group of the Automotive Parts and Equipment Manufacturing Industry, and shall be binding upon every member of said Product Group.

ARTICLE II—DEFINITIONS

The term "Product Group" as used herein is defined to mean the production and/or manufacture for sale of internal combustion engine cooling radiators or parts thereof for original equipment or replacement, excepting, however, the production and/or manufacture of such articles when produced or manufactured by a manufacturer for use exclusively in his own finished product, and provided always that this definition shall not include any products hereinabove described or parts thereof or therefor not designed for and used mainly as automotive original equipment, replacement parts and/or accessories and which are included within the scope of the definition of any other industry as defined in any approved Code of Fair Competition.

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 and/or the sale as a manufacturer of the products of the Product Group (hereinafter termed "Products"), 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, internal combustion engines or other products for original equipment and for service replacement 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 radiators or parts thereof for motor vehicles, internal combustion engines or other products.

The term "Institute" as used herein is defined to mean the Automotive Radiator 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, and as amended.

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 is hereby designated the Administrative Committee to assist the Code Authority and the National Industrial Recovery Board 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 National Industrial Recovery Board, be added to represent the non-members of the Institute who comply with this Supplementary Code, such additional member to be selected by such non-members of the Institute by a fair method approved by the National Industrial Recovery Board.

(b) In addition to the membership as above provided, there may be one additional member, without vote, to be appointed by the National Industrial Recovery Board, to serve without expense to the Product Group for such term as the National Industrial Recovery Board may specify.

(2) (a) 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 Administrative Committee 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 this Supplementary Code;
- (2) To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it 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 National Industrial Recovery Board, 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 National Industrial Recovery Board. Only members of the Product Group complying with this Supplementary 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 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 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 National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

(3) (a) The Administrative Committee shall, subject to the approval of the Code Authority and the National Industrial Recovery Board, 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 Supplementary Code; to cooperate with the National Industrial Recovery Board under such rules and regulations as may be prescribed by it in regulating the use of any N. R. A. insignia, and in hearing and adjusting complaints; to initiate, consider, and recommend to the Code Authority for transmittal to the National Industrial Recovery Board further fair trade practice provisions to govern the members of this Product Group.

(b) If the National Industrial Recovery Board shall determine that any action of a Code Authority and/or the Administrative Committee or any agency thereof may be unfair or unjust or contrary to the public interest, the National Industrial Recovery Board 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 and/or the Administrative Committee or agency pending final action which shall not be effective unless the National Industrial Recovery Board approves or unless it shall fail to disapprove after thirty days' notice to it 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 of activities of the Administrative Committee shall (1) impose no inequitable restrictions on membership, and (2) submit to the National Industrial Recovery Board 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 National Industrial Recovery Board 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 National Industrial Recovery Board may prescribe such hearings as it may deem proper; and thereafter if it 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 Supplementary Code. In case of any conflict between the provisions of this Supplementary Code and the provisions of the Basic Code, the provisions of the latter shall govern. As required by Section 7 (a) of Title I of the National Industrial Recovery Act, it is hereby provided: (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 rates of pay and other conditions of employment, approved or prescribed by the President.

(5) The Administrative Committee shall cause to be formulated methods of cost finding and accounting capable of use by all members of the Product Group, and shall submit such methods to the National Industrial Recovery Board for review. If approved by the National Industrial Recovery Board, full information concerning such methods shall be made available to all members of the Product Group. Thereafter, each member of the Product Group shall utilize such methods to the extent found practicable. Nothing herein contained shall be construed to permit the Administrative Committee, any agent thereof, or any member of the Product Group 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.

(6) The Administrative Committee shall be empowered to obtain from members of the industry such information and reports as are required for the administration of this Supplementary Code. In addition to information required to be submitted to the Code Authority, members of the industry subject to this Supplementary Code shall furnish such statistical information as the National Industrial Recovery Board may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as it 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 National Industrial Recovery Board.

ARTICLE IV—TRADE PRACTICES

In addition to the provisions of Title C of Article VI of the Basic Code, the following described acts shall constitute unfair practices and acts of unfair competition:

(1) *Costs and Price Cutting.*—(a) Wilfully destructive price cutting is an unfair method of competition and is forbidden. Any member of the Product Group or of any other industry or the customers of either may at any time complain to the Administrative Committee that any filed and/or offered 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 Administrative Committee shall within 5 days afford an opportunity to the member filing and/or offering 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 the National Recovery Administration which shall render a report and recommendation thereon to the National Industrial Recovery Board.

(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 the provisions of paragraphs (d) and (e) hereof, is forbidden.

(d) If the National Industrial Recovery Board, after investigation shall at any time find both (1) that an emergency has arisen within the Product Group 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 of the Product Group for a limited period is necessary to mitigate the conditions constituting such emergency and to effectuate the purposes of the Act, the Administrative Committee may cause an impartial agency to investigate costs and to recommend to the National Industrial Recovery Board a determination of the stated minimum price of the product affected by the emergency and thereupon the National Industrial Recovery Board may proceed to determine such stated minimum price.

(e) When the National Industrial Recovery Board 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, it shall publish such price. Thereafter, during such stated period, no member of the Product Group 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 Administrative Committee may recommend review or reconsideration or the National Industrial Recovery Board may cause any determinations hereunder to be reviewed or reconsidered and appropriate action taken.

(2) *Commercial Bribery*.—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. 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.

(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, or trade name 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 in any material way to 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) *Export Business*.—The provisions of this Supplementary Code with regard to prices, discounts, deductions, allowances, extras, commissions, and/or terms of sales, are not to apply to direct export sales or to sales in course of export (i. e., sales destined ultimately for export). "Export Trade" shall be as defined in accordance with the Export Trade Act adopted April 10, 1918.

(7) *Conforming to Samples*.—To ship or deliver products that do not conform to the sample submitted or representations made with respect thereto prior to securing the order, without the consent of the purchaser to such substitutions.

SECTION A (FOR CLASS "A" MEMBERS ONLY)

(Paragraphs 8 to 15 inclusive)

(8) *Tool and Die Costs*.—To sell the products of Class "A" members without requiring the customer to pay the cost of any tools, patterns, dies, jigs and/or fixtures which it may be necessary to build for the purpose of producing the particular radiator sold to said customer. Said tools shall be paid for under one of the following conditions:

(a) In cash upon the placing of the order, or upon completion of the tools.

(b) In partial payments distributed over a period of not more than six months.

(c) By an amount added to the cost of each radiator, which shall equal the total cost of said tools divided by the total number of radiators of approximately like kind used by the purchaser over the period of twelve months immediately preceding the placing of the order. In such event said item shall be included in the selling price or billed separately and any balance remaining unpaid at the completion of the order, or of the model as a current production type, shall be immediately due and payable in cash.

(d) By prorating the purchase price of said tools over the actual quantity used in the purchasing specifications, any unpaid balance to become due and payable as provided in Subdivision (c) of this paragraph.

As used herein, the term "Cost" shall mean the cost of said tools, patterns, dies, jigs, and/or said fixtures as determined by the methods formulated in accordance with the provisions of Article III, paragraph 5 of this Supplementary Code.

(9) *Terms*.—To extend credit terms more favorable than net 30th proximo.

(10) *Defective Material*.—For Class "A" members to allow credit for defective material outside the scope of the uniform guaranty which is as follows:

"Products are not guaranteed beyond six months from date of shipment from such member's plant and then only against defective material or workmanship. Products which are alleged to be defective must be returned for inspection, transportation charges prepaid. If upon inspection such products are found to be defective in material or workmanship, they may be repaired or replaced by products of equivalent weight and capacity and the prepaid transportation charges refunded. This guaranty shall not cover charges for consequential labor or damage."

(11) *Interference with Another's Contracts*.—To 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) *Offering Product of Lesser Capacity*.—To offer for sale a product of lesser cooling capacity than that prescribed in buyer's specifications without stating in writing the fact that such product so offered is of lesser cooling capacity.

(13) *Responsibility for Cooling Capacity*.—To assume responsibility for suitable cooling capacity as prescribed in buyer's specifications beyond that involved in the furnishing to and acceptance by buyer of samples or initial shipment of products.

SECTION B (FOR CLASS "B" MEMBERS ONLY)

(Paragraphs 14 to 25, inclusive)

(14) *Price guaranty*.—To guarantee Product Group products against advance or decline in price.

(15) *Customers' False Advertising*.—To sell to outlets who persist in publishing advertising, whether printed, radio, display or of any other nature, which is misleading or inaccurate in any material particular, or who 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 values, policies, or services.

(16) *Consignment, Floating Credit or Ledger Balances.*—To place Group Products with any trade outlet on a consignment basis or on a floating credit and/or ledger balance basis.

All consignments, floating credit, and/or ledger balances existing on the date of the approval of this Supplementary Code shall be terminated within ninety (90) days by either of the following methods:

(a) By return of such merchandise to the owner.

(b) By customer accepting billing for such consignments, floating credits, and/or ledger balances for payment in full within six months.

(17) *Warehousing.*—To warehouse Group Products with any class of customers.

(18) *Defective Material.*—For Class "B" members to allow credit for defective material outside the scope of the uniform guaranty which is as follows:

"Products are not guaranteed beyond ninety days from date of installation, and in no event for more than one year from date of shipment from member's plant and then only against defective material or workmanship. Products which are alleged to be defective must be returned for inspection, transportation charges prepaid, to such point as the member or his agent may designate. If upon inspection such products are found to be defective in material or workmanship, they may be repaired or replaced by products of similar type and capacity and the prepaid transportation charges refunded."

(19) *Returned Goods.*—(a) To accept the return of Group Products except for merchandise credit. This clause shall not apply to the return of defective material in the case of the closing out of an account.

(b) To allow the return of Group Products without a handling charge to the customer which adequately reflects the cost of rehandling, retesting, reinspecting, and repacking—the customer paying all return shipping and insurance expenses—except when the customer returns legitimately defective material, as within the scope of the uniform guaranty set forth in Article IV, paragraph 18 of this Supplementary Code; or the customer returns Group Products shipped by a member through error, or certain specified items that a member may ask all his customers to return.

(20) *Open Price Filing.*—(a) Each Class "B" member of the Product Group shall file with a confidential and disinterested agent of the Administrative Committee or, if none, then with such an agent designated by the National Industrial Recovery Board, identified lists of all of his prices, discounts, rebates, allowances, and all other terms or conditions of sale, including premiums, hereinafter in this Section (22) 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 Product Group 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 Administrative Committee. Said price terms shall in the first instance be filed within 15 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 Class "B" members of the Product Group and to all of their customers who have applied therefor and have offered to defray the cost actually incurred by the Administrative Committee 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 Class "B" members of the Product Group and their customers, as aforesaid; provided, that prices filed in the first instance shall not be released until the expiration of the aforesaid 15 day period after the approval of this Supplementary Code. The Administrative Committee 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 National Industrial Recovery Board. Upon request the Administrative Committee shall furnish to the National Industrial Recovery Board or any duly designated agent of the National Industrial Recovery Board copies of any such lists or revisions of price terms.

(b) When any member of the Product Group has filed any revision, such member shall not file a higher price within forty-eight (48) hours.

(c) No member of the Product Group shall sell or offer to sell any products of the Product Group for which price terms have been filed pursuant to the provisions of this Section (22), except in accordance with such price terms; and provided further that in case a member desires to meet lower competitive price terms which have been filed in accordance with the provisions of paragraph (a) hereof, said member shall immediately file new price terms with the Administrative Committee and these new price terms shall become effective on the same date as the competitive price terms first filed.

(d) No member of the Product Group 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 Product Group 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 Section (22) to create.

(21) *Classification of customers.*—The Code Authority shall cause to be formulated and keep current a classification of all types of customers of the Industry. Such classification shall be subject to the disapproval of the National Industrial Recovery Board and shall contain: (a) A complete list of all of the classes of customers of the Industry, including a class to cover every known type of customer; and (b) definitions or descriptions of the several classes in terms of functions performed, or in other appropriate terms such as purchasers of defined quantities.

After submission to the National Industrial Recovery Board, if there is no disapproval or request for suspension of action within

twenty (20) days, full information concerning the classification shall be made available to all members of the Industry. No one shall by intimidation, coercion, or other undue influence cause or attempt to cause the inclusion of any customer in or the exclusion of any customer from any class of customers, or the exclusion of any class of customers from the classification, or the use of uniform or stipulated prices, discount, or differentials and each member of the Industry may at all times classify his own customers in accordance with his own judgment.

(22) *Terms*.—To grant a cash discount to exceed 2%, 10th proximo, to extend terms greater than 30 days net, or to extend date of invoice beyond regular established credit terms. No cash discount shall be allowed on trade acceptance or note settlement.

(23) *Replacing Competitors' Stock*.—To liquidate, purchase, or accept another member's product from any buyer.

(24) *Advertising and Promotional Schemes*.—To patronize, through allowances or otherwise, advertising or promotional schemes in any form except where the payments therefor are for specific promotion performances which are possible, practicable and capable of being audited. Arrangements for each such services shall be in agreements entirely separate and distinct from sales agreements between a member and his customer, and shall definitely specify exactly how such shall be paid (in money or credit, goods or services) for such promotional services, exactly what services shall be rendered and the method which will be employed in auditing the performance of such services.

(25) *Premiums*.—The giving of premiums and/or prizes to any customers and/or their employees when such premiums and/or prizes are not offered to all customers and/or their employees of the same class.

ARTICLE V—GENERAL

(1) 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.

(2) Such of the provisions of this Supplementary Code as are not required to be included herein by the Act may, with the approval of the National Industrial Recovery Board, be modified or eliminated on the 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 provision to this Supplementary Code or modifications thereof will, after approval by the Product Group, be submitted by the Administrative Committee through the Code Authority for their 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 National Industrial Recovery Board after such notice and hearing as it may prescribe, such supplementary provisions or modifications shall become binding as a part of this Supplementary Code.

(4) As required by Section 10 (b) of Title I of the Act, this Supplementary Code and all of the provisions thereof are expressly

made subject to the right of the President from time to time to cancel or modify any order, approval, license, rule, or regulation issued under said Act.

(5) Violation by any member of this Product Group of any provision of this Supplementary Code is an act of unfair competition, and the offender shall be subject to the penalties imposed by the Act.

(6) The "Effective Date" of this Supplementary Code shall be the 10th day after it shall have been approved.

Approved Code No. 105—Supplement No. 10.

Registry No. 1404—45.

SUPPLEMENTARY CODE OF FAIR COMPETITION

FOR THE

MINE CAR MANUFACTURING INDUSTRY

As Approved on February 5, 1935

ORDER

**SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE MINE CAR
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 Mine Car Manufacturing Industry, a Subdivision of the Machinery and Allied Products Industry, and 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does find that said Supplemental Code complies in all respects with the pertinent provisions and will promote the policies and purposes of said Title of said Act; and does hereby order that said Supplemental Code of Fair Competition be and it is hereby approved subject to the following conditions:

(1) 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 list or revised terms and conditions of sale, be stayed and they are hereby stayed pending the further order of the National Industrial Recovery Board.

(2) That the words "on the date specified therein but any revision must be filed with the agent five (5) days in advance of the effective date as specified", be deleted from the fourth sentence of Section 2 of Article VII and the words "immediately upon receipt thereof by said agent" substituted therefor.

(3) That the seventh sentence of Section 2, Article VII, reading: "Any employer receiving any such list or revision, may thereupon file, if he so desires, a revision of his price terms, specifying an effective date that may be on or after the effective date of such revision first filed," be deleted.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D. C.,
February 5, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Supplemental Code of Fair Competition for the Mine Car Manufacturing Industry, a Subdivision of the Machinery and Allied Products Industry, Public Hearing having been conducted thereon in Washington, D. C., September 25, 1934, in accordance with the provisions of Title I of the National Industrial Recovery Act.

GENERAL STATEMENT

The Mine Car 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 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 Mine Car Manufacturing Subdivision includes the manufacture for sale or lease of non-powered wheeled vehicles not exceeding 350 cubic feet level full capacity such as are customarily employed in coal mining operations for transportation of coal from the point of its dislodgment at the face of the operations to the tippie or to the place where it is used, processed, stored or committed to other transportation facilities; and chilled cast iron mine car wheels; and parts and repair parts for such vehicles, except those manufactured under any other approved code.

Statistical material bearing on this Subdivision was obtained from the Code application submitted by the Mine Car Manufacturing Industry. This Industry as represented by the Mine Car Manufacturing Employers claims to represent 90 per cent of the Subdivision as defined in Article II, Section 3, of the Supplemental Code of Fair Competition for the Mine Car Manufacturing Industry.

Annual sales in 1933, according to the Mine Car Manufacturing Industry, declined to slightly less than one-third of the 1929 level. In 1929 sales were reported as \$7,668,520, and in 1933 as \$2,529,967.

Estimates showing employment for the entire Subdivision, submitted by the Mine Car Manufacturing Industry in their Code application, indicated that employment declined from 1,651 in 1929 to 1,323 in 1933, or 19.8 per cent.

RÉSUMÉ OF SUPPLEMENTAL CODE

Article I states the purposes 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 and IX of the National Industrial Recovery Code of the Machinery and Allied Products Industry, in accordance with the conditions of this Article governing their adoption.

Article V provides for the operation of a Code Authority and defines its powers and duties.

Article VI sets forth methods of procedure wherein bids and/or proposals are concerned.

Article VII provides for price filing and opposes price fixing.

Article VIII provides for rates of discounts, installments, leasing of products of this Subdivision and period of free discount.

Article IX sets forth unfair trade practices for this Subdivision.

Article X states that no provision of this Supplemental Code concerning pricing and marketing (Articles VI, VII and VIII) shall apply to export sales as defined by the term "Export" in this Article.

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 Title I of the Act. Provision is also made that modifications may be submitted by the Code Authority to the National Industrial Recovery Board for approval.

Article XII states that no provision of this Supplemental Code shall be applied so 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 the National Industrial Recovery Board on said Supplemental Code having found as herein set forth and on the basis of all the proceedings in this matter:

The National Industrial Recovery Board finds 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 the National Industrial Recovery Board as a major industry.

(c) The Supplemental Code as approved complies in all respects with the pertinent provisions of said Title or 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 individual group truly representative of the aforesaid Subdivision; and that said group 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, the National Industrial Recovery Board has approved this Supplemental Code, staying and deleting certain provisions related to price filing as stated in the Order.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 5, 1935.

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE MINE CAR 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 of Fair Competition for the Mine Car Manufacturing Subdivision of the Machinery and Allied Products Industry and, together with the Code of Fair Competition of the Machinery and Allied Products Industry, shall be the standards of fair competition for this Subdivision and shall be binding on every employer therein.

ARTICLE II—DEFINITIONS

SECTION 1. "Applicant" means the Mine Car Manufacturing Industry.

SECTION 2. "Industry" means the Machinery and Allied Products Industry as defined in its Code of Fair Competition as approved by the President, March 17, 1934, and as such definition may from time to time be amended.

SECTION 3. "Subdivision" means this Mine Car Manufacturing Subdivision of the Machinery and Allied Products Industry as defined and set forth in definition number 50 of Article II of the Code of Fair Competition for the Machinery and Allied Products Industry as follows:

"Mine Car Manufacturing Subdivision" means the manufacture for sale or lease of non-powered wheeled vehicles not exceeding 350 cubic feet level full capacity such as are customarily employed in coal mining operations for transportation of coal from the point of its dislodgment at the face of operations to the tippie or to the place where it is used, processed, stored or committed to other transportation facilities; and chilled cast iron mine car wheels; and parts and repair parts for such vehicles except those manufactured under any other approved code.

SECTION 4. "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.

SECTION 5. "Supplemental Code" means this Supplemental Code for the Mine Car Manufacturing Subdivision of the Machinery and Allied Products Industry.

SECTION 6. "Basic Code Authority" means the Code Authority of the Machinery and Allied Products Industry as constituted by the Code.

SECTION 7. "Code Authority" means the Code Authority constituted for this Subdivision as provided by the Code and by this Supplemental Code.

SECTION 8. "Affiliated Company" means any corporation which is a member of an affiliated group of which an employer is also a member. Such corporation shall be deemed to be an affiliated company of such employer within the meaning of this Code. An affiliated group as used in the foregoing statement means one or more corporations connected through stock ownership with a common parent corporation if the stock of each of said corporations (except such common parent corporation) is substantially wholly owned (90% or more) directly or indirectly by said common parent corporation or by one or more of the other corporations, and shall include such common parent corporation.

SECTION 9. "Person" means a natural person, a corporation, a partnership, an association, a trust, a trustee, a trustee in bankruptcy, a receiver, or other entity.

SECTION 10. "Employer" means any person engaged in this Subdivision either on his own behalf or as an employer of labor.

SECTION 11. "Employee" means anyone who is employed in the Subdivision by such employer, however compensated.

SECTION 12. "The Act" means Title I of the National Industrial Recovery Act.

SECTION 13. "The President" means the President of the United States.

SECTION 14. "Board" means the National Industrial Recovery Board or its successor in office.

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 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 Code Authority is hereby constituted to administer and facilitate the enforcement of this Supplemental Code.

SECTION 1. During a period not to exceed thirty (30) days following the effective date of this Supplemental Code, the Code Committee duly elected from and by the representatives of employers of the Subdivision, and functioning at the date this Supplemental Code is approved, shall be the Temporary Code Authority. The Board, in its discretion, may appoint one additional member (without vote and without expense to the Subdivision).

SECTION 2. Within said thirty (30) days' period, the Temporary Code Authority shall, on at least twelve (12) days' notice (from date of mailing) by registered mail to all known employers, call a meeting of the Subdivision for the adoption of Procedural Rules and Regulations, and for the election of a permanent Code Authority which shall consist of seven (7) members elected by and from the employers in the Subdivision entitled to vote as provided in Section 8, of this Article V, each member to serve for a term of one year or until his successor shall have been elected and qualified, or the Code shall have been terminated. The Board, in its discretion, may appoint one additional member (without vote and without expense to the Subdivision). The Permanent Code Authority so elected shall immediately supersede the Temporary Code Authority.

SECTION 3. Action by employers in all Subdivision meetings, including the election of permanent Code Authority, adoption of Procedural Rules and Regulations and the transaction of other business of the Subdivision except additions to or revisions of this Supplemental Code and withdrawal from the Basic Code, shall be by a majority vote of employers entitled to vote as provided in Section 8 of this Article V who are present in person or by proxy duly executed and filed with the Code Authority, cast and computed concurrently by each of the two following methods:

1. By one vote of each employer.

2. By vote of employers weighted on the basis of one vote for each \$200,000 of the total domestic net sales of the Subdivision billed f. o. b. plant by each employer for the preceding three (3) calendar years. The votes so determined shall apply throughout the then current year. Each employer shall be entitled to at least one vote.

SECTION 4. 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 Board may prescribe such hearings as it may deem proper; and thereafter if it 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. Any vacancy on the Code Authority due to death, resignation, or loss of voting qualifications 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 twelve (12) days' (date of mailing) notice sent by registered mail to all employers, and by a vote similar to the vote by which the retired member was originally selected.

SECTION 6. (a) Each employer shall keep accurate and complete records of all transactions 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 such activities when required by the Code Authority or the Board. If the Code Authority or the Board shall determine that substantial doubt exists as to the accuracy of such reports, so much of the pertinent books, records and papers of such employer as may be required for the verification of such reports may be examined by an impartial agency, agreed upon between the Code Authority

and such employer, or, in the absence of agreement, appointed by the Board. In no case shall the facts disclosed by such examination 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.

(b) Such investigation or audit may be made under the Code Authority, as above, not only upon receipt of a formal complaint of violation, but when the Code Authority in pursuance of the proper exercise of its powers believes in good faith, in the absence of a formal complaint, that a *prima facie* violation of this Supplemental Code has occurred.

SECTION 7. If the Board shall have reason to believe that any action of the Basic Code Authority or of any Code Authority or of any agency of any of them, may be violative of the provisions of this Supplemental Code or unfair, unjust or contrary to public policy, the Board, after having notified and conferred with the Basic Code Authority or the Code Authority or the authorized representative thereof, or after ten (10) days have elapsed from date of such notification without response from such Code Authority, may require, by notice that such action be suspended for some definite period not exceeding thirty (30) days. Within fifteen (15) days from the date of such suspension, the Basic Code Authority or the Code Authority shall further consider such action and determine (a) whether or not it will continue with such action, as not violative of the Code or of this Supplemental Code, or (b) whether it will proceed with some modified action, and notify the Board of such determination. If such determination is approved by the Board, or is not by it disapproved within fifteen (15) days thereafter, such determination shall become effective and such suspension be automatically terminated. If the Board shall disapprove such determination within fifteen (15) days, such action shall be permanently suspended.

SECTION 8. 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 addition or supplements to, this Supplemental Code by paying or agreeing to pay, unless duly exempted, as and when assessed, his proper pro rata share of the reasonable cost of administering this Supplemental Code as determined by Code Authority. The pro rata share shall be computed on the basis of the employer's total domestic net sales billed f. o. b. plant averaged over the two preceding years and the total domestic net sales billed f. o. b. plant of the Subdivision averaged over those same two years.

SECTION 9. Nothing contained in this Supplemental Code shall constitute employers or members of the Code Authority as partners for any purpose. Nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable in any manner to anyone for any action of any other member, officer, or employee of the Code Authority or be liable to anyone for any action, or omission to act, under the Code or this Supple-

mental Code except for his own wilful misfeasance or nonfeasance. The Code Authority shall be deemed to have discharged its full duty in respect to any violation or alleged violation of the Code or this Supplemental Code when it shall have exercised such powers as are conferred upon it, and in the event of its inability to procure compliance with the provisions of the Code, or this Supplemental Code, shall have certified the facts and made available all pertinent information with respect to such violation or alleged violation to the Board or other appropriate Governmental Authority and thereafter stood prepared to render all proper assistance to the Board or other appropriate Governmental Authority to enable such body to procure enforcement thereof.

ARTICLE VI—CONCERNING BIDS

In each case wherein one or more employers shall be invited to submit proposals or bids to manufacture or build and sell or lease any mine cars or complete mine car parts, each employer so invited shall within forty-eight (48) hours after receipt by him or it of such invitation notify in writing a confidential and disinterested agent designated by the Code Authority of the receipt of such invitation, the name of the customer inviting the proposals or bids, the number and kind of mine cars and/or complete mine car parts with respect to which the proposals or bids are invited, the date, if any, on or by which the proposals or bids are to be submitted to the customer and whether or not such employer intends to submit a proposal or bid. Each employer submitting a proposal or bid shall: (a) reduce the same to writing; (b) state therein, among other things, terms of payment and delivery and the price, including the price of such alternates as shall be required or proposed; (c) coincident with the submission to the customer (but not earlier) of such proposal or bid, send by mail or cause to be delivered (whichever shall be the more expeditious method of transmittal), a sealed, full, true, and correct copy of such proposal or bid to the agency designated by the Code Authority for the purpose. The agency designated as aforesaid shall on the date on or by which the proposals or bids are to be submitted to the customer as stated in the invitation for bids, or in these cases for which no closing date has been specified, upon the receipt by it of proposals or bids from all the employers who or which shall, as aforesaid, have notified it of their intention to submit proposals or bids, open the sealed copies which shall have been deposited with said agency and send by mail or cause to be delivered (whichever shall be the more expeditious method of transmittal) to each employer from whom or which it shall have received a copy of a proposal or bid in respect to any given mine cars and/or complete mine car parts, a copy of every proposal or bid received by it from each other employer in respect to such products; provided, however, that no detailed specifications or drawings shall be delivered or revealed to any employer. A bidding employer failing or refusing in any case in accordance with the foregoing to submit a written proposal or bid and/or deliver a copy thereof to the said designated agency shall be guilty of a violation of this Supplemental Code. Nothing contained in this article shall preclude any employer submitting more than one

proposal or bid pursuant to any invitation to bid: provided that all such proposals or bids shall conform to the current filed prices of the bidding employer; and provided further, that copies of all proposals or bids shall be submitted, as above provided, to the confidential and disinterested agent who shall immediately notify by telegram or telephone all employers who have submitted proposals or bids on the same inquiry. Nothing in this Article VI shall supersede any Federal, State, or Municipal statute or regulation.

ARTICLE VII—OPEN PRICE FILING

SECTION 1. It shall be the duty of the Code Authority, after conferring with all the employers of the Subdivision, to adopt a schedule or classified list of component parts of the products of the Subdivision. Such schedule or classified list shall be distributed to, and become the current schedule or classified list of the products of, the Subdivision.

(a) Each employer shall cooperate in the compiling and maintenance in a current up-to-date condition of the above lists by furnishing to the Code Authority such information regarding the details of all component parts of products of the Subdivision manufactured by such employer as may be required by the Code Authority for the compiling and maintenance of said lists.

SECTION 2. Each employer shall file with the confidential and disinterested agent designated by the Code Authority, identified lists of all of his prices, discounts, rebates, allowances, and all other terms or conditions of sale or lease hereinafter in this Article referred to as "price terms", which lists shall completely and accurately conform to the individual pricing practices of said employer. Such lists shall contain the price terms for all such component parts of products of the Subdivision as covered by Section 1 of this Article VII, as are sold or offered for sale or lease by said employer. Said price terms shall in the first instance be filed within ten (10) days after the effective date of this Supplemental Code. Price terms and revised price terms shall become effective on the date specified therein but any such revision must be filed with the agent five (5) days in advance of the effective date as specified. Immediately upon receipt thereof, said agent shall by telegraph or other equally prompt means notify said employer 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 employers 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. Any employer receiving any such list or revision, may thereupon file, if he so desires, a revision of his price terms, specifying an effective date that may be on or after the effective date of such revision first filed. Said lists or revisions or any part thereof shall not be made available to any person until released to all employers 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) day period after the effective date of this Supplemental

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 Board. Upon request the Code Authority shall furnish to the Board or any duly designated agent of the Board copies of any such lists or revisions of price terms.

When any employer has filed any revision, such employer shall not file a higher price within forty-eight (48) hours.

No employer shall sell or lease or offer to sell or lease any products of the Subdivision for which price terms have been filed pursuant to the provisions of this Article, except in accordance with such price terms.

No employer shall enter into any agreement, understanding, combination or conspiracy to fix or maintain price terms, nor cause or attempt to cause any employer 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.¹

SECTION 3. Nothing in Article VII or Article VIII of this Supplemental Code shall be deemed to apply to or affect the sale of any product by any employer to an affiliated company of such employer, when such product is for use and not for resale.

ARTICLE VIII—PRICES AND TERMS OF PAYMENT

SECTION 1. The maximum rates of discount and maximum periods of free credit shall be those hereinafter set forth. All invoices for products of the Subdivision sold by any employer after the effective date of this Supplemental Code shall be dated not later than the date of the shipment of the products covered thereby.

SECTION 2. A maximum cash discount of 1% may be allowed on invoices covering all products for payment within ten days from the date of such invoices, provided, however, that any employer may allow such discount of 1% for payment within ten days on the basis of settlements twice in each month, as follows:

(a) On invoices for products dated from the 1st to the 15th, inclusive, of any month such discount may be allowed on payment of such invoices on or before the 25th of such month;

(b) On invoices for products dated from the 16th to the end of any month, such discount may be allowed on payment of such invoices on or before the 10th of the next following month.

SECTION 3. Any discount allowed in accordance with the provisions of this Article shall apply only to the invoiced value of the products specified therein and not to any part of the transportation charges on such products.

SECTION 4. Whenever any employer elects to sell products of the Subdivision on the basis of installment payments, or by leasing arrangement subject to conditions providing for ultimate purchase by the customer, or by outright lease, all such agreements between employer and customer shall be in writing. For the purpose of this Supplemental Code, leasing of the products of this Subdivision by the manufacturer thereof are hereby made a part of and subject to

¹ See paragraph 2 (1), (2), and (3) of order approving this Code.

this Code of Fair Competition. No employer shall use a lease form of contract for the purpose of evading the pricing practices established herein nor any other provision of this Code. Title in such products so leased or sold shall not pass to customer prior to liquidation of unpaid balance.

ARTICLE IX—UNFAIR TRADE PRACTICES

For all purposes of this Supplemental Code the acts hereinafter described in this Article shall constitute Unfair Practices and the use or employing of them or any part of them by an employer shall be deemed a violation of this Supplemental Code.

SECTION 1. Publishing advertising (whether printed, radio, display, or of any other nature), which is misleading or inaccurate in any material particular, or misrepresenting in any way 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 2. Knowingly withholding from or inserting in any quotation or invoice any statement that makes it inaccurate in any material particular.

SECTION 3. Defaming 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 4. Publishing or circulating unjustified or unwarranted threats of legal proceedings, which tend to, or have the effect of, harassing competitors or intimidating their customers.

SECTION 5. Secretly offering or making any payment or allowance of a rebate, a 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.

SECTION 6. Giving, permitting to be given, or 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 principle 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 7. Using or substituting any material or process of manufacture superior or inferior to that contemplated in the purchaser's specification without proper charge or allowance, to the purchaser.

SECTION 8. Inducing or attempting to induce, by any means, any party to a commercial contract with any employer to violate such contract.

SECTION 9. Aiding or abetting any person, firm, association, or corporation in any unfair trade practice under this Supplemental Code.

SECTION 10 Making or giving any purchaser of any product, any guaranty or protection in any form against decline in the market price of such product.

SECTION 11. Making any sale or contract of sale of any product under any description which does not describe such product in terms customarily used in the Subdivision.

ARTICLE X—SALES FOR EXPORT

The provisions of this Supplemental Code concerning pricing and marketing (Articles VI, VII, and VIII) 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 located in such territory or possession.

ARTICLE XI—MODIFICATIONS

SECTION 1. As provided by Title I, 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 said Title of the Act.

SECTION 2. Any amendments, additions, revisions, or supplements to this Supplemental Code, proposed by the Code Authority, and approved by two-thirds of all the votes which might be cast at the meeting if all the employers entitled to vote were present and voting, shall be in full force and effect upon approval by the Board. Eligibility requirements, method, and effect of voting shall be the same as provided in Sections 3 and 8 respectively of Article V hereof.

ARTICLE XII—MONOPOLIES

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

ARTICLE XIII—EFFECTIVE DATE

This Supplemental Code shall become effective and binding on all employers on the eleventh day after its approval 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 Act, has ended.

Approved Code No. 347—Supplement No. 47.
Registry No. 1414-12.

Approved Code No. 308—Supplement No. 9

SUPPLEMENTARY CODE OF FAIR COMPETITION

FOR THE

MIDWEST FISH AND SHELLFISH PREPARING OR WHOLESALE INDUSTRY

As Approved on February 20, 1935

ORDER

APPROVING SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE
MIDWEST FISH AND SHELLFISH PREPARING OR WHOLESALE IN-
DUSTRY

A DIVISION OF THE FISHERY 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 supplementary code of fair competition for the Midwest fish and shellfish preparing or wholesaling division of the fishery 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does find that said code complies in all respects with the pertinent provisions and will promote the policies and purposes of said title of said act; and does hereby order that said code of fair competition be and it is hereby approved.

NATIONAL INDUSTRIAL RECOVERY BOARD,

By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

ARMIN W. RILEY,

Division Administrator,

WASHINGTON, D. C.,

February 20, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,

The White House.

SIR: This is a report on the Code of Fair Competition for the Midwest Fish and Shellfish Preparing or Wholesaling Industry (a Division of the Fishery Industry), as revised after Public Hearing, conducted in Chicago, Illinois, on April 27, 1934, in accordance with the provisions of the National Industrial Recovery Act. The code is sponsored by the Midwest Fisheries Association claiming to represent 74 per cent of the Midwest industry.

I. DESCRIPTION OF THE INDUSTRY

The Midwest fish and shellfish preparing or wholesaling industry includes the packing in ice, filleting, cutting, freezing by other than public freezers, salting, smoking, drying, canning, soaking of salt or dried fish, or otherwise manipulating fish and shellfish in the States of Kentucky, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Nebraska, Kansas, Missouri, North Dakota and South Dakota and the lake ports of New York and Pennsylvania, except insofar as the same are subject to any lobster (*Homarus americanus*) code in original or amended form.

The raw supplies for the industry are obtained from the Great Lakes and the Atlantic, Gulf and Pacific coasts. About 70 per cent of their supplies are obtained from the Great Lakes fishermen, both American and Canadian. They obtain salmon and halibut from the Pacific coast and groundfish and shellfish from the Atlantic coast.

A portion of the catch is marketed fresh in ice without further processing by the original purchaser, but a large portion is processed in some manner before entering consumer channels. Some of the raw material is filleted, that is, the meat from the two sides of the fish is removed and wrapped in moistureproof paper in which condition it reaches the consumer. In order to make this product less perishable and to permit holding it for future sales, it is frozen and placed in cold storage.

There are roughly 400 fishery preparing or wholesaling establishments in the industry covered by this code. These establishments employ about 2,000 wage earners. The aggregate annual sales by members of the industry covered by this code are in the neighborhood of \$20,000,000.

II. LABOR PROVISIONS

The industry proposes that employment of clerical, accounting and other office employees be restricted to 40 hours in any week, 8 hours

in any day, and 6 days in any 7, except that overtime not to exceed 6 hours in any week may be worked if time and one-third the normal rate is paid therefor.

No other employee shall be permitted to work in excess of 90 hours in any two consecutive weeks, or 48 hours in any week, or 10 hours in any day, or 6 days in any 7, except that overtime not in excess of 8 hours in any week may be worked if time and one-third the normal rate is paid therefor. There are exceptions for certain employees, provided they receive \$35.00 per week or more, and stationary engineers and firemen, chauffeurs, deliverymen, watchmen, outside salesmen, employees engaged in emergency maintenance and emergency repair work and employees engaged in any emergency situation which may arise whereby the product of the employer may be spoiled or destroyed while in a perishable condition.

With regard to wages, the industry proposes that no clerical, accounting or other office employee shall be paid less than the following rates of wages: (1) \$18.00 per week in cities of 1,000,000 or more population, or in the trade area thereof, except that file clerks or office boys may be employed at a rate of not less than \$15.00 per week; (2) \$16.00 per week in other places except that file clerks or office boys may be employed at a rate of not less than \$14.00 per week. No other employee shall be paid less than the following rates of wages: (1) \$20.00 per week in cities of 1,000,000 or more population or in the trade area thereof, except that learners shall be paid \$18.00 per week; (2) \$17.00 per week in other places, except that learners shall be paid \$15.00 per week.

In addition, the code contains general labor provisions which are intended to be of direct benefit to employees.

III. UNFAIR METHODS OF COMPETITION

The unfair methods of competition provisions of the code include provisions with respect to inducing breach of contract, inaccurate or false reference to competitors, enticing employees, false information, participation in code, purchases from fishermen, adjustments of sale transactions, filing prices, adherence to filed prices, agreement on prices, destructive price cutting, and emergency basis for prices.

IV. FINDINGS

The Acting Deputy Administrator in his final report to the National Industrial Recovery Board on said divisional code, having found as herein set forth and on the basis of all the proceedings in this matter:

The National Industrial Recovery Board finds that:

(a) Said divisional 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, fishery, 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 the Board as a major industry.

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

(e) The divisional 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 divisional code.

For these reasons, therefore, this divisional code has been approved.
For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 20, 1935.

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE MIDWEST FISH AND SHELLFISH PREPARING OR WHOLESALING INDUSTRY

A DIVISION OF THE FISHERY INDUSTRY

ARTICLE I—PURPOSE

SECTION 1. The National Code of Fair Competition for the Fishery Industry with the exceptions and additions hereinafter specifically enumerated shall constitute the code of fair competition for the Midwest fish and shellfish preparing or wholesaling division of the fishery industry in accordance with Article VIII, Title C, Section 1, of said national code, and shall be the standard of fair competition for the Midwest fish and shellfish preparing or wholesaling division of the fishery industry, and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

SECTION 1. Wherever a term is used in this divisional code which is defined in said national code, the definition thereof contained in said national code shall, except as herein provided in the case of wholesaling, apply to the Midwest fish and shellfish preparing or wholesaling division of the fishery industry. As used herein:

(a) The term "National Industrial Recovery Board" means the body established by Executive Order No. 6859, dated September 27, 1934, to administer the provisions of Title I of the Act.

(b) The term "Midwest fish and shellfish preparing or wholesaling industry" or "Midwest industry" means the preparing or wholesaling of fish and shellfish in the Midwest area, except insofar as the same are subject to any lobster (*Homarus americanus*) code in original or amended form. Said term includes also the combination of said functions. With respect to the distribution of canned fish and canned shellfish, said term shall include only the primary sale; with respect to the distribution of dried, salted and smoked fish, said term shall not include any sale effected by a person or enterprise whose principal line of business is that of a wholesale grocer.

(c) The term "Midwest area" means the States of Kentucky, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Nebraska, Kansas, Missouri, North Dakota, and South Dakota and the Great Lakes ports of New York and Pennsylvania.

(d) The term "preparing" means as follows: (1) Packing in ice, filleting, cutting, freezing by other than public freezers, salting, smoking, drying, soaking, canning or otherwise manipulating. (2) It does not include the manufacture of products obtained from

shells, fish scales, sounds, skins, hides or bones. (3) It does not include the packing in ice, filleting, cutting, freezing, salting, smoking, drying, canning or other manipulation of fish or shellfish performed by the catchers thereof or by catchers who purchase the same (in the round, eviscerated, decapitated, or iced state) at any sale between or among catchers.

(e) The terms "wholesale" and "wholesaling" mean the distribution of fish and shellfish to retail outlets (including any type of undertaking in which food is prepared and sold to the consumer) whether or not the retail outlets are owned or controlled by the person or enterprise effecting the distribution, hereinafter in this paragraph referred to as the distributor; and include sales of fish and shellfish between or among distributors. Said terms specifically include such functions as brokers, commission merchants and truckers perform in the distribution of fish and shellfish to the retail outlets aforesaid, to each other, or to any distributor aforesaid. Said terms do not include any primary sale of fish or shellfish (in the natural or any prepared state) by the catchers thereof, unless made by a person or enterprise acting as the representative of the seller in the capacity of a commission merchant or broker; nor do they include any sale of fish (in the round, eviscerated, decapitated, or iced state) or shellfish (in the natural or iced state) between or among catchers. The term "prepared" as used in the sentence immediately preceding this means packing in ice, filleting, cutting, freezing, salting, smoking, drying, canning or otherwise manipulating, except that it specifically excludes the manufacture of products obtained from shells, fish scales, sounds, skins, hides or bones.

(f) The term "member of the Midwest industry" includes any individual, partnership, association, corporation, or other form of enterprise engaged in the Midwest industry either as an employer, or on his or its own behalf; and includes specifically commission merchants, brokers and truckers so engaged.

(g) The term "commission merchant" means a sales agent who performs the services of negotiating the sale of fish and shellfish, in the natural or any "prepared" state, for and on account of the seller as principal, who is entrusted with the possession, disposal and control of the goods, who customarily sells in his own name and guarantees credit, and whose compensation is a commission or brokerage paid by the seller.

(h) The term "broker" means an independent sales agent who performs the services of negotiating the sale of fish and shellfish, in the natural or any "prepared" state, for and on account of the seller as principal, who is not entrusted with the possession, disposal or control of the goods, who does not sell in his own name, who does not customarily guarantee credit, and whose compensation is a commission or brokerage paid by the seller.

(i) The term "trucker" means anyone buying fish or shellfish from other wholesalers or from producers, and selling the same to wholesale or retail outlets, including hotels, restaurants, and other public eating places, when the sale or delivery of the product is from a truck as the usual place of business of the seller.

(j) The term "Executive Committee" means the supervisory body provided for in Article VIII, Title C, Section 1, paragraph (e) of said national code, and created pursuant to the provisions of Article VIII, Title B, hereof.

(k) The term "Association" means the Midwest Fisheries Association, a corporation organized under the laws of the State of Illinois.

(l) The term "price terms" means prices, discounts, rebates, allowances, and all other terms or conditions of sale.

(m) The term "trade area" means metropolitan district as used by the U. S. Bureau of the Census.

(n) Population and trade area for the purposes of this divisional code shall be determined by reference to the latest Federal Census.

ARTICLE III—HOURS OF LABOR

SECTION 1. The labor hour provisions contained in Article III of said national code shall apply to the Midwest industry, with the following exceptions:

(a) Section 1 of Article III of said national code shall not apply to the Midwest industry, and in lieu thereof the following shall apply:

No clerical, accounting or other office employee shall be permitted to work in excess of forty (40) hours in any week or eight (8) hours in any day or six (6) days in any seven (7), except that overtime in excess of forty (40) hours in any week or eight (8) hours in any day is permitted if time and one-third the normal rate is paid therefor, but overtime in any week shall not exceed six (6) hours.

(b) Section 2 of Article III of said national code shall not apply to the Midwest industry, and in lieu thereof the following shall apply:

No other employee shall be permitted to work in excess of ninety (90) hours in any two (2) consecutive weeks, nor shall such employee be permitted to work in excess of forty-eight (48) hours in any week, or ten (10) hours in any day, or six (6) days in any seven (7), except that overtime not in excess of eight (8) hours in any week may be worked if time and one-third the normal rate is paid therefor. This provision shall be subject to the following exceptions:

(1) Executive, supervisory, technical, and administrative employees, provided they regularly receive \$35.00 per week or more.

(2) Outside salesmen.

(3) Stationary engineers and firemen, chauffeurs, and deliverymen, provided they shall not be permitted to work in excess of forty-eight (48) hours in any week.

(4) Watchmen, provided they shall not be permitted to work in excess of thirteen (13) days in any fourteen (14), or fifty-six (56) hours in any week.

(5) Employees engaged in emergency maintenance and emergency repair work; *Provided however*, that they shall be paid at least time and one-third the normal rate for hours worked in excess of the maximum established herein for them respectively.

(6) Employees engaged in any emergency situation which may arise whereby the product of the employer may be spoiled or destroyed while in a perishable condition when additional workers of the necessary qualifications are not available to perform the operations required. In such cases, the employer shall be empowered to process such product into a non-perishable condition. Employees engaged in this emergency work shall be paid at least time and one-third the normal rate for hours worked in excess of the maximum established herein for them respectively.

SECTION 2. Each employer shall make a monthly report to the Executive Committee, stating the number of hours worked at time and one-third rates under the provisions of Section 1, paragraphs (a) and (b) of this Article.

ARTICLE IV—WAGES

SECTION 1. The labor wage provisions contained in Article IV of said national code shall apply to the Midwest industry, with the following exceptions:

(a) Section 1 of Article IV of said national code shall not apply to the Midwest industry, and in lieu thereof the following shall apply:

No clerical, accounting or other office employee shall be paid less than the following rates of wages: (1) eighteen dollars per week in cities of 1,000,000 or more population, or in the trade area thereof, except that file clerks or office boys may be employed at the rate of not less than fifteen dollars per week; (2) sixteen dollars per week in other places, except that file clerks or office boys may be employed at the rate of not less than fourteen dollars per week; *Provided however*, that only one file clerk or office boy may be employed in each establishment.

(b) Section 2 of Article IV of said national code shall not apply to the Midwest industry, and in lieu thereof the following shall apply:

No other employee shall be paid less than the following rates of wages: (1) twenty dollars per week in cities of 1,000,000 or more population, or in the trade area thereof; (2) seventeen dollars per week in other places; except that learners shall be paid not less than at the rate of eighteen dollars per week in cities of 1,000,000 or more population, or in the trade area thereof, and not less than at the rate of fifteen dollars per week in other places, but persons having more than six (6) months' experience in the Midwest industry shall not be regarded as learners, nor shall the total number of learners employed in any establishment exceed five percent (5%) of all of the non-office employees in said establishment, but at least one learner may be employed in each establishment.

(c) Section 3 of Article IV of said national code shall not apply to the Midwest industry, and in lieu thereof the following shall apply:

In order to maintain fair differentials between employees, an equitable readjustment in rates of pay shall be made in cases of employees who on June 15, 1933, received in excess of the minimum

rates of pay then prevailing; but in no case as a part of such readjustment shall weekly wages be reduced. The Executive Committee, within sixty (60) days after the effective date of this divisional code, shall report to the National Industrial Recovery Board the readjustments made pursuant to this provision.

(d) A person whose earning capacity is limited because of age or physical or mental handicap, or other infirmity, may be employed on light work at a wage below the minimum established by this divisional code, if the employer obtains from the 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 with the Executive Committee a list of all such persons employed by him, showing the wages paid to, and the maximum hours of work for, each such employee.

ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. The mandatory clauses from Section 7 (a) of the Act and the other general labor provisions contained in Article V of said national code are specifically incorporated herein by reference and shall apply to the Midwest industry, and in addition thereto the following:

(a) No individual under eighteen (18) years of age shall be permitted to work at operations or occupations which are hazardous in nature or dangerous to health. The Executive Committee shall submit to the National Industrial Recovery Board within thirty (30) days after the effective date of this divisional code a list of such operations or occupations.

(b) Every employer shall provide for the safety and health of employees during the hours and at the places of their employment and the Executive Committee shall submit to the National Industrial Recovery Board standards for safety and health within six (6) months after the effective date of this divisional code.

(c) Wages shall be exempt from fines; and from charges and deductions, except charges and deductions for employees' voluntary contributions to insurance, pension or benefit funds, and except charges and deductions required by State legislation enacted for the benefit of employees. Deductions for other purposes may be made only when an agreement covering the same is reduced to writing and kept on file by the employer for a period of six (6) months open to the inspection of the National Industrial Recovery Board. Wages shall be paid at least twice a month, in cash, or by negotiable check payable on demand.

ARTICLE VI

TITLE A. UNFAIR METHODS OF COMPETITION

SECTION 1. In addition to the unfair methods of competition provisions contained in Article VI of said national code, the following shall apply to the Midwest industry, and it shall be a violation of this divisional code for any member of the Midwest industry:

(a) *Inducing Breach of Contract.*—To induce wilfully or attempt to induce wilfully the breach of existing contracts between competitors and their shippers or customers by any false or deceptive means, or to 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.

(b) *Inaccurate or False Reference to Competitors.*—To impute falsely to competitors dishonorable business conduct, inability to perform contracts, or questionable credit standing; or to make false representations relating to the products of a competitor.

(c) *Enticing Employees.*—To entice away maliciously employees of competitors with the purpose and effect of hampering, injuring or embarrassing competitors in their business.

(d) *False Information.*—To report falsely to the Executive Committee on any information required for the administration of this divisional code.

(e) *Participation in Code.*—To claim participation in this divisional code or said national code or to display any N. R. A. insignia without complying with the provisions of this divisional code.

(f) *Purchases from Fishermen.*—To make purchases of fish or shellfish from a fisherman without paying for same on receipt of the product by the buyer, or without delivery (or placing in the channels of delivery) to the seller at the time of such receipt of a written acknowledgment of purchase (a) containing all information necessary to a complete understanding of the transaction (including price, quantity, and terms of payment) and (b) providing specifically for payment (in cash, or by negotiable check payable on demand) within seven (7) days after receipt of the product by the buyer.

(g) *Adjustments of Sale Transactions.*—To allow any adjustment by way of credit or otherwise to any purchaser for any spoiled or unsold product of the Midwest industry or for short weight or for any other reason, except in satisfaction of a reasonable claim therefor by such purchaser made within a reasonable time after delivery of the product covered by the claim. A written record of each such adjustment shall be filed by the seller with the Executive Committee within ten (10) days after the same is effected.

(h) *Filing Prices.*—To fail to file with a confidential and disinterested agent of the Executive Committee or, if none, then with such an agent designated by the National Industrial Recovery Board, identified lists of all of his price terms to hotels, restaurants, butchers, delicatessens, food marts, chain stores and department stores, which lists shall completely and accurately conform to and represent the individual pricing practices of the member filing same. Such lists shall contain the price terms for all such standard products of the Midwest industry as are sold or offered for sale by said member and for such nonstandard products of said member as shall be designated by the Executive Committee. Said price terms shall in the first instance be filed within thirty (30) days after the effective date of this divisional code. Price terms and revised price terms shall become effective immediately upon receipt thereof by said agent. Each price list shall contain a specific statement as to each price set forth

therein, either that it is f. o. b. the establishment of the seller, or that it is a delivered price.

(i) *Adherence to Filed Prices.*—To sell or offer to sell any product of the Midwest industry, for which price terms have been filed pursuant to the provisions of this Article, except in accordance with such price terms.

(j) *Agreement on Prices.*—To enter into any agreement, understanding, combination, or conspiracy to fix or maintain price terms, or cause or attempt to cause any member of the Midwest industry to change his price terms by the use of intimidation, coercion, or any other influence inconsistent with the maintenance of a free and open market.

(k) *Destructive Price Cutting.*—To engage wilfully in destructive price cutting. Any member of the Midwest industry or of any other industry or the customers or either may at any time complain to the Executive Committee 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.

(l) *Emergency Basis for Prices.*—When an emergency exists as to any given product, sale below the stated minimum price of such product, in violation of the following provisions, is forbidden:

(1) If the National Industrial Recovery Board, after investigation, shall at any time find both (a) that an emergency has arisen within the Midwest 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 (b) that the determination of the stated minimum price for a specified product within the Midwest industry for a limited period is necessary to mitigate the conditions constituting such emergency and to effectuate the purposes of the Act, the Executive Committee may cause an impartial agency to investigate costs and to recommend to the National Industrial Recovery Board a determination of the stated minimum price of the product affected by the emergency and thereupon the National Industrial Recovery Board may proceed to determine such stated minimum price; and

(2) When the National Industrial Recovery Board 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 Act, it shall publish such price. Thereafter, during such stated period, no member of the Midwest industry shall sell such specified product at a net realized price below said stated minimum price and any such sale shall be deemed destructive price cutting;

(3) *Provided however*, that 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.

TITLE B. COORDINATION WITH OTHER CODES

SECTION 1. The Midwest industry, recognizing the value of uniform basic trade practice provisions for all food and grocery manu-

facturing codes, pledges cooperation in securing the amendment of any trade practice provisions in this divisional code which may be in conflict with trade practice provisions approved by the President for the entire food and grocery manufacturing industry.

ARTICLE VII—INFORMATION, BOOKS AND RECORDS

SECTION 1. The provisions contained in Article VII of said national code shall apply to the Midwest industry.

ARTICLE VIII—ADMINISTRATION

TITLE A. SUPERVISORY BODIES

SECTION 1. The provisions contained in Article VIII of said national code shall apply to the Midwest industry, except as modified in this Article.

TITLE B. EXECUTIVE COMMITTEE, SELECTION

SECTION 1. The Midwest Fisheries Association shall conduct an election each year in which all members of the Midwest industry may equally participate for the purpose of electing an Executive Committee consisting of eleven (11) members to administer this divisional code. The first election shall be held within thirty (30) days after the effective date of this divisional code. The eleven (11) members of the Executive Committee shall be made up of one (1) representative from North Dakota, South Dakota and Minnesota; one (1) from Nebraska, Kansas, Iowa and Kansas City, Missouri; one (1) from Missouri except Kansas City; one (1) from the Great Lakes ports of New York, Pennsylvania and Ohio; one (1) from Ohio, other than Lake Erie ports, and Kentucky; one (1) from the members of the Midwest industry engaged in smoking fish; one (1) from Wisconsin; one (1) from Michigan; one (1) from Indiana; and two (2) from Illinois. In the election of members of the Executive Committee, all votes cast by proxy or by mail shall have the same effect as votes cast in person.

SECTION 2. In addition to membership as above provided, there may be from one (1) to three (3) members to be appointed by the National Industrial Recovery Board to serve for such terms as it may specify, without vote and without expense to the Midwest industry.

SECTION 3. The Executive Committee shall have the same privileges and be subject to the same limitations as the National Code Authority has and is subject to in Article VIII, Title A, Sections 2, 3, 4, 5 and 6 of said national code.

TITLE C. EXECUTIVE COMMITTEE, POWERS AND DUTIES

SECTION 1. The Executive Committee shall supervise the effectuation of the purposes of this divisional code pursuant to the provisions of Article VIII of said national code, and is authorized further:

(a) To designate a confidential and disinterested agent for the purpose of carrying out the provisions of Article VI, Title A, Section 1, paragraph (h), hereof. Said agent shall receive the identified lists of price terms filed by each member of the Midwest industry in accordance with Article VI, Title A, Section 1, paragraph (h), hereof, and immediately upon receipt thereof, said agent shall by mail notify the member filing same 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 Midwest industry and to all their customers who have applied therefor and have offered to defray the cost actually incurred by the Executive Committee 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 Midwest industry and their customers, as aforesaid; provided, that prices filed in the first instance shall not be released until the expiration of the aforesaid thirty (30) day period after the effective date of this divisional code provided for in Article VI, Title A, Section 1, paragraph (h), hereof.

(b) The Executive Committee 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 National Industrial Recovery Board. Upon request the Executive Committee shall furnish to the National Industrial Recovery Board or any duly designated agent of the National Industrial Recovery Board, copies of any such lists or revisions of price terms.

(c) Upon receipt of a complaint under Article VI, Title A, Section 1, paragraph (k), hereof, the Executive Committee shall within five (5) days afford an opportunity to the member of the Midwest industry 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 the National Recovery Administration which shall render a report and recommendation thereon to the National Industrial Recovery Board.

(d) To recommend from time to time the review or reconsideration of any determinations effected under Article VI, Title A, Section 1, paragraph (l), subparagraph (2), hereof, or the National Industrial Recovery Board may cause the same to be reviewed or reconsidered and appropriate action taken.

(e) To cause to be formulated methods of cost finding and accounting capable of use by all members of the Midwest industry. When such cost finding and accounting methods shall have been formulated same shall be submitted to the National Industrial Recovery Board for review. If approved by the National Industrial Recovery Board, full information concerning such methods shall be made available to all members of the Midwest industry. Thereafter, each member of the Midwest industry shall utilize such methods to the extend found practicable. Nothing herein contained shall be construed to permit the Executive Committee, or any agent thereof, or any member of the Midwest 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.

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

(g) To the extent permitted by the Act, to investigate acts or courses of conduct by any member of the Midwest industry which are or appear to be contrary to the policy of the Act or which tend or may tend to render ineffective this divisional code and to report the same with recommendations to the National Code Authority and/or the National Industrial Recovery Board.

(h) To coordinate the administration of this divisional code with any other of the divisional codes of the fishery industry, and to appoint representatives to a coordinating body to be known as the Midwest Fishery Council for the purpose of coordinating this divisional code with any other fishery codes in the Midwest area.

(i) To appoint, within one (1) month after the effective date of this divisional code, a committee so constituted as to give due consumer and governmental representation, to make a study with a view to the establishment of classifications and standards of sanitation and quality of products of the Midwest industry, wherever such classifications and standards are deemed feasible. The findings and recommendations of this committee shall, within six (6) months, be submitted to the National Industrial Recovery Board, and after such hearings and investigations as it may designate, and upon approval by it, shall be made a part of this divisional code and be binding upon every member of the Midwest industry.

(j) To cooperate with the National Code Authority and with the National Industrial Recovery Board in regulating the use of any N. R. A. insignia solely by those members of the Midwest industry who are complying with this divisional code and contributing to the expense of the administration of said national code and this divisional code as in said codes provided, unless duly exempted from making such contribution.

(k) To incur such reasonable obligations as are necessary and proper for the administration of this divisional code, and to meet such obligations out of funds which may be raised as provided in this divisional code, which funds shall be held in trust for the purposes of this divisional code and said national code.

TITLE D. EXECUTIVE COMMITTEE, DELEGATION OF POWERS AND DUTIES

SECTION 1. For the purpose of securing complete and accurate information and for the further effectuation of the purposes of this divisional code and the policies of the Act through the effective local administration of the provisions of this divisional code, the Executive Committee is authorized to delegate its powers under this divisional code as follows: *Provided however*, that nothing herein contained shall relieve the Executive Committee of its duties and responsibilities under this divisional code and that any person, committee or agency to which any power shall be delegated shall at all times be subject to and comply with the provisions hereof:

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

(b) To an Executive Secretary who may be selected to perform such duties as may from time to time be required by the Executive Committee.

(c) To subdivisional committees throughout the Midwest area, the jurisdiction of which shall be recommended by the Executive Committee and approved by the National Industrial Recovery Board. The Executive Committee shall delegate to said subdivisional committees all duties within the jurisdiction of said subdivisional committees with regard to the collection of the assessments provided for in Article VIII, Title E, hereof, and shall require of them the same measures for the safeguarding of the funds as are required of it. All assessments collected by said subdivisional committees shall be transferred forthwith to the Executive Committee.

TITLE E. EXPENSES

SECTION 1. If the assessments provided for under Article VIII, Title E. Section 1 of said national code shall fail to provide sufficient funds for the administration of this divisional code, each member of the Midwest industry shall bear his proportionate share of any additional expense upon such equitable basis as may be determined by the Executive Committee, subject to the approval of the National Industrial Recovery Board. In any event, the Executive Committee shall submit to the National Industrial Recovery Board for approval, subject to such notice and opportunity to be heard as it shall deem necessary:

(a) An itemized budget of the estimated expense of administering this divisional code and of the contribution of the Midwest industry to the code administration expense of the National Code Authority.

(b) An equitable basis (consistent with said national code) upon which the funds necessary to support such budget shall be contributed by all members of the Midwest industry.

SECTION 2. After such budget and basis of contribution have been approved by the National Industrial Recovery Board, the Executive Committee shall determine and obtain equitable contribution in accordance with said basis of contribution from all members of the Midwest industry, and to that end, if necessary, may institute legal proceedings therefor in its own name.

SECTION 3. Each member of the Midwest industry shall pay his or its equitable contribution to the expense of the administration of this divisional code and said national code as in said codes provided, subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the Midwest industry complying with this divisional code and contributing to the expense of the administration thereof and of said national code as in said codes provided (unless duly exempted from making such contribution) shall be entitled to participate in the selection of members of the Executive Committee, 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 4. The Executive Committee 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 its approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

SECTION 5. Upon receipt by it of the assessments collected by the subdivisional committees in accordance with power delegated to them under the provisions of Article VIII, Title D, Section 1, paragraph (c), hereof, the Executive Committee shall provide for the use of each subdivisional committee a fraction of the assessments received from it, which fraction shall not be more than one-fourth thereof unless unusual conditions prevail within the jurisdiction of said subdivisional committee, in which case the Executive Committee may provide for the use of said subdivisional committee a fraction of said assessments greater than one-fourth.

ARTICLE IX—EXPORT TRADE

SECTION 1. No provision of this divisional 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—MODIFICATION AND MONOPOLIES

SECTION 1. This divisional code and all the provisions thereof are expressly 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 the Act; and specifically, but without limitation, to the right of the President to cancel or modify his approval of this divisional code or any conditions imposed by him upon approval thereof. The other provisions contained in Articles IX and X of said national code shall apply to the Midwest industry whether or not in said Articles of said national code specific reference is made to this divisional code.

ARTICLE XI—EFFECTIVE DATE

SECTION 1. This divisional code shall become effective on the second Monday following its approval by the President.

Approved Code No. 308—Supplement No. 9.
Registry No. 117-90.

ADMINISTRATIVE ORDERS

ADMINISTRATIVE ORDER NO. 466-21

CODE OF FAIR COMPETITION FOR THE RETAIL TOBACCO TRADE—
ORDER TEMPORARILY CONTINUING CERTAIN ADMINISTRATIVE
ORDERS DECLARING AN EMERGENCY AND ESTABLISHING A BASIS
FOR THE COMPUTATION OF MINIMUM EMERGENCY PRICES FOR THE
SALE OF CIGARETTES AT RETAIL

WHEREAS, on July 12, 1934, by Administrative Order No. 466-4, an emergency was declared to exist in the Retail Tobacco trade in the matter of the sale of cigarettes at retail by members of said trade, and a loss limitation basis for computation of minimum prices for the sale of cigarettes at retail was established, which said order was duly amended on September 8, 1934 and on October 10, 1934 and was duly extended from time to time until January 26, 1935; and

WHEREAS, pursuant to the terms of said Order the Division of Research and Planning has reported to the National Industrial Recovery Board, and

WHEREAS, upon the basis of the facts contained in said report and upon other facts and information properly before said National Industrial Recovery Board it appears to the satisfaction of said Board and the Board finds:

1. That the essential elements of the condition causing the emergency in said trade, as so found in said order, are still existent therein and, in the absence of adequate protection, will be discriminatory against and destructive to small enterprises in said trade, particularly by reason of the unfair competition and destructive price-cutting practices engaged in by certain competitors of such enterprises, which conditions are necessarily reflected adversely in the wage, hour and other labor conditions in the trade and in the ability of such small enterprises to comply with code requirements;

2. That as a result of said Order 466-4, as amended and extended, said conditions have been temporarily alleviated, but that it does not appear that the conditions and circumstances giving rise to said emergency have been permanently cured or removed;

3. That conditions generally prevailing in the trade are such that declarations of temporary emergencies under the present code provision do not constitute a remedy properly consonant with the continuing protection which should be afforded small enterprises under said Act and said Code against the effects of unfair price competition and destructive price-cutting;

4. That the present degree of stability accomplished under the provisions of said Order, as amended, should be preserved pending the completion of proceedings looking toward the adoption of a method of affording a proper remedy to the conditions so caused by discriminatory and destructive price-cutting, as hereinabove found to exist, and to prevent local or national recurrences of such conditions;

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board by Executive Orders of the President, including Executive Order No. 6859, by the Code of Fair Competition for the Retail Tobacco Trade, and otherwise, IT IS HEREBY ORDERED:

1. That said Administrative Order No. 466-4 as amended be and the same hereby is continued to and including the 30th day of March, 1935;

2. That the Division of Research and Planning continue to observe and survey the situation in the trade as it relates to destructive price-cutting and its effect upon small enterprises therein, and to report thereon to the Board from time to time as conditions may indicate the need for such reports or as the Board may require;

3. That the Retail Tobacco Trade be requested forthwith to present through its authorized representatives to the Board for its consideration, a plan in the form of a code amendment, or otherwise, designed to protect small enterprises from the results of unfair competition and destructive price-cutting; and that such representatives be fully empowered to approve in behalf of the trade an amendment to the Code for said trade, and the incorporation in such code of such plan for the accomplishment of such purposes as may receive the approval of the National Industrial Recovery Board;

4. That this Order is subject to the further Orders of the National Industrial Recovery Board herein.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

WASHINGTON, D. C.,

January 24, 1935.

ADMINISTRATIVE ORDER NO. 462-21

CODE OF FAIR COMPETITION FOR THE WHOLESALE TOBACCO TRADE—
ORDER TEMPORARILY CONTINUING CERTAIN ADMINISTRATIVE
ORDERS DECLARING AN EMERGENCY AND ESTABLISHING A BASIS
FOR THE COMPUTATION OF MINIMUM EMERGENCY PRICES FOR THE
SALE OF CIGARETTES AT WHOLESALE

WHEREAS, on July 12, 1934, by Administrative Order No. X462-5, an emergency was declared to exist in the Wholesale Tobacco Trade in the matter of the sale of cigarettes at wholesale by members of said trade, and a loss limitation basis for computation of minimum prices for the sale of cigarettes at wholesale was established, which said Order was duly amended on September 15, 1934, and was duly extended from time to time until January 26, 1935; and

WHEREAS, pursuant to the terms of said Order the Division of Research and Planning has reported to the National Industrial Recovery Board; and

WHEREAS, upon the basis of the facts contained in said report and upon other facts and information properly before said National Industrial Recovery Board it appears to the satisfaction of said Board and the Board finds:

1. That the essential elements of the condition causing the emergency in said trade, as found in said Order, are still existent therein;

2. That as a result of said Order X462-5, as amended and extended, said conditions have been temporarily alleviated, but that it does not appear that the conditions and circumstances giving rise to said emergency have been permanently cured or removed;

3. That there is evidence before the Board tending to show that the basis of computation of minimum prices prescribed in said Administrative Order No. X462-5 as amended, is not entirely just to sub-jobbers of cigarettes, but that there has not been sufficient evidence adduced from which to determine what basis of computation would remedy this apparent injustice;

4. That the present degree of stability accomplished under the provisions of said Order, as amended, should be preserved pending a survey of possible methods of affording any remedy that may be found advisable on the basis of such survey, and pending the submission of further evidence as to the status of sub-jobbers under the operation of said Order as amended;

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board by Executive Orders of the President, including Executive Order No. 6859, by the Code of Fair Competition for the Wholesale Tobacco Trade, and otherwise, IT IS ORDERED:

1. That said Administrative Order No. X462-5, as amended, be and the same hereby is continued to and including the 30th day of March, 1935;

2. That the Division of Research and Planning continue to observe and survey the situation in the trade as it relates to destructive price-cutting, the effect thereof upon small enterprises and the status of sub-jobbers operating under the terms of said Order, and to report thereon to the Board from time to time as conditions may indicate the need for such reports or as the Board may require;

3. That the Wholesale Tobacco Trade be requested forthwith to present through its authorized representatives to the Board for its consideration all evidence reasonably available concerning the effect of said Order upon sub-jobbers of cigarettes;

4. That this Order is subject to the further Orders of the National Industrial Recovery Board herein.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

JANUARY 24, 1935.

ADMINISTRATIVE ORDER NO. 195-8

CODE OF FAIR COMPETITION FOR THE AMERICAN MATCH INDUSTRY—GRANTING APPLICATION FOR A STAY OF THE PROVISIONS OF ARTICLE VIII, SECTION 1 (E) WHICH PROVIDES AS FOLLOWS: “NO MEMBER OF THE INDUSTRY SHALL GUARANTEE PRICES AND FLOOR STOCKS AGAINST DECLINE IN PRICES”

WHEREAS, an application has been made by the Code Authority for the American Match Industry, 420 Lexington Avenue, New York, New York, for a stay of the operation of the provisions of Article VIII, Section 1 (e) of the Code of Fair Competition for the American Match Industry; and

WHEREAS, the Deputy Administrator has reported, and it appears to the satisfaction of the National Industrial Recovery Board, 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 the National Industrial Recovery Board, it is hereby ordered that the operation of said provisions of said Code be, and it is hereby, stayed as to all parties subject thereto for a period of six (6) months from the date hereof;

PROVIDED, that this Order may be amended and/or revoked by the National Industrial Recovery Board upon cause being shown by any interested party or otherwise.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Order recommended:

JOSEPH F. BATTLE, *Division Administrator*.

WASHINGTON, D. C.,
January 25, 1935.

ADMINISTRATIVE ORDER NO. 322-27

CODE OF FAIR COMPETITION FOR THE EARTHENWARE MANUFACTURING INDUSTRY—OPERATIONS OR OCCUPATIONS DEEMED HAZARDOUS OR DETRIMENTAL TO THE HEALTH OF PERSONS UNDER EIGHTEEN (18) YEARS OF AGE

The Code Authority for the Earthenware Manufacturing Industry, in accordance with the provisions of Article V, Section 1 of the Code of Fair Competition for the Earthenware Manufacturing Industry, has submitted to the National Industrial Recovery Board a list of occupations deemed hazardous in nature or detrimental to the health of persons under eighteen (18) years of age in this Industry, within the meaning of Section 1 of Article V, which are as follows:

I. *In occupations involving specific mechanical hazards—Machine Work.*—(Prohibition to apply to operating, assisting in operating, or taking material from the following machines.)—

1. Machinery having a heavy rolling or crushing action.
 2. Roller mixers, pug mills, dry pans, putty chasers, forming processes or other molding machinery of the pressure type.
 3. In oiling, cleaning or wiping machinery or shafting in motion.
 4. In applying belts to pulleys in motion or assisting therein.
- If members of the industry have their own quarries, the following should be prohibited:*
5. Work in or about clay banks or pits, including surface work connected therewith.
 6. Switching and work on or about railroad equipment (*if used.*)
 7. Handling of explosives (*if used.*)

II. *Plant and Outside Maintenance Operation.*—

8. As drivers of trucks or other motor vehicles or as helpers or delivery boys on such vehicles.
9. In, or assisting in, the operation of gas, oil or steam engines used as prime movers.
10. In the operation, custody, or repair of elevators, cranes, derricks, other hoisting apparatus, except in the operation of (1) dumbwaiters as defined by the American Standards Association, or (2) elevators equipped only for automatic operation.
11. Firing of steam or water boilers (except boilers of not more than 15 lbs. pressure used solely for heating purposes).

III. *Occupations Involving Health Hazards.*—

12. In all glazing or other processes where substances containing lead or any of its compounds are used in a liquid or powdered form, or at a temperature sufficient to vaporize lead.
13. In processes where quartz or any other form of silicon dioxide or an asbestos silicate is present in powdered form.

Pursuant to Section 1 of Article V, the National Industrial Recovery Board does hereby approve the recommendation of the Code Authority

that work performed in the operations listed above is hazardous in nature and is detrimental to health within the meaning of Section 1 of Article V, and orders that it shall have the same force and effect as other provisions of the Code, this Order to become effective twenty (20) days after the date hereof, unless prior to that date good cause to the contrary shall have been shown to the National Industrial Recovery Board and it has, by its further order, otherwise determined.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. P. ELLIS, *Division Administrator*.

Approval recommended:

BEVERLY OBER,
Deputy Administrator.

WASHINGTON, D. C.,
January 25, 1935.

ADMINISTRATIVE ORDER NO. 164-33

CODE OF FAIR COMPETITION FOR THE KNITTED OUTERWEAR INDUSTRY—EXTENSION OF ORDER NO. 164-19, DATED AUGUST 31, 1934, APPROVING REGULATIONS FOR THE CONTRACT SYSTEM OF PRODUCTION OF KNITTED OUTERWEAR FOR INFANTS AND CHILDREN

WHEREAS, Order No. 164-19, dated August 31, 1934, approved the regulations for the contract system of production of Knitted Outerwear for Infants and Children submitted by the Code Authority, pursuant to the provisions of Article VII of the Code of Fair Competition for said industry, for a period of sixty (60) days; and

WHEREAS, Order No. 164-20, dated September 8, 1934, ordered that said regulations should be effective eighteen (18) days from August 31, 1934; and

WHEREAS, Order No. 164-28, dated December 10, 1934, approved said regulations for a further period of sixty (60) days from November 10, 1934; and

WHEREAS, an application has been duly made by the Code Authority for the Knitted Outerwear Industry for approval of said regulations for the contract system of production of Knitted Outerwear for Infants and Children for a further period of ninety (90) days pursuant to the provisions of Article VII of the Code of Fair Competition for the Knitted Outerwear Industry; and

WHEREAS, the Deputy Administrator has reported that approval of said regulations for a further period of ninety (90) days is necessary and will tend to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, the National Industrial Recovery Board pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, does hereby incorporate by reference said report and does hereby order that said regulations be and they are hereby approved for a further period of ninety (90) days, provided that the Code Authority submits to the Division of Research and Planning every two weeks a report showing the results of the operation of said regulations in the industry.

This Order is subject to revocation upon proper showing of cause therefor.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

PRENTISS L. COONLEY,
Division Administrator.

WASHINGTON, D. C.,
January 25, 1935.

ADMINISTRATIVE ORDER NO. 282-109

AMENDMENT NO. 2, TERMINATING PREVIOUS STAYS OF EFFECTIVE
DATE OF

CODE OF FAIR COMPETITION FOR THE RESTAURANT INDUSTRY—DECLARING AMENDMENT OF ARTICLE VIII, SECTION 1, SUBSECTIONS (A) AND (B) OF THE RESTAURANT CODE EFFECTIVE AS OF THIS DATE AND CONTINUING THE EFFECTIVE DATE OF THE AMENDMENT OF ARTICLE VIII, SECTION 3 TO JANUARY 28, 1935 UNLESS GOOD CAUSE TO THE CONTRARY IS SHOWN DURING THAT PERIOD

WHEREAS, Administrative Order No. 282-95, signed by the National Industrial Recovery Board on December 19, 1934, approved Amendment No. 2 to the Code of Fair Competition for the Restaurant Industry and provided that said Amendment should become effective twenty days thereafter, unless good cause to the contrary was shown to the National Industrial Recovery Board before that time, and the said Board issued a subsequent order to that effect; and

WHEREAS, a subsequent Administrative Order No. 282-100, was signed by the National Industrial Recovery Board on January 8, 1935, extending the effective date of said Amendment for ten days, until January 18, 1935; and

WHEREAS, a subsequent Administrative Order No. 282-107 was signed by the National Industrial Recovery Board on January 18, 1935, extending the effective date of said Amendment for a further period of ten days, until January 28, 1935 unless a good cause to the contrary was shown to the National Industrial Recovery Board before the expiration of that period and the said Board issued a subsequent order to that effect; and

WHEREAS, it appears to the satisfaction of the National Industrial Recovery Board from the record herein and from other facts and information properly before said Board, and the Board finds that the continued postponement of the effective date of that part of said Amendment which modifies Article VIII, Section 1, Subsections (a) and (b), has continued the demoralization of the Restaurant Industry, which said part of said Amendment is well designed to stabilize;

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, hereby orders that:

1. The part of Amendment No. 2 to the Code of Fair Competition for the Restaurant Industry which modifies Article VIII, Section 1,

Subsections (a) and (b), as approved by the Administrative Order No. 282-95 on December 19, 1934, be and the same hereby is declared to be in full force and effect as of the date of this Order.

2. The part of Amendment No. 2 to the Code of Fair Competition for the Restaurant Industry which deletes Article VIII, Section 3, shall become effective on January 28, 1935, unless good cause to the contrary is shown to the National Industrial Recovery Board before the expiration of that period and the said Board issues a subsequent Order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

ARMIN W. RILEY,
Division Administrator.

WASHINGTON, D. C.,
January 25, 1935.

ADMINISTRATIVE ORDER NO. X-85-1

POPULATION DECISION FOR LITTLE ROCK, ARKANSAS, AND NORTH
LITTLE ROCK, ARKANSAS

Applicant: National Bakers Council, Code Authority for the Baking Industry.

Facts: Many Codes of Fair Competition contain provisions which permit lower wages within cities or towns of less than 100,000 population than in cities or towns of more than 100,000 population. Many such Codes also contain, as to cities or towns of less than 100,000 population, provisions for a lower minimum salary requirement for "executives" who are to be exempt from restriction of working hours.

The census of 1930 lists the city of Little Rock, Arkansas, as having 81,679 inhabitants,—and the adjacent city of North Little Rock, Arkansas, as having 19,418 inhabitants. Each of these cities therefore has less than 100,000 population, but their combined population is 101,097.

The two cities have separate municipal governments, but they are one unit, economically. They are separated by the Arkansas River, but are connected by five bridges, making North Little Rock just as accessible to Little Rock as the outlying areas of Little Rock itself.

Question: Are Little Rock, Arkansas, and North Little Rock, Arkansas, to be deemed one city containing a population of more than 100,000 within the meaning of approved Codes of Fair Competition—or two cities, each having a population of less than 100,000?

Interpretation: It is ruled that Little Rock, Arkansas, and North Little Rock, Arkansas, constitute one city or town within the meaning of approved Codes of Fair Competition.

Approved:

NATIONAL INDUSTRIAL RECOVERY BOARD,
W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

ROBERT F. WILSON,
Code Legal Adviser.

LESTER S. DAME,
Assistant Deputy Administrator.

ARMIN W. RILEY,
Division Administrator.

BLACKWELL SMITH,
Chief of Legal Division.

Found not inconsistent with established policies:

ALVIN BROWN,
Review Officer.

WASHINGTON, D. C.,
January 26, 1935.

ADMINISTRATIVE ORDER NO. 24-96

PRICE SCHEDULES AND/OR CHANGES, CANCELLATION OF PREVIOUS
ORDER PROMULGATING RULES GOVERNING

CODE OF FAIR COMPETITION FOR THE BITUMINOUS COAL INDUSTRY—CANCELLATION OF ADMINISTRATIVE ORDER NUMBER 24-78 ESTABLISHING PROCEDURE FOR ADMINISTRATION OF CERTAIN PROVISIONS OF THE CODE OF FAIR COMPETITION FOR THE BITUMINOUS COAL INDUSTRY

WHEREAS, the National Industrial Recovery Board on October 2, 1934 under Administrative Order No. 24-78 prescribed certain procedure for the administration of Sections 1, 2, 3 and 4 of Article VI of the Code of Fair Competition for the Bituminous Coal Industry; and

WHEREAS, it now appears to the National Industrial Recovery Board that the emergency existing on October 2, 1934, which required that the procedure therein prescribed has ceased to exist by reason of our approval of Amendment No. 5 approved on January 8, 1935 and Amendment No. 6 approved on January 25, 1935, to the Code of Fair Competition for the Bituminous Coal Industry;

NOW, THEREFORE, by virtue of the authority vested in us, under Title I of the National Industrial Recovery Act, by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise, it is hereby ordered that said Administrative Order No. 24-78 be and it is hereby cancelled.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

W. P. ELLIS,
Division Administrator.

WASHINGTON, D. C.,
January 26, 1935.

ADMINISTRATIVE ORDER NO. 118-217

TERMS OF SALE, APPROVING STAY FOR UNION MADE GARMENTS OF
PROVISIONS RELEVANT TOCODE OF FAIR COMPETITION FOR THE COTTON GARMENT IN-
DUSTRY—GRANTING APPLICATION FOR A STAY OF THE PROVI-
SIONS OF ARTICLE XIX, SCHEDULE D, SECTION 28, SUB-SEC-
TION A

WHEREAS, an application has been made by the Code Authority for the Cotton Garment Industry for a stay of the operation of the provisions of Article XIX, Schedule D, Section 28, Sub-section a, of the Code of Fair Competition for the Cotton Garment Industry; and

WHEREAS, the Deputy Administrator has reported, and it appears to the satisfaction of the National Industrial Recovery Board, 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 the National Industrial Recovery Board, it is hereby ordered that the operation of said provisions of said Code be and it is hereby stayed as to all parties subject thereto for the period from the date hereof, up to and including March 1, 1935.

This Order may be revoked at any time in the event of a subsequent showing of proper cause therefor.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

PRENTISS L. COONLEY,
Division Administrator.

WASHINGTON, D. C.,
January 26, 1935.

ADMINISTRATIVE ORDER NO. X-134

INTERPRETATION: APPLICATION OF HOME WORK PROVISIONS AS
CONTAINED IN VARIOUS CODES

FACTS: Complaints have been received that certain employees are engaged in the practice of processing articles, the material for which has been furnished by the employer, such processing being performed either in the home or living quarters of the employee, or in a so-called shop operated within the home or living quarters of the employee.

QUESTIONS: 1. What is meant by "home or living quarters" as the term is used in Codes of Fair Competition which provide for the abolition of home work?

2. Does the practice noted above under "Facts" constitute a violation of such Codes of Fair Competition?

INTERPRETATION: 1. The term "home or living quarters" means the private house, private apartment or private room, whichever is the most extensive, occupied as a home by the employee and or his family.

2. The practice of processing articles, the material for which has been furnished by the employer, whether performed in the home or living quarters of the employee, or the so-called shop, operated within the home or living quarters of the employee, as the term "home or living quarters" is defined herein, constitutes a violation of codes which provide for the abolition of home work; except as provided in Executive Order 6711-A, dated May 15, 1934.

Approval recommended:

J. WAYNE LEY,
Code Legal Adviser.

A. S. DONALDSON,
Deputy Administrator.

HARRY C. CARR,
Acting Division Administrator.

BLACKWELL SMITH,
Acting General Counsel.

Found not inconsistent with established policies:

ALVIN BROWN,
Review Officer.

NATIONAL INDUSTRIAL RECOVERY BOARD,
W. A. HARRIMAN, *Administrative Officer.*

WASHINGTON, D. C.,
January 26, 1935.

ADMINISTRATIVE ORDER NO. 156-61

POST-DATING OF PRODUCT SHIPMENTS, APPROVING STAY FOR RAIN-
WEAR DIVISION OF PROVISIONS RELEVANT TOCODE OF FAIR COMPETITION FOR THE RUBBER MANUFACTURING
INDUSTRY—GRANTING APPLICATION FOR A STAY OF THE
PROVISIONS OF CHAPTER X, ARTICLE VI-A, SECTIONS 1 AND 2,
INSOFAR AS SUCH PROVISIONS PROHIBIT POST-DATING

WHEREAS, an application has been made by the Divisional Code Authority of the Rainwear Division, subject to the Code of Fair Competition for the Rubber Manufacturing Industry for a Stay of the operation of the provisions of Chapter X, Article VI-A, Sections 1 and 2 of said Code, insofar as such provisions prohibit post-dating; and

WHEREAS, the Assistant Deputy Administrator has reported, and it appears to the satisfaction of the National Industrial Recovery Board 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 the National Industrial Recovery Board, it is hereby ordered that the operation of said provisions of said Code be, and it hereby is stayed, only to the extent that products of the industry may be shipped before March 1, 1935 with billing as of March 1, 1935, terms not to exceed 8% ten days E. O. M., such stay to take effect ten days from the date hereof unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the Board issue a subsequent order to that effect, and it is further ordered that a Public Hearing shall be held not later than March 31, 1935 for the purpose of giving the members of the Rainwear Divisional Code an opportunity to present an amendment to Article VI-A, Sections 1 and 2 of the Code. This order shall be revocable on further order from the National Industrial Recovery Board.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Order recommended:

JOSEPH F. BATTLEY,
Division Administrator.

WASHINGTON, D. C.,
January 26, 1935.

ADMINISTRATIVE ORDER NO. 5-23

BALTIMORE CLOAK AND SUIT ASSOCIATION, EXEMPTION FROM AREA
ADJUDICATION

CODE OF FAIR COMPETITION FOR THE COAT AND SUIT INDUSTRY—GRANTING APPLICATION OF THE BALTIMORE CLOAK AND SUIT ASSOCIATION, BALTIMORE, MARYLAND, FOR AN EXEMPTION FROM THE PROVISIONS OF ARTICLE II, SECTION 7

WHEREAS, an application has been made by the above-named applicant for an exemption from the provisions of Article II, Section 7, of the Code of Fair Competition for the Coat and Suit Industry; and

WHEREAS, after summary investigation and report by the Deputy Administrator, an emergency exemption was deemed necessary and granted to the applicant by telegram, dated December 6, 1934; and

WHEREAS, the Deputy Administrator has reported and it appears to the satisfaction of the National Industrial Recovery Board 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 the National Industrial Recovery Board, it is hereby ordered that all members of the Industry having factories located in the State of Maryland be and they are hereby exempted from said provisions of said Code to the extent that they be classified in the Western Area, allowing said members of the Industry Western Area Rates from December 6, 1934, up to and including 6 A. M. December 15, 1934, provided that said members of the Industry will conform with the Executive Order of October 19, 1934, placing Maryland in the Eastern Area, and will pay the wage scale of and conform with the classifications of the Eastern Area on and after December 15, 1934; provided that this exemption shall apply only to the production of Fall merchandise and that if any factory in the State of Maryland should produce any spring merchandise before December 15, 1934, it will comply as to its entire production with the Eastern Area classification and rates as set forth in the Code; this exemption shall apply only to the production of any factory located in the State of Maryland; and provided that a copy of this Order is posted in a conspicuous place in the applicants' plants in accordance with Executive Order 6590-B and Administrative Order No. X-82.

This Order is subject to revocation at any time.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By PRENTISS L. COONLEY, *Division Administrator.*

Approval recommended:

M. D. VINCENT,
Deputy Administrator.

WASHINGTON, D. C.,
January 28, 1935.

ADMINISTRATIVE ORDER NO. 244-E-16

TRADE PRACTICE PROVISION, STAY OF ONE

CODE OF FAIR COMPETITION FOR THE TILE CONTRACTING DIVISION OF THE CONSTRUCTION INDUSTRY—GRANTING APPLICATION OF DIVISIONAL CODE AUTHORITY FOR THE TILE CONTRACTING INDUSTRY ON BEHALF OF THE MEMBERS OF THAT INDUSTRY FOR A TEMPORARY STAY OF THE PROVISION OF ARTICLE IV, RULE 9 OF CHAPTER IX OF THE CODE OF FAIR COMPETITION FOR THE CONSTRUCTION INDUSTRY INSOFAR AS IT APPLIES TO FEDERAL, STATE, COUNTY AND MUNICIPAL PROJECTS

WHEREAS, an application has been made by the Divisional Code Authority for the Tile Contracting Industry on behalf of the members of that Industry for a temporary stay of the operation of the provision of Article IV, Rule 9 of the Code of Fair Competition for the Tile Contracting Division insofar as it applies to Federal, State, County and Municipal projects; and

WHEREAS, the Deputy Administrator has reported and it appears to the satisfaction of the National Industrial Recovery Board that the temporary stay hereinafter granted is necessary and will tend to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board pursuant to authority vested in it by Executive Orders of the President including Executive Order No. 6859, dated September 27, 1934 and otherwise, does hereby order that the operation of said provision of said Code be, and it is hereby, temporarily stayed as to all members of the Tile Contracting Division subject thereto for sales of unset tile to Federal, State, County and Municipal projects pending a determination by the National Industrial Recovery Board of the issues raised.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

WALTER G. HOOKE,
Acting Division Administrator.

WASHINGTON, D. C.,
January 29, 1935.

ADMINISTRATIVE ORDER NO. 156-63

LIABILITY PROVISIONS STAYED FOR THE MECHANICAL RUBBER
GOODS DIVISIONCODE OF FAIR COMPETITION FOR THE RUBBER MANUFACTURING
INDUSTRY—GRANTING APPLICATION FOR A STAY OF THE
PROVISIONS OF CHAPTER VII, ARTICLE V-A, SECTION 3

WHEREAS, an application has been made by the Mechanical Rubber Goods Divisional Authority on behalf of the following companies:

Acme Rubber Mfg. Co.	Hewitt Rubber Corporation
Boston Woven Hose & Rubber Co.	Home Rubber Company
Continental Rubber Works	Quaker City Rubber Co.
The B. F. Goodrich Company	Republic Rubber Company
The Goodyear Tire & Rubber Co.	United States Rubber Co.
	Whitehead Brothers Rubber Co.

which companies represent all manufacturers of metal-lined, rubberized gasoline hose (except the Metal Hose and Tubing Company) subject to the Code of Fair Competition for the Rubber Manufacturing Industry, for a stay of the operation of the provisions of Chapter VII, Article V-A, Section 3 of said Code; and

WHEREAS, said Metal Hose and Tubing Company has been granted an exemption from said provisions of said Code by Administrative Order No. 156-54, dated December 7, 1935; and

WHEREAS, the Assistant Deputy Administrator has reported, and it appears to the satisfaction of the Board 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 National Industrial Recovery Board, it is hereby ordered that the operation of said provisions of said Code be, and it is hereby stayed, as to all members of Chapter VII, Mechanical Rubber Goods Division, subject thereto for an indefinite period from the date hereof, so far as the manufacture and sale of metal-lined, rubberized gasoline hose is concerned.

This order shall be revocable at the discretion of the National Industrial Recovery Board.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Order recommended:

JOSEPH F. BATTLE, *Division Administrator*.

WASHINGTON, D. C.,
January 31, 1935.

ADMINISTRATIVE ORDER NO. 338-10

CODE OF FAIR COMPETITION FOR THE WOODEN INSULATOR PIN AND BRACKET MANUFACTURING INDUSTRY—OPERATIONS OR OCCUPATIONS DEEMED HAZARDOUS OR DETRIMENTAL TO THE HEALTH OF PERSONS UNDER EIGHTEEN YEARS OF AGE

The Code Authority for the Wooden Insulator Pin and Bracket Manufacturing Industry, in accordance with Section 1, Article V, of the Code of Fair Competition for the Wooden Insulator Pin and Bracket Manufacturing Industry, has submitted to the National Industrial Recovery Board a list of occupations deemed hazardous in nature or detrimental to the health of persons under eighteen (18) years of age in this Industry, within the meaning of Section 1, of Article V, which are as follows:

1. Occupations involving specific mechanical hazards, including machine work:

A. All occupations in connection with power driven woodworking machinery. Exception—Employment on any of the above named machines may be permitted in the case of minors between sixteen and eighteen years of age under conditions of bona fide apprenticeship to a trade.

B. Any occupation involving the oiling, cleaning or wiping of any machinery in motion.

C. Any occupation involving the application of belts to pulleys in motion or the assistance therein.

2. Occupations involving general hazards (General Plant and Outside Maintenance).

A. Drivers or assistants to driver of motor vehicles or helpers or delivery boys on motor vehicles.

B. Occupations involving the firing of steam or water boilers (except boilers of not more than 15 lbs. pressure used solely for heating purposes).

C. Occupations in or assisting in the operation of any gas, oil or steam engines or other prime movers.

D. Occupations involving the custody, operation or repair of elevators, cranes, derricks or other hoisting apparatus, except in the operation of (1) dumbwaiters, as defined by the American Standards Association, or (2) of elevators equipped only for automatic operation.

Pursuant to Section 1 of Article V, the National Industrial Recovery Board does hereby approve the recommendation of the Code Authority that work performed in the operations listed above is hazardous in nature and is detrimental to health within the meaning of Section 1 of Article V, and orders that it shall have the same force and effect as other provisions of the Code, this Order to become effective twenty (20) days after the date hereof, unless prior to that

date good cause to the contrary shall have been shown to the Board and it has, by its further Order, otherwise determined.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. P. ELLIS, *Division Administrator*.

Approval recommended:

W. JENNINGS BUTTS,
Assistant Deputy Administrator.

WASHINGTON, D. C.,
January 31, 1935.

ADMINISTRATIVE ORDER NO. 322-30

CODE OF FAIR COMPETITION FOR THE EARTHENWARE MANUFACTURING INDUSTRY—GRANTING APPLICATION FOR APPROVAL OF THE EXTENSION OF THE COST FINDING METHOD AS PROVIDED IN ARTICLE VII, SECTION 1

WHEREAS, an application has been made by the Code Authority for the Earthenware Manufacturing Industry for an extension of the approval of the Cost Finding Method as provided in Article VII, Section 1 of the Code of Fair Competition for the Earthenware Manufacturing Industry, and approved by the Administrator on September 5, 1934, for a period of one hundred twenty (120) days; and

WHEREAS, the Deputy Administrator has reported, and it appears to the satisfaction of the National Industrial Recovery Board that the approval hereinafter granted is necessary and will tend to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, pursuant to the authority vested in the National Industrial Recovery Board, it is hereby ordered that said Method of Cost Finding be and it hereby is approved for a period not to exceed sixty (60) days from date hereof pending submission by the Code Authority of an amendment to Article VII of said Code. This Order shall be subject to cancellation upon five (5) days' notice.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

W. P. ELLIS,
Division Administrator.

WASHINGTON, D. C.,
February 1, 1935.

ADMINISTRATION ORDER NO. 68-24

CODE OF FAIR COMPETITION FOR THE ROAD MACHINERY MANUFACTURING INDUSTRY—APPROVAL OF REGULATIONS DEFINING RESALE VALUES OF SECOND-HAND OR OLD EQUIPMENT

An application having been duly made by the Coordinating Agency of the Road Machinery Manufacturing Industry for approval of Regulations Defining Resale Values of Second-Hand or Old Equipment submitted by it for review pursuant to the provisions of Article VII, Section 5, of the Code of Fair Competition for the said Industry, and the Acting Assistant Deputy Administrator having rendered a report recommending approval of said Regulations Defining Resale Values of Second-Hand or Old Equipment, the originals thereof being on file with the National Recovery Administration:

NOW, THEREFORE, pursuant to authority vested in it by Executive orders of the President, by said Article and Section of the said Code, and otherwise, the National Industrial Recovery Board does hereby make the following findings, approvals, and orders:

1. The said report and recommendation of the Acting Assistant Deputy Administrator is hereby adopted and incorporated herein by reference.

2. The National Industrial Recovery Board does hereby find that said Regulations Defining Resale Values of Second-Hand or Old Equipment are reasonable, do not permit uniform additions, percentages, or differentials or other uniform items of cost which are designed to bring about arbitrary uniformity of costs or prices and will promote the policies of Title I of the National Industrial Recovery Act.

3. The National Industrial Recovery Board does hereby order that said Regulations Defining Resale Values of Second-Hand or Old Equipment be and they hereby are approved and that as so approved they shall be made available to all members of the Industry and, thereafter, each member of the Industry shall utilize such Regulations to the extent found practicable, as provided in said Article and Section of the said Code.

4. Said Regulations Defining Resale Values of Second-Hand or Old Equipment shall become effective as of the date hereof,

(a) PROVIDED, however, that in the third line of Section 6, the word "nor" be deleted and the words "nor cause or" be inserted;

(b) PROVIDED, further, any member of the Industry shall have the right to file objections within a period of fifteen (15) days from said date, at the expiration of which time this Order may be revised,

modified or cancelled by the National Industrial Recovery Board on the basis of such objections.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D. C.,
February 1, 1935.

ADMINISTRATIVE ORDER NO. 156-64

PRICE LISTS AND TERMS OF SALE, STAY FOR THE HEEL AND SOLE
DIVISION RELEVANT TOCODE OF FAIR COMPETITION FOR THE RUBBER MANUFACTURING
INDUSTRY—GRANTING APPLICATION FOR A STAY OF THE
PROVISIONS OF CHAPTER VI, ARTICLE III-A, SECTIONS 4 AND 5

WHEREAS, an application has been made by the Code Authority on behalf of the members of the Heel and Sole Division for a stay of the operation of the provisions of Chapter VI, Article III-A, Sections 4 and 5 of the Code of Fair Competition for the Rubber Manufacturing Industry; and

WHEREAS, an opportunity to be heard has been duly afforded to all interested parties and the Assistant Deputy Administrator has reported, and it appears to the satisfaction of the Board 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 the National Industrial Recovery Board, it is hereby ordered that the operation of said provisions of said Code be and it is hereby stayed, as to all parties subject thereto for an indefinite period until such time as the members of the Heel and Sole Division adjust themselves to a more effective application of the price filing provisions of Chapter VI, Article III-A, Sections 4 and 5 of the Code of Fair Competition for the Rubber Manufacturing Industry.

This order shall be revocable at the discretion of the National Industrial Recovery Board.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Order recommended:

JOSEPH F. BATTLE,
Division Administrator.

WASHINGTON, D. C.,
February 1, 1935.

ADMINISTRATIVE ORDER NO. 3-42

CODE OF FAIR COMPETITION FOR THE WOOL TEXTILE INDUSTRY—
HOURS OF LABOR, WORK ASSIGNMENT BOARD DELEGATED TO
ADMINISTER PROVISIONS RELEVANT TO

AMENDING EXECUTIVE ORDER NO. 6877 PROVIDING RULES AND
REGULATIONS FOR THE ADMINISTRATION OF PARAGRAPH 2,
OF SECTION III, OF THE WOOL TEXTILE CODE

By virtue of and pursuant to the authority vested in me under Title I of the National Industrial Recovery Act (48 stat. 195, U. S. C. Title 15, Section 701) and otherwise, it is hereby ordered that Executive Order No. 6877 providing rules and regulations for the administration of paragraph 2, of Section III of the Wool Textile Code is hereby amended to the following extent only:

The Wool Textile Work Assignment Board is charged with the responsibility of administering said paragraph 2, of Section III of said Code in accordance with the principles set forth in Executive Order No. 6877 until thirty (30) days after the report of the Wool Textile Work Assignment Board is submitted to the President.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,
February 1, 1935.

ADMINISTRATIVE ORDER NO. 92-17

DISTRIBUTION, STAY FOR SPECIFIED CLASSES OF PROVISIONS
RELEVANT TO

CODE OF FAIR COMPETITION FOR THE FLOOR AND WALL CLAY TILE MANUFACTURING INDUSTRY—GRANTING APPLICATION OF CODE AUTHORITY OF THE FLOOR AND WALL CLAY TILE MANUFACTURING INDUSTRY ON BEHALF OF THE MEMBERS OF THAT INDUSTRY FOR A STAY FROM THE PROVISION OF PARAGRAPH (1), SECTION B, ARTICLE XII OF THE ABOVE CODE INsofar AS IT APPLIES TO FEDERAL, STATE, COUNTY AND MUNICIPAL PROJECTS

WHEREAS, an application has been made by the Code Authority for the Floor and Wall Clay Tile Manufacturing Industry for a stay of the operation of the provision of Paragraph (1), Section B, Article XII of the Code which reads as follows:

“(1) Specializes in the installation of, but does not engage in the sale of unset tile, bathroom accessories, or other accessories which are a part of the tiled area;” and,

WHEREAS, the Code Authority of the Floor and Wall Clay Tile Manufacturing Industry on January 14, 1935 petitioned the National Industrial Recovery Board for a stay from Paragraph (1), Section B, Article XII of the Code of Fair Competition for the Floor and Wall Clay Tile Manufacturing Industry requesting that Merchant Tile Contractors be permitted to sell unset tiles for Federal, State, County and Municipal Projects; and

WHEREAS, it appears to the satisfaction of the National Industrial Recovery Board 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, on behalf of the President of the United States, the National Industrial Recovery Board pursuant to authority vested in it by Executive Orders of the President including Executive Order No. 6859 and otherwise, does hereby grant a stay from Paragraph (1), Section B, Article XII of the Code of Fair Competition for the Floor and Wall Clay Tile Manufacturing Industry to all members of the Industry for sale of unset tiles for Federal, State, County and Municipal Projects pending a determination by it of the issues raised;

PROVIDED, HOWEVER, this Order shall be subject to cancellation in the event of a subsequent showing of proper cause therefor.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

W. P. ELLIS,
Division Administrator.

WASHINGTON, D. C.,
February 2, 1935.

ADMINISTRATIVE ORDER NO. 489-17

TERMS OF SALE, EXPORT SALES GRANTED STAY RELEVANT TO PROVISIONS APPLICABLE TO

CODE OF FAIR COMPETITION FOR THE SAFETY RAZOR AND SAFETY RAZOR BLADE MANUFACTURING INDUSTRY.—GRANTING APPLICATION FOR A STAY OF THE PROVISIONS OF ARTICLE VIII, SECTION 14

WHEREAS, an application has been made by the Code Authority for the Safety Razor and Safety Razor Blade Manufacturing Industry, New York City, for a stay of the operation of the provisions of Article VIII, Section 14 of the Code of Fair Competition for the said Industry; and

WHEREAS, the Deputy Administrator has reported, and it appears to the satisfaction of the National Industrial Recovery Board 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 the National Industrial Recovery Board, it is hereby ordered that the operation of said provisions of said Code be, and it is hereby, stayed as to all parties subject thereto insofar as said provisions affect sales made by members of the above Industry for delivery outside of the United States and/or any of its possessions; and PROVIDED that this order is subject to modification or cancellation by the National Industrial Recovery Board at any time.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Order recommended:

KILBOURNE JOHNSTON,
Acting Division Administrator.

WASHINGTON, D. C.,
February 2, 1935.

ADMINISTRATIVE ORDER NO. 67-46

FERTILIZER GRADES, PARTIAL STAY OF PROVISIONS RELEVANT TO

PARTIALLY STAYING THE PROVISIONS OF SECTION I, ARTICLE VII, OF THE CODE OF FAIR COMPETITION FOR THE FERTILIZER INDUSTRY

WHEREAS, Article VII, Section I, of the Code of Fair Competition for the Fertilizer Industry provides for the establishment of lists of grades of fertilizers suitable to meet the needs of each State or Zone and that after the establishment of such grades the sale or offer for sale in such States or Zones of mixed fertilizer not conforming to the grades so established shall be an unfair trade practice; and

WHEREAS, application has been made by the Fertilizer Recovery Committee for approval of a partial stay of the provisions of Article VII, Section I, to permit the sale of fertilizer which does not conform to such grades and which at the time of approval of such grades is in the hands of producers or their agents; and

WHEREAS, the Deputy Administrator has reported and it appears to the satisfaction of the National Industrial Recovery Board that the partial 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 the National Industrial Recovery Board it is hereby ordered that the provisions of Article VII, Section I, of said Code be and they hereby are stayed to the extent only that after the approval of any list of grades, producers and/or their agents may be permitted to sell and/or offer to sell any mixed fertilizer not conforming to such grades which at the time of approval of such grades was in the hands of such producers and/or such agents; provided however, that within ten (10) days after the effective date of this Order, or within (10) ten days after the establishment of a list of grades, each producer shall file with the Fertilizer Recovery Committee a statement of the amount of mixed fertilizer not conforming to such grades which such producer or its agents have on hand.

This Order shall become effective ten days after the date hereof unless prior to that time just cause to the contrary be shown and the National Industrial Recovery Board issue a subsequent Order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

JOSEPH F. BATTLEY,
Division Administrator.

WASHINGTON, D. C.,
February 4, 1935.

ADMINISTRATIVE ORDER NO. 164-36

HOMEWORK, RULES AND REGULATIONS SUPERSEDING PROVISIONS
RELEVANT TO

CODE OF FAIR COMPETITION FOR THE KNITTED OUTERWEAR
INDUSTRY—GRANTING APPLICATION FOR A STAY OF THE
PROVISIONS OF SECTION (A) OF ARTICLE VI, INsofar AS THEY
APPLY TO HAND KNITTING AS DESCRIBED IN SAID SECTION;
AND SECTIONS (B) AND (C) OF ARTICLE VI, AND APPROVING
REGULATIONS FOR HOMEWORK PRODUCTION

WHEREAS, the Code of Fair Competition for the Knitted Outerwear Industry provided for a Hand Knitted Division Committee, which Committee was to have studied and reported to the Administration its recommendation for minimum piece work rates applicable to homework production in the Industry, and further to have reported upon the practicability of discontinuing homework in the Industry or setting up a system of control for homeworkers; and

WHEREAS, the Hand Knitted Division Committee has rendered a report to the Administration; and

WHEREAS, hearings having been duly held thereon, and the Deputy Administrator having reported, and it appears to the satisfaction of the National Industrial Recovery Board that the stay hereinafter granted is necessary and will tend to effectuate the policies of Title I of the National Industrial Recovery Act; and

WHEREAS, Regulations for Homework Production have been submitted by the Code Authority to the National Industrial Recovery Board for its revision, modification, and approval;

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board, the attached Regulations are hereby approved; and it is hereby ordered that the provisions of Section (a) of Article VI of the Code of Fair Competition for the Knitted Outerwear Industry insofar as they prohibit the manufacture in homes, for sale or other commercial purposes, of the products of hand knitting (which includes hand crocheting, hand embroidery, and hand sewing together of machine made parts of garments) on and after January 1, 1935, and Sections (b) and (c) of Article VI, be and they are hereby stayed for the period from the date of this Order to April 1, 1935:

PROVIDED, HOWEVER, that the members of the Industry engaged in homework production in the Knitted Outerwear Industry comply with the provisions of the said Code and the Regulations attached hereto; and

PROVIDED, FURTHER, that a Homework Commission of three (3) members shall be appointed by the National Industrial Recovery

Board, which shall consist of one (1) representative from the Division of Research and Planning of the National Recovery Administration, who shall be Chairman; one (1) representative from the Labor Advisory Board of the National Recovery Administration; and one (1) representative to be selected by the Code Authority for the Knitted Outerwear Industry. The duties and powers of the Homework Commission shall include the collection, assembling, and analyzing of all information, data and facts relative to and concerning Homework Production in the Knitted Outerwear Industry, and to make reports and recommendations to the National Industrial Recovery Board on or before April 1, 1935, relative to the most practical method of enforcing the provisions of Article VI of this Code, or as required by the National Industrial Recovery Board; and

PROVIDED, FURTHER, that the Code Authority of the Knitted Outerwear Industry shall administer and enforce the Regulations attached hereto for Homework Production, and shall render to the Homework Commission such information, data, and reports as the Homework Commission may require from time to time, and assist the Homework Commission generally. The actions and functions of the Code Authority and/or its agencies with regard to the enforcement of the Regulations for Homework Production shall at all times be subject to the approval, supervision, and direction of the Homework Commission. The Homework Commission shall also have the right to participate in any of these actions of the Code Authority and/or its agencies with respect to Homework Production.

This order is subject to revocation upon proper showing of cause or subsequent order.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

PRENTISS L. COONLEY,
Division Administrator.

WASHINGTON, D. C.,
February 4, 1935.

ADMINISTRATIVE ORDER NOS. 60-355 AND 142-54

CODE OF FAIR COMPETITION FOR THE RETAIL TRADE AND CODE OF
FAIR COMPETITION FOR THE RETAIL JEWELRY TRADE—CONFIRM-
ING AUTHORITY TO APPROVE LOCAL CODE AUTHORITIES

WHEREAS, Article X, Section 2 (e) Section 5, Paragraph 2 (e) of Schedule A, and Section 4, Paragraph 6 of Schedule B of the Code of Fair Competition for the Retail Trade and Article IX, Section 2 (e) of the Code of Fair Competition for the Retail Jewelry Trade provide, in effect, that local code authorities shall be approved by the Administrator; and

WHEREAS, the Administrator, by Office Order No. 80, dated March 29, 1934, authorized the Deputy Administrator of the Distributing Trades Section of Division Four to approve local code authorities on behalf of the Administrator; and

WHEREAS, Allison James, Technical Assistant in said Division Four, pursuant to authority vested in him by the Deputy Administrator, has approved many local code authorities for said Deputy Administrator;

NOW, THEREFORE, The National Industrial Recovery Board, pursuant to authority vested in it, does hereby order that:

1. All approvals of such local code authorities of said codes made prior to this date by the said Allison James be and they are hereby ratified, confirmed and approved;

2. The Deputy Administrator in charge of said codes and/or said Allison James, Technical Assistant, be and they are hereby authorized, until further order, to approve local code authorities in behalf of the National Industrial Recovery Board pursuant to the above mentioned provisions of said codes.

THE NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN.

Approval recommended:

HARRY C. CARR,
Acting Division Administrator.

WASHINGTON, D. C.,
February 4, 1935.

ADMINISTRATIVE ORDER NOS. 60-358, 142-57 AND 182-65

SCRIPT, FURTHER EXTENSION OF PROVISIONS RELEVANT TO

CODES OF FAIR COMPETITION FOR THE RETAIL TRADE, THE RETAIL JEWELRY TRADE AND THE RETAIL FOOD AND GROCERY TRADE—STAY OF EFFECTIVE DATES OF ARTICLE IX, SECTION 4 OF THE CODE OF FAIR COMPETITION FOR THE RETAIL TRADE, ARTICLE VIII, SECTION 4 OF THE CODE OF FAIR COMPETITION FOR THE RETAIL JEWELRY TRADE, AND ARTICLE IX, SECTION 3 OF THE CODE OF FAIR COMPETITION FOR THE RETAIL FOOD AND GROCERY TRADE

WHEREAS, the provisions of Article IX, Section 4 of the Code of Fair Competition for the Retail Trade, approved October 21, 1933 and the provisions of Article VIII, Section 4 of the Code of Fair Competition for the Retail Jewelry Trade, approved November 27, 1933, recited that the same shall not become effective until March 1, 1934, and the provisions of Article IX, Section 3 of the Code of Fair Competition for the Retail Food and Grocery Trade, approved December 30, 1933 recited that the same shall not become effective until July 1, 1934, and the said provisions of the Codes recited that, pending such respective effective dates, the Administrator shall appoint a committee of not more than three persons to investigate the economic and social implications of such provisions, and the effective date of the said provisions of the Code of Fair Competition for the Retail Trade has been extended to July 1, 1934, by Executive Order No. 6467, dated November 27, 1933, and the effective date of the said provisions of the Code of Fair Competition for the Retail Jewelry Trade has been extended to May 1, 1934 by Administrative Order No. 142-10, dated February 28, 1934 and further stayed to October 1, 1934 by Administrative Order No. 142-13, dated April 30, 1934, and the respective effective dates of the said provisions of the said codes have been further extended to December 1, 1934, by Administrative Order Nos. 60-104, 142-13, 182-12, dated June 13, 1934, and the operation of the said provisions of the said codes has been further stayed to January 5, 1935, by Administrative Order No. X-117, dated November 28, 1934; and said provisions have been further stayed to February 6, 1935, by Administrative Order No. X-117-1, dated January 4, 1935; and

WHEREAS, the said Committee has been appointed, and has rendered its report dated October 22, 1934; and,

WHEREAS, the said report of said Committee has been considered, and it appears that the said Committee recommends, among other things, that the said provisions relating to Company Scrip be eliminated and that certain other provisions be substituted in lieu thereof; and

WHEREAS, it appears to the satisfaction of the National Industrial Recovery Board, and the said Board finds, that a further stay of Article IX, Section 4 of the Code of Fair Competition for the Retail Trade, and Article VIII, Section 4 of the Code of Fair Competition for the Retail Jewelry Trade, and Article IX, Section 3 of the Code of Fair Competition for the Retail Food and Grocery Trade, is desirable until further efforts have been made to effect a control of the problem relating to company scrip, either by amending the Codes of Fair Competition for the so-called basic producing industries, or otherwise:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President including Executive Order No. 6859, and otherwise, does hereby stay to and including the first day of May, 1935, or such prior date as may be further ordered, the provisions relating to Company Scrip set forth in Article IX, Section 4 of the Code of Fair Competition for the Retail Trade, and Article VIII, Section 4 of the Code of Fair Competition for the Retail Jewelry Trade, and Article IX, Section 3, of the Code of Fair Competition for the Retail Food and Grocery Trade.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

HARRY C. CARR,
Acting Division Administrator, Division Four.

ARMIN W. RILEY,
Division Administrator, Food Division.

WASHINGTON, D. C.,
February 5, 1935.

ADMINISTRATIVE ORDER NO. 196-49

LOSS LIMITATIONS PROVISIONS, STAY EXTENDED RELEVANT TO

 CODE OF FAIR COMPETITION FOR THE WHOLESALE FOOD AND GROCERY TRADE—GRANTING APPLICATION FOR A FURTHER STAY OF THE TAKING EFFECT OF AN AMENDMENT TO THE FIRST PARAGRAPH OF ARTICLE VII, SECTION 12

WHEREAS, Administrative Order No. 196-39, dated November 23, 1934, approved certain amendments to the Code of Fair Competition for the Wholesale Food and Grocery Trade, including an amendment to the first paragraph of Article VII, Section 12 thereof, but provided that said amendment to the first paragraph of Article VII, Section 12 of said code shall not become effective until thirty (30) days after the date of said order; and

WHEREAS, Administrative Order No. 196-41, dated December 22, 1934, further stayed, for a period of forty-five (45) days from the date thereof, the taking effect of said amendment to the first paragraph of Article VII, Section 12 of said code; and

WHEREAS, an application has been made by the National Food and Grocery Distributors' Code Authority for further stay of the taking effect of said amendment to the first paragraph of Article VII, Section 12 of said code; and

WHEREAS, the Deputy Administrator has reported, and it appears to the satisfaction of the National Industrial Recovery Board, that the further 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 the National Industrial Recovery Board, it is hereby ordered that the taking effect of said amendment to the first paragraph of Article VII, Section 12 of said code be, and it is hereby, further stayed as to all parties subject thereto for a period of thirty (30) days from the date hereof: Provided, however, that nothing herein contained shall prevent termination of such stay at any time.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

ARMIN W. RILEY,
Division Administrator.

WASHINGTON, D. C.,
February 5, 1935.

ADMINISTRATIVE ORDER NO. 275A-18

COSTS, DETERMINATION EXTENDED FOR LEAD ARSENATE AND CALCIUM ARSENATE OF LOWEST REASONABLE

CODE OF FAIR COMPETITION FOR THE AGRICULTURAL INSECTICIDE AND FUNGICIDE INDUSTRY—EXTENDING TERMINATION DATE OF ADMINISTRATIVE ORDER 275A-11

WHEREAS, the Code Authority for the Agricultural Insecticide and Fungicide Industry, pursuant to Section 7 (g) of Article IV, and Section 1 (a) of Article V, of the Code of Fair Competition for the Agricultural Insecticide and Fungicide Industry, declared an emergency to exist in this Industry in the sale of Lead Arsenate and Calcium Arsenate such as to render ineffective or seriously endanger the maintenance of the provisions of said Code, and submitted for approval to the National Industrial Recovery Board its determination of the lowest reasonable costs below which the said products should not be sold, and

WHEREAS, on the 9th day of November 1934, pursuant to a Public Hearing, the National Industrial Recovery Board declared, in Administrative Order 275A-11, that an emergency existed in the said Industry in the sale of Lead Arsenate and Calcium Arsenate because of destructive price cutting such as to render or seriously endanger the maintenance of the provisions of said Code, and directed that no member of the Industry should sell the affected products at less than the lowest reasonable cost thereof stated in said Order, and

WHEREAS, the Code Authority for said Industry has requested an extension of said Order for a further period of ninety (90) days, and

WHEREAS, the Deputy Administrator has rendered a report on said request for extension, containing findings with respect thereto;

NOW, THEREFORE, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report, and does hereby order that the period prescribed by said Administrative Order 275A-11 for its duration, be and it is hereby extended to and including the 7th day of April, 1935, subject, however, to suspension or modification of said minimum prices, and/or to the earlier termination of said Order, as this Board, by its further order, may direct; and it is hereby further

ORDERED, that in the meantime the Research and Planning Division make an investigation of destructive price-cutting prac-

tices in the Industry, with especial reference to their effect upon small enterprises, and make such recommendations as it may deem necessary for the correction thereof.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

JOSEPH F. BATTLE, *Division Administrator*.

WASHINGTON, D. C.,
February 6, 1935.

ADMINISTRATIVE ORDER NOS. 109-80, 244-53A

CODE OF FAIR COMPETITION FOR THE CRUSHED STONE, SAND AND GRAVEL, AND SLAG INDUSTRIES—EXTENSION OF EXEMPTION GRANTED IN ADMINISTRATIVE ORDER 109-52 TO ALL CONTRACTOR PRODUCERS PRODUCING SAND, GRAVEL AND/OR STONE FOR PUBLIC HIGHWAY CONSTRUCTION PURPOSES FOR USE ON PROJECTS WHERE SUCH CONTRACTOR PRODUCERS HAVE BONA FIDE CONSTRUCTION CONTRACTS IN THEIR OWN NAMES, AND WHERE THE PRODUCTION OF SAND, GRAVEL AND/OR STONE BY THE CONTRACTOR PRODUCERS IS FROM LANDS EITHER OWNED IN FEE SIMPLE OR CONTROLLED BY LICENSE WITH RIGHT OF "PROFIT A PRENDRE", EASEMENT, OR BY A BONA FIDE PUBLICIZED LEASE WITH RIGHTS OF "PROFIT A PRENDRE", BY THE FEDERAL GOVERNMENT, A STATE GOVERNMENT, OR A POLITICAL SUBDIVISION THEREOF

WHEREAS, an application was made by the Bureau of Public Roads, Department of Agriculture, on behalf of the above defined class of contractor producers for an exemption from the provisions of the Code of Fair Competition for the Crushed Stone, Sand and Gravel, and Slag Industries; and

WHEREAS, by Administrative Order No. 109-52 signed November 9, 1934 the said exemption was granted for a period of ninety (90) days, which period expires on February 7, 1935; and

WHEREAS, the Deputy Administrator has reported and it appears to the satisfaction of the National Industrial Recovery Board that the extension of said 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 the National Industrial Recovery Board, it is hereby ordered that the above defined class of contractor producers be and they are hereby exempted for a further period of ninety (90) days from February 7, 1935, or until such earlier time as final determination is made by said Board, from the provisions of the Code of Fair Competition for the Crushed Stone, Sand and Gravel, and Slag Industries, provided, however, that in the production of sand, gravel and/or stone, under the above conditions, the said contractor producers shall in no event employ labor under wage and hour schedules inferior to those provided for in either the Code of Fair Competition for the Crushed Stone, Sand and Gravel, and Slag Industries, or the applicable provisions of the Code of Fair Competition for the Construction Industry, whichever wage and hour provisions are superior;

PROVIDED, HOWEVER, that, the National Industrial Recovery Board reserves the right to cancel, modify or extend this Order at any time.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. P. ELLIS, *Division Administrator*.

Approval recommended:

HARRY S. BERRY,
Deputy Administrator.

WASHINGTON, D. C.,
February 6, 1935.

ADMINISTRATIVE ORDER NO. 5-24

WAGES AND AREAS, STAYING SPECIFIED PARTS OF PROVISIONS
RELEVANT TOAMENDED CODE OF FAIR COMPETITION FOR THE COAT AND
SUIT INDUSTRY—GRANTING APPLICATION FOR A STAY OF THE
PROVISIONS OF ARTICLE II, SECTION 7 AND ARTICLE IV, SEC-
TION 2

WHEREAS, an application has been made by the Western Area Coat and Suit Council, Incorporated, representing the Manufacturers located in the Western Area of the Coat and Suit Industry for a stay of the operation of the provisions of Article II, Section 7 and Article IV, Section 2 of the Code of Fair Competition for the Coat and Suit Industry; and

WHEREAS, after summary investigation and report by the Deputy Administrator, an emergency stay was deemed necessary and granted to the applicant by telegram, dated December 6, 1934; and

WHEREAS, the Deputy Administrator has reported and it appears to the satisfaction of the National Industrial Recovery Board 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 the authority vested in the National Industrial Recovery Board, it is hereby ordered that the operation of said provisions of said Code be, and they are hereby stayed as to all Manufacturers in the Western Area for a period from December 6, 1934, up to and including 6:00 A.M. December 15, 1934, provided that said Manufacturers in the Western Area of the Coat and Suit Industry will conform with the Code as amended on October 19, 1934 and will pay the wage scale of and conform with the classifications of the Western Area as defined therein on and after December 15, 1934; provided that this stay shall apply only to the production of Fall merchandise and that if any Manufacturer or Manufacturers in said Western Area of the Coat and Suit Industry should produce any Spring merchandise before December 15, 1934, it will comply as to its entire productions with the Western Area classifications and rates as set forth in the Code as amended on October 19, 1934, and provided that a copy of this Order is posted in a conspicuous place in the applicants' plants in accordance with Executive Order 6590-B and Administrative Order No. X-82.

This Order is subject to revocation at any time.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By PRENTISS L. COONLEY, *Division Administrator*.

Approval recommended:

M. D. VINCENT,
Deputy Administrator.

WASHINGTON, D. C.,
February 7, 1935.

ADMINISTRATIVE ORDER NO. 487-20

CODE OF FAIR COMPETITION FOR THE IMPORTING TRADE—TERMINATING EXEMPTION GRANTED TO THE RUBBER TRADE ASSOCIATION OF NEW YORK, INC., NEW YORK, NEW YORK, ON BEHALF OF IMPORTERS OF CRUDE RUBBER, FROM THE PROVISIONS OF THE CODE OF FAIR COMPETITION FOR THE IMPORTING TRADE.

WHEREAS, pursuant to the provisions of Executive Order No. 6205-B, dated July 15, 1933, and upon application by the above named Association, on behalf of Importers of Crude Rubber, for exemption from the Code, the operation of the Code was stayed as to said Importers pending a hearing thereon; and

WHEREAS, hearings have been duly held thereon, and the Deputy Administrator has reported, and it appears to the satisfaction of the National Industrial Recovery Board that the applications of the Code are not unjust to said Importers, and that the exemption granted is not necessary and would not tend to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; it is hereby ordered that the said exemption be and it is hereby terminated.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By HARRY C. CARR, *Acting Division Administrator*.

Order recommended:

A. S. DONALDSON,
Acting Deputy Administrator.

FEBRUARY 7, 1935.

ADMINISTRATIVE ORDER NO. 535-4

CODE OF FAIR COMPETITION FOR THE BRATTICE CLOTH MANUFACTURING INDUSTRY—GRANTING APPLICATION OF THE BRATTICE CLOTH MANUFACTURING INDUSTRY FOR AN APPROVAL TO ESTABLISH AN INDUSTRY CODE AUTHORITY

WHEREAS, an application has been made by the members of the Brattice Cloth Manufacturing Industry for approval by the National Industrial Recovery Board of the right to elect its own Code Authority; and

WHEREAS, Section (A) of Article IV of the Code of Fair Competition for the Brattice Cloth Manufacturing Industry, approved November 26, 1934, provides in part

“* * * that, on approval by the National Industrial Recovery Board, the Brattice Cloth Manufacturing Industry may elect its own Code Authority * * *”.

AND WHEREAS, the Assistant Deputy Administrator has reported, and it appears to the satisfaction of the National Industrial Recovery Board that said application to elect its own Industrial Code Authority for the purpose of administering the Code is desirable and will tend to effectuate the policies of Title I of the National Industrial Recovery Act:

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board, it is hereby ordered that said application of the Brattice Cloth Manufacturing Industry for an approval to elect its own Industry Code Authority be and it is hereby approved, provided that the method of selection or election of the members of said Code Authority shall be subject to the approval of the National Industrial Recovery Board.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

PRENTISS L. COONLEY,
Division Administrator.

R. E. ELWELL,
Assistant Counsel.

FEBRUARY 8, 1935.

ADMINISTRATIVE ORDER NO. 400-12

HOURS OF LABOR, TEMPORARY STAY OF PROVISIONS RELEVANT TO

 CODE OF FAIR COMPETITION FOR THE CELLULOID BUTTON, BUCKLE AND NOVELTY MANUFACTURING INDUSTRY—GRANTING APPLICATION FOR A STAY OF THE PROVISIONS OF ARTICLE III, SECTIONS 1, 2 AND 3

WHEREAS, an application has been made by the Code Authority of the Celluloid Button, Buckle and Novelty Manufacturing Industry, 50 East 42nd Street, New York, New York, for a stay of the operation of the provisions of Article III, Sections 1, 2 and 3 of the Code of Fair Competition for the Celluloid Button, Buckle and Novelty Manufacturing Industry; and

WHEREAS, the Deputy Administrator has reported and it appears to the satisfaction of the National Industrial Recovery Board 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 the National Industrial Recovery Board, it is hereby ordered that the operation of said provisions of said Code be and it is hereby stayed as to all parties subject thereto from the date of approval of this Order until April 15, 1935;

PROVIDED, that no employee shall be permitted to work in excess of forty-eight hours in any one week or six days in any seven day period; and

PROVIDED, that in the event a Basic Code is approved for the Button, Buckle and Novelty Manufacturing Industry prior to April 15, 1935, this stay shall, immediately upon such approval be reconsidered by the National Industrial Recovery Board to determine whether or not this stay should remain in effect; and

PROVIDED, further, that copies of this Order are posted in conspicuous places in the plants of the members of the Industry in accordance with Executive Order No. 6590-B and Administrative Order No. X-82.

This Order is subject to cancellation in the event of a subsequent showing of proper cause therefor.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

PRENTISS L. COONLEY,
Division Administrator.

WASHINGTON, D. C.,
February 8, 1935.

ADMINISTRATIVE ORDER NOS. 4-76, 165-28, 277-36
AND 509-11

CODE OF FAIR COMPETITION FOR THE MARINE EQUIPMENT MANUFACTURING INDUSTRY—GRANTING FURTHER EXTENSION OF STAY OF ALL THE PROVISIONS OF THE CODE

WHEREAS, Administrative Order dated August 27, 1934, approving the Code of Fair Competition for the Marine Equipment Manufacturing Industry provides in part:

“and provided, that the operation of all the provisions of this Code be and they are hereby stayed as to all parties subject thereto insofar as they may apply to the products of the Gray Iron Foundry Industry, the Non-Ferrous Foundry Industry, and the Electrical Manufacturing Industry, for a period of sixty (60) days during which time the Code Authorities for the Gray Iron Foundry Industry, the Non-Ferrous Foundry Industry, the Electrical Manufacturing Industry, and the Marine Equipment Manufacturing Industry shall seek through conference to adjust their differences regarding the definition of this Code, and report to me within 60 days the results of such conferences; and provided further that this stay may be extended by my further Order.”; and

WHEREAS, Administrative Order 509-5 extended the stay for a period of ninety (90) days from October 26, 1934; and

WHEREAS, the report required by that part of the Administrative Order of August 27, 1934, above set forth, to be submitted to the Administration by the Code Authorities named in said Order, has been submitted by the individual Code Authorities to the effect that their differences regarding the definition of this Code have not been adjusted; and

WHEREAS, the Code Authorities for the Gray Iron Foundry Industry, Non-Ferrous Foundry Industry, and the Electrical Manufacturing Industry have requested a further extension of the stay and the Code Authority for the Marine Equipment Manufacturing Industry is agreeable to an extension of the stay under the circumstances; and

WHEREAS, it will be necessary to grant a further stay of ninety (90) days from the present termination date of January 24, 1935, during which time the Administration may set dates for and hold hearings on the matters in conflict and may determine in due course the questions at issue; and

WHEREAS, the Deputy Administrator has reported, and it appears to the satisfaction of the National Industrial Recovery Board, that an extension of the stay above set forth is necessary and will tend to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and by the Administrative Order approving the Code, does hereby order that the above stay granted in the Administrative Order of August 27, 1934, approving said Code be, and it is hereby further extended for a period of ninety (90) days from and after January 24, 1935.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Order recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D. C.,
February 8, 1935.

ADMINISTRATIVE ORDER NO. 474-15

PIECE-WORK RATES, SUPPLEMENTING PREVIOUS ORDER RELEVANT TO

CODE OF FAIR COMPETITION FOR THE NEEDLE WORK INDUSTRY
IN PUERTO RICO—SUPPLEMENTING ADMINISTRATIVE ORDER
NO. 474-13

WHEREAS, Administrative Order No. 474-13 dated January 23, 1935 provides that the piece-work rates for the needlework operations set forth and described in Exhibit H annexed thereto shall become effective upon the 6th day of February 1935 unless good cause to the contrary is shown to the National Industrial Recovery Board prior thereto and another order amending, modifying, or cancelling said Administrative Order No. 474-13 be issued; and

WHEREAS, objections have been received and after due consideration we find that the promulgation of the piece-work rates for needlework operations in the manufacture of and processing of children's wear described in said Exhibit H as:

- (a) Bordada a Realce—Mota de 8 puntadas
- (b) Bordada a Realce—Hoja Pequena a realce
- (c) Bordada a Realce—Hoja Pequena picada
- (d) Bordada a Realce—Pulgada Feston puntado de ojal
- (e) Trabajo de Fantasia—Pulgada tru tru doble
- (f) Trabajo de Fantasia—Pulgada de punto de frisa
- (g) Trabajo de Fantasia—Pulgada cordon a la pluma sencillo (plumilla)
- (h) Trabajo de Fantasia—Pulgada cordon a la plumilla doble (plumilla doble)
- (i) Trabajo de Fantasia—Pulgada de puntada Lolita doble
- (j) Trabajo de Fantasia—Pulgada de puntilla Lolita sencilla
- (k) Costura—Yarda de costura a mano

may tend to create an unfair competitive advantage in favor of Puerto Rican manufacturers and contractors as against manufacturers and contractors operating on the mainland; and

WHEREAS, it appears that the members of the industry covered by this Code of Fair Competition desire to limit the piece-work rates hereinabove set forth and described, and contained in said Exhibit H, to such needlework operations on infants wear, exclusively, and to continue in effect the piece-work rates established by the Piece Rates Commission on the 11th day of August, 1934 as to such needlework operations on children's wear; and

WHEREAS, the reports and recommendations submitted to us indicate, and it is found that the piece-work rates hereinafter set forth will tend to effectuate the policies of the National Industrial Recovery

Act (a) by removing obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, by encouraging the increase in volume of manufacturing in Puerto Rico of articles previously made in places with labor standards lower than those set forth in the Code, and (b) by reducing and relieving unemployment in Puerto Rico by encouraging manufacturers to send articles for processing to Puerto Rico instead of to other places where labor standards are lower than those set forth in the Code;

NOW, THEREFORE, pursuant to authority vested in it by the Executive Orders of the President of the United States, including Executive Order No. 6590-A, dated February 8, 1934, and Executive Order No. 6859, dated September 27, 1934, and otherwise, the National Industrial Recovery Board does hereby order as follows:

Administrative Order No. 474-13 dated January 23, 1935, insofar as it concerns Exhibit H annexed thereto, shall be effective as of the date hereof, subject however to the condition that the piece-work rates for the needlework operations described in said Exhibit H as

- (a) Bordada a Realce—Mota de 8 puntadas
- (b) Bordada a Realce—Hoja Pequena a realce
- (c) Bordada a Realce—Hoja Pequena picada
- (d) Bordada a Realce—Pulgada Feston puntado de ojal
- (e) Trabajo de Fantasia—Pulgada tru tru doble
- (f) Trabajo de Fantasia—Pulgada de punto de frisa
- (g) Trabajo de Fantasia—Pulgada cordon a la pluma sencillo (plumilla)
- (h) Trabajo de Fantasia—Pulgada cordon a la plumilla doble (plumilla doble)
- (i) Trabajo de Fantasia—Pulgada de puntada Lolita doble
- (j) Trabajo de Fantasia—Pulgada de puntilla Lolita sencilla
- (k) Costura—Yarda de costura a mano

when performed on articles of children's wear shall be inoperative, and as to such operations on such articles, the piece-work rates established by the Piece Rates Commission on August 11, 1934 shall continue to be in effect. For the purposes of this order, the term "children's wear" shall mean and include any and all items styled, manufactured, identified and sold as Children's Wear and allied products, sized from three to and including age fourteen; and commonly made available to the public through the children's departments in Department stores and specialty shops as Children's Wear.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Order recommended:

PRENTISS L. COONLEY,
Division Administrator.

WASHINGTON, D. C.,
February 8, 1935.

ADMINISTRATIVE ORDER NO. 218-17

CODE OF FAIR COMPETITION FOR THE SLATE INDUSTRY—APPROVAL
OF RULES PROVIDING FOR UNIFORM CREDIT AND CONTRACT
TERMS AND SALES PRACTICES

An application having been made by the Code Authority in accordance with Article VI, Section 5 (a) of the Code of Fair Competition for the Slate Industry for approval of rules providing for uniform credit and contract terms and sales practices, and an opportunity to be heard having been afforded all interested parties, and the Deputy Administrator having submitted a report recommending said rules;

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board, it is hereby ordered that the following rules providing for uniform credit and contract terms and sales practices, be and they are hereby approved;

1. In addition to any other prices each member shall publish prices for the products of this Industry f. o. b. quarry, mill or warehouse.

2. The cash and trade discounts published by any member shall apply only to his f. o. b. quarry, mill or warehouse price.

3. Members who have published no delivered prices may for the convenience of customers prepay the transportation charges. The actual amount of these charges shall be collected from the customer and no case or trade discount shall be allowed to be deducted from any trucking, freight, or other transportation charge over which such member has no control.

In order to avoid confusion all invoices, contracts and quotations shall contain the following words, "Subject to a cash discount of \$—— (or \$—— per square foot) if paid within —— days". The blanks in this sentence are to be filled in by each member according to the cash discount published in his merchandising plan.

4. Amendments to these rules may be made by the Code Authority subject to the approval of the National Industrial Recovery Board.

5. These rules shall be effective on the Monday after their approval by the National Industrial Recovery Board.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

W. P. ELLIS,
Division Administrator.

WASHINGTON, D. C.,
February 8, 1935.

ADMINISTRATIVE ORDER NO. 84-C2-4

CODE OF FAIR COMPETITION FOR THE ARCHITECTURAL, ORNAMENTAL AND MISCELLANEOUS IRON, BRONZE WIRE AND METAL SPECIALTIES INDUSTRY—ORDER EXTENDING TERM OF OFFICE OF THE TEMPORARY SUPPLEMENTARY CODE AUTHORITY

WHEREAS, the Code of Fair Competition for the Architectural, Ornamental and Miscellaneous Iron, Bronze Wire and Metal Specialties Industry provides in Article IV, Section 1, as follows:

“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 (60) day period a Supplementary Code Authority consisting of twenty-five (25) members to be nominated and elected by the members of the Industry at a meeting or meetings called by the temporary Supplementary Code Authority, upon fifteen 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 or by letter ballot—” and,

WHEREAS, the Temporary Supplementary Code Authority, alleging that it is impossible to carry out the provisions of Article IV within the time specified, has petitioned the National Industrial Recovery Board to grant a thirty day extension within which the Supplementary Code Authority may be elected, and,

WHEREAS, it appears to the satisfaction of the National Industrial Recovery Board that such an extension is merited and is in accord with the policies of Title I of the National Industrial Recovery Act,

NOW, THEREFORE, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, the National Industrial Recovery Board does hereby grant a thirty day extension from January 29, 1935, within which time the Supplementary Code Authority shall be elected.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

KILBOURNE JOHNSTON,
Acting Division Administrator,

WASHINGTON, D. C.,
February 9, 1935.

ADMINISTRATIVE ORDER NO. 467-45

HOURS OF LABOR, STAY OF SUNDAY PROVISIONS RELEVANT TO

CODE OF FAIR COMPETITION FOR THE CIGAR MANUFACTURING INDUSTRY—GRANTING APPLICATION FOR A STAY OF THE PROVISIONS OF ARTICLE III, SECTION 4

WHEREAS, an application has been made by the Code Authority for the Code of Fair Competition for the Cigar Manufacturing Industry for a stay of the operation of the provisions of Article III, Section 4 of the Code of Fair Competition for the Cigar Manufacturing Industry; and

WHEREAS, the Deputy Administrator has reported, and it appears to the satisfaction of the National Industrial Recovery Board 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 the National Industrial Recovery Board, it is hereby ordered that the operation of said provisions of said code be, and they are hereby, stayed as to all parties subject thereto for one day, to wit: February 12, 1935.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

ARMIN W. RILEY,
Division Administrator.

WASHINGTON, D. C.,
February 9, 1935.

ADMINISTRATIVE ORDER NO. X-111-1

AMENDING AND MODIFYING CERTAIN TERMS AND PROVISIONS OF ADMINISTRATIVE ORDERS NUMBERED X-9, X-28, X-73, X-81, AND X-111, REFERRING TO THE MEMBERSHIP AND FUNCTIONS OF THE NATIONAL SHELTERED WORKSHOP COMMITTEE

WHEREAS, in the light of the experience of the National Recovery Administration and the National Sheltered Workshop Committee in the administration of their duties and functions, as defined in Administrative Orders numbered X-9, dated March 3, 1934, X-28, dated May 11, 1934, X-73, dated August 9, 1934, X-81, dated September 1, 1934, and X-111, dated November 12, 1934, it is deemed advisable and necessary to amend and modify the terms and provisions of such orders to the extent that they provide a term of tenure of office for the members of such committee, that they require the establishment of Regional Sheltered Workshop Committees by the National Sheltered Workshop Committee, and that they prescribe a procedure to be followed as to the hearing of complaints of violation of pledges of fair competition signed by sheltered workshops and the suspension or withdrawal of labels to and denial of the right to exhibit the insignia of the National Recovery Administration by such sheltered workshops; and

WHEREAS, it appears to our satisfaction and we find that the amendments and modifications hereinbelow set forth will tend to effectuate the policies of the National Industrial Recovery Act by eliminating unfair competitive practices between sheltered workshops and members of industries subject to codes of fair competition.

NOW, THEREFORE, acting under the powers conferred upon the President of the United States by Title I of the National Industrial Recovery Act, approved on June 16, 1933 and pursuant to the authority vested in the National Industrial Recovery Board by the Executive Orders of the President of the United States, including the Executive Order No. 6543-A dated December 30, 1933, and the Executive Order No. 6859 dated September 27, 1934 and otherwise, it is hereby ordered as follows:

I. Administrative Order No. X-9, dated March 3, 1934, is hereby amended and modified to provide that the term and tenure of office of the members of the National Sheltered Workshop Committee shall be at the will and pleasure of the National Industrial Recovery Board.

II. Administrative Order No. X-28, dated May 11, 1934, Administrative Order No. X-73, dated August 9, 1934, and Administrative Order No. X-111, dated November 12, 1934, are hereby amended and modified to provide that the persons named in such orders as members of the National Sheltered Workshop Committee, namely, to wit, Col. John N. Smith, Jr., Mr. Edward Hochhauser, Father John O'Grady, Peter J. Salmon, Oliver A. Friedman and Oscar M. Sullivan, are appointed and shall continue in office as members of such Committee

to and including the 15th day of June 1935, or until such other and further date as the National Industrial Recovery Board may subsequently order.

III. Administrative Order No. X-9, dated March 3, 1934, Administrative Order No. X-28, dated May 11, 1934, and Section 7 of Administrative Order No. X-81, dated September 1, 1934, are hereby amended and modified to provide that

(a) The National Sheltered Workshop Committee, subject to the approval of the National Industrial Recovery Board, is authorized to establish Regional Sheltered Workshop Committees, when such regional committees shall be deemed necessary for the furtherance of the purposes of administration of the above named orders or any subsequent orders relating to Sheltered Workshops under Title I of the National Industrial Recovery Act by the National Industrial Recovery Board. The members of such regional committees shall be appointed, and their terms of office shall be determined by the National Sheltered Workshop Committee, subject to the approval of the National Industrial Recovery Board.

(b) Upon receipt of any complaint or whenever it shall have cause to believe that any sheltered workshop has violated any of the provisions of its Pledge of Cooperation and Fair Competition, or any rule or regulation adopted pursuant to the National Industrial Recovery Act, the National Sheltered Workshop Committee (or any regional committee, where such sheltered workshop is located within its designated region) shall give such sheltered workshop due notice of the charge against it and shall afford it an adequate opportunity to be heard. A substantial record of the hearings shall be made. In the case of hearings held by any regional committee, the record thereof shall be forwarded forthwith to the National Sheltered Workshop Committee. If, after any such hearings, in the judgment of the National Sheltered Workshop Committee, there is sufficient evidence of violation to justify such action, the National Sheltered Workshop Committee shall suspend the issuance of labels to such sheltered workshop. Immediately, and in no case later than the day following the suspension of the issuance of labels, the National Sheltered Workshop Committee shall file a summary of the record of the hearing with such recommendations as it may deem proper as to withdrawal of the right to use labels and to exhibit the insignia of the National Recovery Administration with the National Industrial Recovery Board. The Board shall have the power to review the determination of the National Sheltered Workshop Committee and to overrule its orders as to the suspension of the issuance of labels or to approve and carry into effect its recommendations as to the withdrawal of labels and the exhibition of the insignia of the National Recovery Administration. When such sheltered workshop shall have satisfied the National Recovery Administration that it is in full compliance with its Pledge of Cooperation and Fair Competition and any rule or regulation applicable to it adopted pursuant to the National Industrial Recovery Act, or when the National Industrial Recovery Board believes such action is in the interest of compliance administration, it shall have the power to restore the right to use labels and insignia of the National Recovery Administration and to direct the National Sheltered Workshop Committee to resume the issuance of labels to such sheltered workshop. The National Sheltered Workshop Committee and

the said regional committees shall not give, or authorize to be given, any publicity to the case of any alleged violation of the Pledge of Cooperation and Fair Competition until an adjustment has been effected or until the National Industrial Recovery Board shall have acted upon the case.

IV. All other provisions of said Administrative Orders No. X-9 and No. X-81 dealing with the procedure to be followed by the National Sheltered Workshop Committee and the National Recovery Administration in cases of alleged violation of the Pledge of Cooperation and Fair Competition signed by a sheltered workshop are hereby revoked and cancelled.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

LINTON M. COLLINS,
Acting Division Administrator.

WASHINGTON, D. C.,
February 9, 1935.

ADMINISTRATIVE ORDER NO. 84-O-14

TERMS OF SALES, PARTIAL STAY OF PROVISIONS RELEVANT TO

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE WRENCH MANUFACTURING INDUSTRY—GRANTING APPLICATION FOR A STAY OF THE PROVISIONS OF ARTICLE V, SECTION 6 (B) (1) AND (2) OF THE ABOVE NAMED CODE INsofar AS SAID PROVISIONS APPLY TO SALES TO A MANUFACTURER OF AUTOMOBILES AND THE ITEM SOLD IS AN ORIGINAL EQUIPMENT ITEM.

WHEREAS, an application has been made by the Supplementary Code Authority for the Wrench Manufacturing Industry, 1 Wall Street, New York City, for a stay of the operation of the provisions of Article V, Section 6 (b) (1) and (2), of the said Code insofar as said provisions apply to sales to a manufacturer of automobiles and the item sold is not original equipment item; and

WHEREAS, the Deputy Administrator has reported and it is hereby found that:

(a) Members of the Wrench Manufacturing Industry are at a competitive disadvantage with members of the Automotive Parts and Equipment Manufacturing Industry in sales of wrenches and pliers to automobile manufacturers due to the above provisions; and that

(b) In sales to the automobile manufacturers the above provisions are an irritant and are contrary to long established habits; and that

(c) The stay applied for is necessary and would tend to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board, it is hereby ordered that the said application for a stay be and it is hereby granted for a period of ninety days from the date hereof, PROVIDED the foregoing stay shall apply only when the sale is to a manufacturer of automobiles and the item sold is a wrench and/or plier which is an "original equipment" item, that is, a wrench and/or plier identical with a wrench and/or plier which the purchaser delivers as original equipment with the automobile manufactured by such manufacturer upon the sale and delivery of such automobile to the customer; and PROVIDED further that this order is subject to modification or cancellation by the National Industrial Recovery Board at any time.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer.*

Order recommended:

KILBOURNE JOHNSTON,
Acting Division Administrator.

WASHINGTON, D. C.,
February 11, 1935.

ADMINISTRATIVE ORDER NOS. 308-59 AND 196-50

ASSESSMENTS, STAY OF APPLICATION OF GENERAL ORDER RELEVANT
TO DISTRIBUTING TRADESEXCLUDING THE FISHERY INDUSTRY FROM THE TERMS OF
ADMINISTRATIVE ORDER NO. X-78

WHEREAS, an application has been duly made by the National Code Authority for the Fishery Industry for exclusion of the members of the fishery industry from the terms of Administrative Order No. X-78; and

WHEREAS, the Acting Deputy Administrator has reported, and it appears to the satisfaction of the National Industrial Recovery Board that the grant of the prayer of said application 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 the National Industrial Recovery Board by Executive Order 6859, and otherwise, the said Board does hereby order that, pending its further order canceling or amending this order, Administrative Order No. X-78 shall not apply to members of industry subject to the Code of Fair Competition for the Fishery Industry or any code supplementary thereto: *Provided however*, that the provisions hereof shall not be construed to deprive any person or enterprise whose principal line of business is subject to the Code of Fair Competition for the Wholesale Food and Grocery Trade of any exemption conferred upon members of trade or industry by Administrative Order No. X-36, Paragraph III, or of any benefits to be derived from Administrative Order No. X-78.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

ARMIN W. RILEY,
Division Administrator.

WASHINGTON, D. C.,
February 12, 1935.

ADMINISTRATIVE ORDER NO. 541-2

HOURS OF LABOR, PREVIOUS STAY TERMINATED

CODE OF FAIR COMPETITION FOR THE FLAT GLASS MANUFACTURING INDUSTRY

WHEREAS, on December 22, 1934, the National Industrial Recovery Board approved a Code of Fair Competition for the Flat Glass Manufacturing Industry which approval was subjected to the condition that the provisions of Article III, Section 2 (d) thereof be stayed pending further order of said Board, and

WHEREAS, it appears now from a field investigation of conditions of employment in said Industry, undertaken by the National Recovery Administration subsequent to December 22, 1934, and from consideration of other evidence of such conditions presented to the National Recovery Administration, subsequent to December 22, 1934, that the provisions of said Article III, Section 2 (d) comply in all respects with the pertinent provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, and will promote the policy and purposes of said Title of said Act, and

WHEREAS, it appears from such investigation and from such consideration that there may be certain classifications of employees engaged in the Industry which should be subjected in the future to a stay of the provisions of said Article III, Section 2 (d);

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, does hereby order that the stay of the provisions of Article III, Section 2 (d), Code of Fair Competition for the Flat Glass Manufacturing Industry, imposed by the condition of the order of approval of said Code, dated December 22, 1934, be, and it hereby is, terminated, and that such further investigation shall be made as may be required to enable the National Industrial Recovery Board to determine what, if any, classification of employees should be subjected in the future to a stay of the provisions of said Article III, Section 2 (d).

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

W. P. ELLIS,
Division Administrator.

WASHINGTON, D. C.,
February 13, 1935.

ADMINISTRATIVE ORDER NO. 229-8

CODES OF FAIR COMPETITION FOR THE VENETIAN BLIND INDUSTRY—
OPERATIONS OR OCCUPATIONS DEEMED HAZARDOUS OR DETRIMENTAL TO THE HEALTH OF PERSONS UNDER EIGHTEEN YEARS OF AGE

The Code Authority for the Venetian Blind Industry, in accordance with Section 1, of Article V, of the Code of Fair Competition for the Venetian Blind Industry, has submitted to the National Industrial Recovery Board a list of occupations deemed hazardous in nature or detrimental to the health of persons under eighteen (18) years of age in this Industry, within the meaning of Section 1 of Article V, which are as follows:

I. Occupations Involving General Hazards

1. Firing of steam or water boilers (except boilers of not more than 15 lbs. pressure used solely for heating purposes.)

2. As drivers or assistants to drivers of motor vehicles or as helpers or delivery boys on motor vehicles.

3. In or assisting in the operation of gas, oil or steam engines or other prime movers.

4. In the care, custody, operation or repair of elevators, cranes, derricks or other hoisting apparatus, except in the operation of (1) dumbwaiters as defined by the American Standards Association, or of (2) elevators equipped only for automatic operation.

II. Occupations Involving Specific Mechanical Hazards—Machine work. (Prohibition to apply to operating, assisting in operation, or taking material from the following machines.)

5. All occupations in connection with power-driven woodworking machinery.

6. In oiling, cleaning or wiping machinery in motion.

7. In applying belts to a pulley in motion or assisting therein.

Pursuant to Section 1 of Article V, the National Industrial Recovery Board does hereby approve the recommendation of the Code Authority that work performed in the operations listed above is hazardous in nature and is detrimental to health within the meaning of Section 1 of Article V, and orders that it shall have the same force and effect as other provisions of the Code, this Order to become effective twenty (20) days after the date hereof, unless prior to that date good cause to the contrary shall have been shown to the Board and it has, by its further Order, otherwise determined.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. P. ELLIS, *Division Administrator*.

Approval recommended:

A. C. DIXON,
Deputy Administrator.

WASHINGTON, D. C.,
February 13, 1935.

ADMINISTRATIVE ORDER NO. 467-46

HOURS AND WAGES, TEMPORARY STAY OF PROVISIONS FOR BUNCH MAKERS AND ROLLERS ENGAGED IN MANUFACTURING TWO FOR FIVE CENT CIGARS BY HAND RELEVANT TO —, FURTHER EXTENSION

CODE OF FAIR COMPETITION FOR THE CIGAR MANUFACTURING INDUSTRY—FURTHER EXTENDING ADMINISTRATIVE ORDER NUMBER 467-33

WHEREAS, on December 3, 1934, Administrative Order Number 467-33 was signed whereby a stay of the provisions of Article IV, Section 5 was granted until January 15, 1935 insofar as the same applied to bunchmakers and rollers engaged in the manufacture of two for five cent cigars by hand; and

WHEREAS, said stay was further extended on January 11, 1935 by Administrative Order Number 467-40 so as to remain in effect until February 15, 1935; and

WHEREAS, measures have been initiated towards the elimination of the conditions necessitating the stay, and no definitive solution of the problem recognized to exist in said Order has been effected:

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board, it is hereby ordered that Administrative Order Number 467-33 be and the same hereby is further extended until March 15, 1935 unless the National Industrial Recovery Board upon causing this Order to be reviewed, at any time, shall otherwise order.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

ARMIN W. RILEY,
Division Administrator.

WASHINGTON, D. C.,
February 14, 1935.

ADMINISTRATIVE ORDER NO. 90-20

CODE OF FAIR COMPETITION FOR THE FUNERAL SUPPLY INDUSTRY—
APPROVAL OF DELEGATION OF AUTHORITY FROM CODE AUTHORITY
TO AN EXECUTIVE COMMITTEE

An application having been duly made by the Code Authority of the Funeral Supply Industry for approval of the action taken by it in delegating the powers and functions of the Code Authority for said Industry to an Executive Committee, which application has been submitted pursuant to the provisions of Article VII, Section 1 (C-2) of the Code of Fair Competition for said Industry, and the Assistant Deputy Administrator having rendered a report recommending approval of such action by the said Code Authority, the original of said application being on file with the National Recovery Administration.

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; it is hereby ordered that such action of the Code Authority, as set out in the application submitted, be and it is hereby approved; and that the said Executive Committee, be and it is hereby authorized to act for and in behalf of the Code Authority for the Funeral Supply Industry according to the manner set out in the application and in accordance with the provisions of the Code wherein certain powers and authority are vested in the Code Authority for the said Industry.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

JOHN W. UPP,
Acting Division Administrator.

WASHINGTON, D. C.,
February 14, 1935.

ADMINISTRATIVE ORDER NO. 88-34

STEEL SHELVING DIVISION, TERMS OF SALE, GRANTING FURTHER
EXEMPTION FOR TRANSACTIONS WITH GOVERNMENTAL AGENCIES

CODE OF FAIR COMPETITION FOR THE BUSINESS FURNITURE,
STORAGE EQUIPMENT AND FILING SUPPLY INDUSTRY, STEEL
SHELVING DIVISION—GRANTING APPLICATION FOR AN EX-
TENSION OF THE STAY OF A PROVISION OF ARTICLE VI, SECTION
(E) EXHIBIT "C", DIVISIONAL SUPPLEMENTAL CODE FOR THE
STEEL SHELVING INDUSTRY, AS GRANTED IN ORDER 88-25

WHEREAS, an application was made by the National Emergency Committee of the Business Furniture, Storage Equipment and Filing Supply Industry, on behalf of the Steel Shelving Industry, a division thereof, for a stay of the operation of that part of Article VI, Section (e) of Exhibit "C", Divisional Supplemental Code for the Steel Shelving Industry, reading as follows: "No member shall sell any Industry product contrary to his published prices, discounts, or terms of sale", insofar as said provision applies to transactions with governmental agencies, involving land grant or other special government freight rates; and

WHEREAS, upon due showing of cause, Administrative Order No. 88-25 was issued on November 15, 1934 staying said provision for a period of ninety days, and rescinding the conflicting portions of Order No. 88-13; and

WHEREAS, said ninety day period expired on February 13, 1935, and

WHEREAS, the National Emergency Committee of the Business Furniture, Storage Equipment and Filing Supply Industry has applied for a further stay of said provision for a period of ninety (90) days from February 13, 1935, and the Deputy Administrator has reported and it has been found:

A. That the recognized right of the United States Government and other governmental agencies to the land grant advantage would be impaired by the application of this Code provision.

B. That this stay is designed to remedy the anomalous situation relating to land grant and other special government freight rates, until this can be otherwise accomplished.

C. That the extension of this stay 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 it, the National Industrial Recovery Board hereby orders that the stay of said provision, as granted in Order 88-25, be and it is hereby extended for a further period of ninety (90) days from February 13, 1935.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

JOHN W. UPP,
Acting Division Administrator.

WASHINGTON, D. C.,
February 19, 1935.

ADMINISTRATIVE ORDER NOS. 118-273 AND 64-56

CODE OF FAIR COMPETITION FOR THE COTTON GARMENT INDUSTRY AND CODE OF FAIR COMPETITION FOR THE DRESS MANUFACTURING INDUSTRY—CREATING IMPARTIAL COMMISSION TO CONSIDER AND MAKE RECOMMENDATIONS ON CERTAIN APPLICATIONS FOR EXEMPTION FROM PROVISIONS OF THE DRESS MANUFACTURING CODE AND INCLUSION UNDER THE COTTON GARMENT CODE

WHEREAS, Order No. 118-6 and 64-4, of December 14, 1933, provided in part, that "a Special Administrator for the Wash Dress Industry shall be designated to serve until July 1, 1934, who shall as soon as practicable after receipt of any of the foregoing reports, determine under which code a manufacturing plant shall operate pending the Special Administrator's further investigation and subsequent determination as to the Code under which the manufacturing plant shall operate. His determination shall be final until such hearing on notice as the Administrator may prescribe an amendment of either or both Codes."; and

WHEREAS, by Order No. 118-8 and 64-5, approved December 29, 1933, a Special Administrator was appointed to serve until July 1, 1934, and did classify certain plants as to the Code under which they should operate; and

WHEREAS, by Order No. 118-128, approved September 27, 1934, the Code of Fair Competition for the Cotton Garment Industry was amended by deleting from Article II, Section A, Item (8), the words "cotton wash dresses" and inserting therefor the words "dresses of linen or of chief content of cotton selling at wholesale to the retailer up to and including \$22.50 per dozen"; and

WHEREAS, Order No. 118-127 and 64-26, approved September 27, 1934, provided, in part, that "manufacturers of cotton or linen dresses selling at wholesale to the retailers at more than \$22.50 per dozen who have heretofore been classified under the Code of Fair Competition for the Cotton Garment Industry by the Special Administrator above referred to, who allege that the provisions of the Code of Fair Competition for the Dress Manufacturing Industry would work an undue hardship on them, may, within the thirty (30) days next after the date hereof, apply to the Administrator for such exception and/or exemption from the provisions of the said code as may be necessary to relieve them from such undue hardship"; and

WHEREAS, pursuant to said last cited Order, many manufacturers have applied for such exemption; and

WHEREAS, the National Industrial Recovery Board has made findings and acted upon many of these applications and is about to make findings and act upon other such applications; and

WHEREAS, the Deputy Administrator has submitted his report containing findings that the Order 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 the National Industrial Recovery Board, it does hereby order that Dress Code Labels be affixed on all dresses not specifically included within the definition of the Cotton Garment Code, provided that authorization to handle complaints or adjust violations of any applicable Code provision or to suspend or to participate in the suspension of labels with reference to those manufacturers (formerly operating under the Cotton Garment Code by virtue of the classification of the Special Administrator) and who have applied for and received exemptions from certain provisions of the Dress Code pursuant to Administrative Order 118-127 and 64-26, shall be deemed vested solely in the Administration and/or such agency to which it may delegate such function, any language to the contrary in any order notwithstanding;

AND does further order that an impartial commission consisting of three (3) members be appointed by the Division Administrator for the Textile Division and that said impartial commission shall be invested with the following powers and duties:

1. To review the findings and determinations of the National Industrial Recovery Board in respect to the applications for exemption hereinbefore referred to, either upon its own motion or upon application by any interested party.

2. On the basis of its investigations and on the basis of such experience as may be obtained from the observation of the practical effects of the determinations of the National Industrial Recovery Board with reference to such applications to recommend to the National Industrial Recovery Board such appropriate modifications in the determinations of said Board as may seem advisable in each individual case.

3. To undertake such other duties and be vested with such other powers as may from time to time be assigned to it by the National Industrial Recovery Board.

The expenses of said impartial commission shall be borne jointly by the Cotton Garment Code Authority and the Dress Manufacturing Code Authority.

This order is subject to revocation or modification at any time.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

PRENTISS L. COONLEY,
Division Administrator.

WASHINGTON, D. C.,
February 19, 1935.

ADMINISTRATIVE ORDER NO. 94-28

OVERTIME WORK, MEN'S BELT BRANCH, EXCEPTION RELEVANT TO

 CODE OF FAIR COMPETITION FOR THE GARTER, SUSPENDER AND BELT MANUFACTURING INDUSTRY—GRANTING APPLICATION FOR OVERTIME PURSUANT TO THE PROVISIONS OF ARTICLE II, SECTION 5

WHEREAS, an application having been duly made by the Code Authority for the Garter, Suspender and Belt Manufacturing Industry, requesting overtime for employees in the men's belt branch of the business; and

WHEREAS, Article II, Section 5, of the Code of Fair Competition for the Garter, Suspender and Belt Manufacturing Industry provides:

"No overtime beyond that specifically provided for by the provisions of this Code shall be permitted except upon the recommendation of the Code Authority and the approval of the Administrator, and under such conditions and upon such terms as the Administrator may require." and

WHEREAS, the Deputy Administrator has reported, and it appears to the satisfaction of the National Industrial Recovery Board, that the overtime hereinafter granted is necessary and will tend to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, pursuant to the authority vested in the National Industrial Recovery Board, it is hereby ordered that overtime be granted for employees in the men's belt branch of the Garter, Suspender and Belt Manufacturing Industry to the extent of six (6) additional hours per week in any six (6) weeks prior to June 16, 1935, provided that not less than one and one-half times the usual wage rate be paid for such overtime, and provided that a copy of this Order is posted in a conspicuous place in the plants of all members of the Industry in accordance with Executive Order 6590-B and Administrative Order X-82.

This Order is subject to revocation at any time in the event of a subsequent showing of proper cause therefor.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

PRENTISS L. COONLEY,
Division Administrator.

WASHINGTON, D. C.,
February 19, 1935.

ADMINISTRATIVE ORDER NO. 259-25

HOURS AND WAGES, GRANTING FURTHER STAY OF PROVISIONS
RELEVANT TO

CODE OF FAIR COMPETITION FOR THE HAT MANUFACTURING
INDUSTRY—EXTENDING ORDER NO. 259-13

WHEREAS, upon application of the Code Authority for the Hat Manufacturing Industry, Article III, Section 2 and Annex A were stayed for a period of sixty (60) days by Order No. 259-13, dated October 19, 1934; and

WHEREAS, upon the further application of the Code Authority, said stay was amended and extended from December 19, 1934, up to and including February 17, 1935, by Order No. 259-18, dated December 24, 1934; and

WHEREAS, the Code Authority has proposed that said Article III, Section 2 and Annex A be deleted from said Code and that the conditions upon which the aforesaid stays were granted be incorporated in said Code as an amendment thereto, and Hearings have been duly held on said proposal; and

WHEREAS, it appears necessary that said proposal be further considered; and

WHEREAS, the Deputy Administrator has recommended and it appears to the satisfaction of the National Industrial Recovery Board that said Order No. 259-13, as amended and extended by Order No. 259-18, should be extended;

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board, it is hereby ordered that said Order No. 259-13, as amended and extended by Order No. 259-18, be and it is hereby extended for a period of sixty (60) days beginning February 18, 1935;

PROVIDED, that in computing the minimum averages prescribed in Order No. 259-13, office employees, salesmen, partners, executives, officers and foremen as described in Paragraph "D" of Annex A, be excluded; and

PROVIDED, FURTHER, that a copy of this Order is posted in a conspicuous place in the plants of all members of the Industry.

This Order is subject to revocation at any time in the event of a subsequent showing of proper cause therefor.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

PRENTISS L. COONLEY,
Division Administrator.

WASHINGTON, D. C.,
February 19, 1935.

ADMINISTRATIVE ORDER NO. 175-44

CONTRACT FOR FRATERNAL ORDERS, EXTENDING PREVIOUS STAY
OF PROVISIONS RELEVANT TO

CODE OF FAIR COMPETITION FOR THE MEDIUM AND LOW
PRICED JEWELRY MANUFACTURING INDUSTRY—GRANTING
AN EXTENSION OF A STAY OF SUBSECTION (C), SECTION 1 OF
SCHEDULE A

WHEREAS, on November 14, 1934 a Stay of the above Sub-
section (c), Section 1 of Schedule A was granted by Administrative
Order No. 175-30; and

WHEREAS, it appears that it is necessary to secure additional
facts before final determination can be made; and

WHEREAS, the extension of the Stay 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 the National
Industrial Recovery Board, it is hereby ordered that the Stay
granted November 14, 1934 for sixty (60) days be extended from
January 14, 1935 for a further period of sixty (60) days, unless other-
wise terminated by the National Industrial Recovery Board.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

JOHN W. UPP,
Acting Division Administrator.

WASHINGTON, D. C.,
February 19, 1935.

ADMINISTRATIVE ORDER NO. 60-365

SALE OF SOAP, RESCINDING PREVIOUS EXEMPTION RELEVANT TO
COMPLIANCE WITH PROVISIONS APPLICABLE TO

CODE OF FAIR COMPETITION FOR THE RETAIL TRADE—RESCIND-
ING ADMINISTRATIVE ORDER NO. 60-105

WHEREAS, by administrative Order No. 60-105, dated June 15, 1934, there was granted to retailers selling soap an exemption from the provisions of Section 6 of Schedule A of the Code of Fair Competition for the Retail Trade insofar as said provisions apply to the sale of soap, with a proviso that no retailer shall sell any soap so exempted at a price less than six (6) percent above cost to such retailer; and

WHEREAS, said exemption was to remain in effect pending a final determination of the issue regarding the classification of the retail sale of toilet soap, and the National Retail Drug Code Authority and the National Food and Grocery Distributors Code Authority were instructed to meet and report to the Administrator recommendations for a final determination of this issue; and

WHEREAS, no satisfactory recommendations have been agreed upon and made by the aforesaid Code Authorities; and

WHEREAS, a hearing was held on October 23, 1934, to adduce evidence concerning the proper classification of the retail sale of toilet soap, and no satisfactory final determination of the issue by the aforesaid code authorities was reached, and it appears to the satisfaction of the National Industrial Recovery Board that the exemption contained in Administrative Order No. 60-105, should be terminated so that the retail sale of toilet soap again will be subject to the said provisions of Section 6 of Schedule A of the Code of Fair Competition for the Retail Trade.

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board, it is hereby ordered that Administrative Order No. 60-105 be and it is hereby rescinded; provided, however, that this Order shall not take effect until the twenty-first day after the date hereof.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

HARRY C. CARR,
Acting Division Administrator.

WASHINGTON, D. C.,
February 19, 1935.

ADMINISTRATIVE ORDER NO. 2-31

CODE OF FAIR COMPETITION FOR THE SHIPBUILDING AND SHIPREPAIRING INDUSTRY—GRANTING APPLICATION FOR PARTIAL STAY OF THE MAXIMUM HOURS PROVISIONS OF THE CODE OF FAIR COMPETITION FOR THE SHIPBUILDING AND SHIPREPAIRING INDUSTRY, CONTAINED IN PART 3, PARAGRAPHS (A) AND (B), TO PERMIT EMERGENCY WORK

WHEREAS, Part 3, Paragraphs (a) and (b) of the Code of Fair Competition of the Shipbuilding and Shiprepairing Industry read as follows:

“(a) *Shipbuilding*—No employee on an hourly rate shall be permitted to work more than thirty-six (36) hours per week. If an employee on an hourly rate works in excess of eight (8) hours in any one day, the wage paid will be at the rate of not less than one and one-half ($1\frac{1}{2}$) times the regular hourly rate, but otherwise according to the prevailing custom in each port, for such time as may be in excess of eight (8) hours.

“(b) *Shiprepairing*—No employee on an hourly rate shall be permitted to work more than thirty-six (36) hours per week averaged over a period of six (6) months, nor more than forty (40) hours during any one week. If any employee on an hourly rate works in excess of eight (8) hours in any one day, the wage paid will be at the rate of not less than one and one-half ($1\frac{1}{2}$) times the regular hourly rate, but otherwise according to the prevailing custom in each port, for such time as may be in excess of eight (8) hours;” and

WHEREAS, the Shipbuilding and Shiprepairing Industry Committee, through its Chairman, has made a request for a partial stay of the above provisions of the Code of Fair Competition for the Shipbuilding and Shiprepairing Industry to an extent which will permit emergency work on vessels when there is a danger or menace to the safety of the vessel, to life, or to property, or when a delay would work an undue hardship; and

WHEREAS, the Deputy Administrator has reported and it appears to the satisfaction of the National Industrial Recovery Board 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order 6859, and otherwise, does hereby order:

That a partial stay of the maximum hour provisions of the Code of Fair Competition for the Shipbuilding and Shiprepairing Industry contained in Part 3, paragraphs (a) and (b) as amended, be and hereby is granted for a period of sixty (60) days from the date hereof to the

extent of permitting employers to employ employees in excess of the maximum hour provisions of the Code when they are employed in emergency work involving danger or menace to the safety of a vessel, to life, or to property, or when a delay would work an undue hardship on the owner or the shippers or the passengers through loss of use of a vessel for prompt loading or discharge or prompt and safe carriage of cargo or passengers to destination.

PROVIDED, HOWEVER, that if an employee on an hourly rate works in excess of eight (8) hours in any one day or in excess of the maximum hours permitted by the Code to be worked in any one week, he shall be paid at the rate of at least one and one-half (1½) times his regular hourly rate for overtime so worked; and, provided further, that in the computation of pay of such an employee whose overtime in any one week is in excess of both eight (8) hours per day and the maximum hours permitted by the Code to be worked in any one week, the overtime pay shall not be compounded by addition of both daily and weekly overtime, but the employee shall be paid either the sum of the overtime pay earned during the overtime days or the overtime pay earned during the overtime week, whichever is the higher for said week; and

PROVIDED, FURTHER, that this partial stay shall not be used for the purpose of decreasing employment or for reclassification of employees at a lower rate; and

PROVIDED, FURTHER, that in each case when maximum hours specified in the Code provisions are exceeded, the facts and circumstances shall within five (5) days of the ending of the week during which such overtime work was performed, be reported to the Industrial Relations Committee for the Shipbuilding and Shiprepairing Industry on duly notarized forms stipulated by said Industrial Relations Committee. A copy of such report shall be sent to the Code Authority.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer.*

Order recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D. C.,
February 19, 1935.

ADMINISTRATIVE ORDER NO. 499-13

CODE OF FAIR COMPETITION FOR THE REFRIGERATED WAREHOUSING INDUSTRY—CONTINUING THE EFFECTIVENESS OF ARTICLE VIII, RELATING TO CAPACITY CONTROL, FROM FEBRUARY 20, 1935

WHEREAS, Article VIII of the Code of Fair Competition for the Refrigerated Warehousing Industry expires by its own terms on February 20, 1935, unless the same is continued by the National Industrial Recovery Board, upon recommendation of the Code Authority before that date; and

WHEREAS, the Code Authority has recommended such continuation and the Deputy Administrator has reported, which report is hereby made a part hereof, and it appears to the satisfaction of the National Industrial Recovery Board, and the said Board finds, that a continuation of the effectiveness of the said article is consistent with and will tend further to effectuate the policy of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, on behalf of the President of the United States, and as successor to all powers heretofore vested in the Administrator for Industrial Recovery, and pursuant to authority vested in it by Executive Orders of the President, including Executive Order Number 6859, the Code of Fair Competition for the Refrigerated Warehousing Industry, and otherwise, the National Industrial Recovery Board does hereby order that the provisions of Article VIII of the said Code be and the same hereby are continued in full force and effect from February 20, 1935, provided that this continuation may be terminated at any time for cause shown to the National Industrial Recovery Board.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

ARMIN W. RILEY,
Division Administrator.

WASHINGTON, D. C.,
February 20, 1935.

ADMINISTRATIVE ORDER NO. 484-6

CODE OF FAIR COMPETITION FOR THE WHOLESALE MONUMENTAL MARBLE INDUSTRY—OPERATIONS OR OCCUPATIONS DEEMED HAZARDOUS OR DETRIMENTAL TO THE HEALTH OF PERSONS UNDER EIGHTEEN YEARS OF AGE

The Code Authority for the Wholesale Monumental Marble Industry, in accordance with Section 1 of Article V of the Code of Fair Competition for the Wholesale Monumental Marble Industry, has submitted to the National Industrial Recovery Board a list of occupations deemed hazardous in nature or detrimental to the health of persons under eighteen (18) years of age in this Industry, within the meaning of Section 1 of Article V, which are as follows:

1. As drivers or assistants to drivers of motor vehicles or as helpers or delivery boys on motor vehicles.
2. Shaping of carborundum wheels.
3. Rigging of derricks.
4. In the care, custody, operation or repair of derricks, cranes, elevators, or other hoisting apparatus, except in the operation (1) of dumbwaiters as defined by American Standards Association, or (2) of elevators equipped only for automatic operation.
5. In the oiling, cleaning or wiping machinery in motion.
6. In applying belts to a pulley in motion, or assisting therein.
7. In the proximity to any unguarded belt or gearing.
8. Switching and working on and about railroad equipment.
9. In or assisting in the operation of gas, oil or steam engines or other prime movers.

10. Firing of steam or water boilers (except steam or water boilers of not more than 15 pounds pressure used solely for heating purposes.)

Pursuant to Section 1 of Article V, the National Industrial Recovery Board does hereby approve the recommendation of the Code Authority that work performed in the operations listed above is hazardous in nature and is detrimental to health within the meaning of Section 1 of Article V, and orders that it shall have the same force and effect as other provisions of the Code, this Order to become effective twenty (20) days after the date hereof, unless prior to that date good cause to the contrary shall have been shown to the Board and it has by its further order, otherwise determined.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. P. ELLIS, *Division Administrator*.

Approval recommended:

HARRY S. BERRY,
Deputy Administrator.

WASHINGTON, D. C.,
February 20, 1935.

ADMINISTRATIVE ORDER NO. 470-10

CODE OF FAIR COMPETITION FOR THE ALUMINUM INDUSTRY—As
 APPROVED FOR A FURTHER TRIAL PERIOD ON FEB. 21, 1935;
 CODE OF FAIR COMPETITION FOR THE ALUMINUM INDUSTRY

WHEREAS, pursuant to authority vested in him by order of the President, the Administrator for Industrial Recovery, by his Order dated June 26, 1934, approved the Code of Fair Competition for the Aluminum Industry for a trial period of ninety days after the effective date prescribed in said Code, which was July 11, 1934.

WHEREAS, by Order No. 470-5, dated October 9, 1934, the said Order of Approval was modified by extending said trial period for a further period of ninety days; and

WHEREAS, by Administrative Order No. 470-8, dated January 5, 1935, the said Order of Approval was further modified by extending the said trial period for an additional forty-five days; and

WHEREAS, an investigation of the past practices of the Industry and any modification of such practices or effect upon such practices resulting from the provisions of the Code, and report thereon, have been made by the Division of Research and Planning of the National Recovery Administration, to this Board, as provided in said Order of Approval as modified; and

WHEREAS, negotiations between the Board and the Code Authority for the Aluminum Industry relative to said report will require further time; and

WHEREAS, this Board finds that an extension of said trial period until such negotiations are consummated, is in the public interest;

NOW, THEREFORE, on behalf of the President of the United States, and pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, the National Industrial Recovery Board orders that the effective period of the Code of Fair Competition for the Aluminum Industry be and it is hereby extended for a further period of forty-five days.

NATIONAL INDUSTRIAL RECOVERY BOARD,
 By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

W. P. ELLIS,
Division Administrator.

ADMINISTRATIVE ORDER NO. 254-19

CODE OF FAIR COMPETITION FOR THE ATHLETIC GOODS MANUFACTURING INDUSTRY—GRANTING APPLICATION FOR A STAY OF THE PROVISIONS OF ARTICLE IV, SECTION 6, OF THE ABOVE CODE INSOFAR AS SAID PROVISIONS PROHIBIT HOME WORK ON LOW-GRADE BASEBALLS MADE WITH COMPRESSED COTTONSEED OR SWEEPINGS OR COMPRESSED FELT SCRAPS, AND PLAYGROUND BALLS MADE FROM SCRAP FELT OR OTHER SIMILAR CHEAP WASTE MATERIAL

WHEREAS, an application has been made by the Code Authority for the Athletic Goods Manufacturers Industry, 209 South State Street, Chicago, Illinois, for a stay of the provisions of Article IV, Section 6, of the Code of Fair Competition for the Athletic Goods Manufacturing Industry, insofar as said provisions prohibit home work on low-grade baseballs made with compressed cottonseed or sweepings or compressed felt scraps, and playground balls made from scrap felt or other similar cheap waste material; and

WHEREAS, the Deputy Administrator has reported, and it is hereby found that:

(a) Home work as conducted in this Industry permits employment of those not otherwise employable; and that

(b) This home work permits United States Industry to meet foreign competition without reducing employment; and that

(c) This stay allows both Industry and the National Recovery Administration to gather further statistics permitting a more adequate study of home work, and thereby affording grounds for a sound determination; and that

(d) The stay applied for is necessary and would tend to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board, it is hereby ordered that the said application for a stay be and it is hereby granted for a period of sixty (60) days from February 12, 1935, PROVIDED that the rate of pay required by said provisions shall continue in effect until the termination of this order, and PROVIDED that this order is subject to modification or cancellation by the National Industrial Recovery Board at any time.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Order recommended:

JOHN W. UPP,
Acting Division Administrator.

FEBRUARY 21, 1935.

ADMINISTRATIVE ORDER NO. 463-36

CODE AUTHORITY, STAYING ONE ADMINISTRATIVE PROVISION
APPLICABLE TO THE

CODE OF FAIR COMPETITION FOR THE CANDY MANUFACTURING
INDUSTRY—STAYING THE PROVISIONS OF SUB-SECTION (A),
SECTION 1, ARTICLE VI

WHEREAS, it appears to the satisfaction of the National Industrial Recovery Board, from the report of the Deputy Administrator, which is hereby incorporated herein, and the said Board finds that a stay of Sub-section (a), Section 1, Article VI, of the Code of Fair Competition for the Candy Manufacturing Industry is necessary to effectuate the policy of Title I of the National Industrial Recovery Act; and

WHEREAS, all interested parties have been afforded an opportunity to be heard in the premises:

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board, by Executive Orders of the President, including Executive Order No. 6859, and otherwise, it is hereby ordered that the operation of the provisions of Sub-section (a), Section 1, Article VI, of the Code of Fair Competition for the Candy Manufacturing Industry be, and it is hereby, stayed as to all parties subject thereto pending the further order of said Board.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Order recommended:

ARMIN W. RILEY,
Division Administrator.

WASHINGTON, D. C.,
February 21, 1935.

ADMINISTRATIVE ORDER NO. 208-18

LABEL REGULATIONS, RULES FOR ADMINISTRATION OF PROVISIONS
RELEVANT TOCODE OF FAIR COMPETITION FOR THE PICTURE MOULDING AND
PICTURE FRAME INDUSTRY—RULES AND REGULATIONS FOR
THE ADMINISTRATION OF ARTICLE VI, SECTION 12

WHEREAS, rules and regulations for the administration of Section 12 of Article VI were duly submitted to the National Industrial Recovery Board for its approval on or about the 22nd day of December, 1934, said rules and regulations being entitled "Label Regulations" and "Application and Agreement" and are filed herewith, respectively marked Exhibits "A" and "AA", and are made a part hereof; and

WHEREAS, it appearing, no action having been taken by the National Industrial Recovery Board within fourteen (14) days after said rules and regulations were submitted, that under Section 4 (b) of Administrative Order No. X-38, said rules and regulations have become effective; and

WHEREAS, it appears to the satisfaction of the National Industrial Recovery Board that said rules and regulations should be modified in the following particulars, and that so modified they would tend to effectuate the provisions of the Code and the policies of Title I of the National Industrial Recovery Act:

NOW, THEREFORE, pursuant to authority vested in it by the provisions of said Code, and by the Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, the National Industrial Recovery Board hereby ORDERS that said rules and regulations be and they hereby are modified in the following particulars, and as so modified are ratified and approved:

The disjunctive "or", as used in the seventh paragraph of the "Application and Agreement", which, under Paragraph 2 of the "Label Regulations", is incorporated and made a part of said "Label Regulations", shall be replaced by the conjunctive "and", so that the said paragraph will read as follows:

"The undersigned further agrees to keep accurate and complete records of its transactions and activities in the industry governed by the provisions of such Code, or of the Act, or of any rules and regulations duly adopted pursuant thereto, and to furnish accurate reports based upon such records concerning any of such transactions or activities when required by the Code Authority and the National Industrial Recovery Board. If the Code Authority, through its impartial and confidential agency, and the National Industrial Recovery Board shall determine that substantial doubt exists as to the accuracy of

any such report, the undersigned agrees to submit so much of his pertinent books, records and papers for examination by the impartial and confidential agency, agreed upon between the Code Authority and the undersigned, or in the absence of such agreement, appointed by the National Industrial Recovery Board, as said agency may request, provided that in no case shall the facts disclosed by such examination be made available in identifiable form to any other member of the industry or 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 such Code, or of the Act, or of such rules and regulations as may have been duly issued pursuant thereto. The undersigned hereby further agrees that the Secretary-Accountant of the Code Authority, constitutes and may act as the impartial and confidential agency herein referred to."

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

W. P. ELLIS,
Division Administrator.

WASHINGTON, D. C.,
February 21, 1935.

ADMINISTRATIVE ORDER NO. X-135.

REGULATIONS COVERING THE USE OF LABELS UNDER CODES OF FAIR COMPETITION CONTAINING MANDATORY LABEL PROVISIONS

The Division Administrator for the Textile Division having rendered a report dated January 29, 1935, in respect to this order and duly filed of record, which report contains findings that a revision of the rules and regulations for the administration of provisions in approved Codes of Fair Competition providing for the mandatory use of labels is necessary and will tend to effectuate the policies and purposes of Title I of the National Industrial Recovery Act,

NOW, THEREFORE, the National Industrial Recovery Board pursuant to the authority vested in it by Executive Order No. 6859, dated September 27, 1934, and Executive Order No. 6337, dated October 14, 1933, and otherwise, does hereby approve said report, adopt the findings contained therein and does find that the said rules and regulations as set forth in this Order will promote the policies and purposes of Title I of the National Industrial Recovery Act, and does hereby prescribe the following rules and regulations for the administration of provisions in approved Codes of Fair Competition which provide for the mandatory use of labels:

1. On and after the effective date of this order, Administrative Order No. X-38 shall cease to be in effect except that: (a) it shall govern any cases where a Code Authority has suspended the issue of labels pursuant to its provisions prior to the effective date of this Order; (b) the rights and obligations of any member of industry in respect to labels which have heretofore been issued shall not be in any way affected, provided, that all the terms of Administrative Order No. X-38 have been or are complied with; and (c) any penalty or liability under or arising out of Administrative Order No. X-38 shall not be extinguished.

2. Subject to the provisions of this Order and such other rules and regulations as may be promulgated by NRA the power to issue and administer the use of labels whose use is mandatory is delegated to the respective Code Authorities for the industries concerned.

3. Each such Code Authority shall, within thirty days after the effective date of this Order, submit to the National Recovery Administration, such rules and regulations for the sale, issue and administration of the use of the label as may be necessary to carry out the provisions of this Order. Such rules and regulations shall not be in conflict with this Order and with paragraphs 1 and 2 of Administrative Order No. X-36, and shall be subject to any amendatory or supplementary Order issued by NRA. Such rules and regulations and any rules and regulations which may be submitted by way of amendment or addition thereto shall be deemed approved and shall become effective fourteen (14) days after they have been submitted unless disapproved or amended by the National Recovery Administra-

tion within such period. The National Recovery Administration, after giving interested parties such notice and opportunity to be heard as it may deem proper, may at any time amend such rules and regulations or promulgate such further or different rules and regulations as to it may appear proper. All provisions in Code Authority rules and regulations heretofore submitted in accordance with Administrative Order No. X-38 inconsistent with this Order shall be inoperative upon the effective date of this Order. Any other provision of such rules and regulations shall be inoperative on the date upon which the new rules and regulations become effective, and in any event, shall become inoperative on the forty-fourth day after the effective date of this Order.

4. All contracts for the purchase of labels by Code Authorities shall be made after and in accordance with the principles of competitive bidding. Copies of such contracts shall be kept on file by the Code Authority and submitted to the NRA if NRA shall require.

5. Labels shall bear the Blue Eagle unless NRA shall otherwise provide, and shall be so attached to the article that all matter printed or otherwise set forth thereon shall be visible upon reasonable inspection. If labels are issued within an industry for use in one price class or on one type of product, they shall be uniform in design. Labels issued for use in one price class or on one type of article shall not be used in any other price class or on any other type of article. The contents of labels shall be subject to the disapproval of NRA. Any transfer or use of labels unauthorized by the rules and regulations of the Code Authority concerned is hereby expressly prohibited.

6. No member of any industry subject to any Code containing mandatory label provisions shall sell, deal in or use any label bearing the Blue Eagle or bearing any other emblem or insignia of the NRA other than that issued by the Code Authority for such industry pursuant to provisions of such Code and of this Order. No member of any such industry shall sell, deal in or use any label whose form, contents or insignia are so similar to a label issued by any such Code Authority as to be deceptive.

7. No person or firm, whether a member of the industry or not, other than those specifically authorized by the respective Code Authorities, shall manufacture, cause to be manufactured, sell or deal in any labels bearing the Blue Eagle or any other emblem or insignia of the National Recovery Administration which are designed for or which are susceptible of use in any industry subject to a Code containing a mandatory label provision; nor shall any such person or firm manufacture, cause to be manufactured, sell or deal in any labels which are designed or have the tendency to simulate emblems or insignia issued under the authority of the respective Code Authorities.

8. All applicants for labels who have not heretofore signed a statement of Compliance shall be required to sign such a statement including substantially the following provisions before labels shall be issued to them:

"The undersigned hereby certifies that he is complying with all of the provisions of the Code for the _____ industry and with the National Industrial Recovery Act, and with all the rules and regulations duly adopted pursuant thereto. The undersigned further represents that he will use labels issued to him only on

articles which are manufactured and sold in compliance with the provisions of the Code and of the Act and with the rules and regulations duly adopted pursuant thereto and only as long as he continues to comply with said provisions, rules and regulations."

9. No person shall, for the purpose of obtaining labels issued by any Code Authority of any industry falsely represent to such Code Authority that he is in compliance with the Code for such industry or with the National Industrial Recovery Act or with the rules or regulations duly adopted pursuant to such Code or Act.

10. When an applicant shall have signed such a statement, the Code Authority shall, within three (3) business days after the receipt of the application and statement, issue the required labels to the applicant except as hereinafter provided.

11. Upon application for the initial issue of labels, the NRA Label Agency designated by the Compliance and Enforcement Director of the NRA, may upon a showing by the Code Authority of reasonable cause, extend such three day period to permit such Code Authority to determine the truth of the statements contained in such application and statement. If, after investigation, the Code Authority has reason to believe that there have been violations of the provisions of the Code, or of the Act, or of any rule or regulation duly adopted pursuant thereto by reason of which the applicant should be denied the issue of labels, such Code Authority may, after following the procedure hereinafter provided for the suspension of the issue of labels, recommend to the NRA Label Agency that the initial issue of labels to such applicant be denied. The filing of such recommendation shall automatically extend the time for the initial issue of labels until the determination of such recommendation by such agency. The NRA Label Agency shall have the power to approve or disapprove such recommendation in accordance with the procedure hereinafter provided for the suspension of labels.

12. Whenever a Code Authority shall have reason to believe that anyone subject to its Code has violated any provision thereof or any rule or regulation duly adopted pursuant thereto or pursuant to the National Industrial Recovery Act, it may recommend to the NRA Label Agency, after a hearing conducted in accordance with the following procedure, that the issue of labels be suspended:

(a) Notice of hearing shall be dispatched to respondent by registered mail at least three (3) business days prior to the date of the hearing when the hearing is held at a place not more than ten (10) hours railroad traveling distance from the town where the violation is alleged to have occurred, and at least ten (10) days prior to the date of the hearing in all other cases. Written waiver by the respondent of such notice shall constitute sufficient compliance with this provision. The notice shall indicate the nature and the principal elements of the violation of the code provisions with which the respondent is charged. It shall further state that as a result of the hearing, the Code Authority may recommend the suspension of the issue of labels to the respondent. The notice shall be accompanied by a copy of this Order.

(b) The hearing may be held by the Code Authority or by any agency authorized by it. Complainants or persons who have participated in the investigation which preceded the hearing shall not act as members of the tribunal before which the hearing is conducted,

nor shall any member of such tribunal participate in the presentation of the complaint or testify at the hearing. The presiding officer of such tribunal shall not be a member of the industry.

13. If, after such hearing, the Code Authority or its agent for this purpose believes that there is sufficient evidence of violation to justify such action, the Code Authority or its agent may recommend to the NRA Label Agency that the issue of labels to such member of industry be suspended. Such recommendations shall be accompanied by findings of fact and by prima facie evidence of the violation embodied in a summary including the essential facts of the case and the contentions of the respondent. Upon receipt and consideration of such summary and such other material as it may deem necessary, the NRA Label Agency may direct the Code Authority to suspend the issue of labels pending further action as hereinafter provided. In the event that such NRA Label Agency directs the suspension of the issue of labels, the Code Authority shall immediately dispatch to respondent by registered mail a copy of the summary and of the order of the NRA Label Agency. If the NRA Label Agency disapproves the recommendation of the Code Authority or fails to act within five (5) days, the Code Authority may appeal to the Compliance and Enforcement Director.

14. If the NRA Label Agency approves such recommendation the Code Authority shall, within five (5) business days of such approval mail a complete record of the case including the notice of hearing (or waiver of such notice), the record of the hearing and all pertinent correspondence between the Code Authority and respondent with reference to the alleged violation to the Compliance and Enforcement Director and shall simultaneously notify the NRA Label Agency and the respondent that it has done so. The respondent shall have the right to appeal to the Compliance and Enforcement Director from an adverse decision of the NRA Label Agency and shall be given a hearing if he so requests. In the event that the respondent does not exercise such right of appeal the Compliance and Enforcement Director shall, upon the record, or after further hearing of which the Code Authority and the respondent involved shall have notice and opportunity to be heard, approve, disapprove or modify the action of the NRA Label Agency and withdraw the right to use labels or take such other action as he may deem necessary. The respondent may at all times prior to the final determination of the matter by the Compliance and Enforcement Director apply to said Compliance and Enforcement Director for an order directing the Code Authority to issue labels in such quantities as may be proper pending such final determination. Nothing herein contained shall limit the power of the Compliance and Enforcement Director after a hearing and finding of violation to deny the initial issue of labels, to suspend the issue of labels or to withdraw the right to use labels in any case in which the Code Authority and the NRA Label Agency or either of them have failed to act. The Compliance and Enforcement Director is directed and authorized to order the initial issue of labels or the resumption of the issue of labels or to restore the right to use labels if he shall determine such action to be in the interests of compliance with a code.

15. No Code Authority shall take the final action of denying the initial issue of labels, or of suspending the issue of labels, or of withdrawing the right to use labels, or of resuming the issue of labels or of

restoring the right to use labels unless the Compliance and Enforcement Director or the NRA Label Agency shall prior to the taking of such action issue an order approving and directing such action. If the respondent shall have satisfied the Compliance and Enforcement Director that he is in full compliance with the Code and the National Industrial Recovery Act and any rule and regulation duly adopted pursuant to said act, the Compliance and Enforcement Director shall forthwith issue an order directing the Code Authority to resume the issue of labels to the respondent and restore to the respondent the right to use such labels. The Code Authority shall comply with orders of the NRA Label Agency or of the Compliance and Enforcement Director. The Code Authority shall not give or authorize any publicity in case of alleged violation until adjustment has been effected or until the NRA Label Agency has directed the suspension or denial of the issue of labels and shall, in any event, withhold publicity if so ordered by the NRA Label Agency or the Compliance and Enforcement Director.

16. Neither the Code Authority nor any officer nor any employee thereof shall impose, demand or accept any fine or make the payment of a fine a condition precedent to not recommending the denial or suspension of the issue of labels, nor shall it or they demand or accept the payment of the costs of investigation without the express approval of the NRA Label Agency.

17. No charge for labels shall take effect until approved by NRA, and such charge shall be subject to the supervision, modification and disapproval of the National Recovery Administration. There shall be no difference in the charge for labels to be placed upon the same or similar articles to different members of the same industry without the approval of the NRA.

18. (a) No Code Authority shall spend funds derived from the sale of labels except under the provisions of a budget submitted to and duly approved by NRA, in compliance with the provisions of its Code, paragraphs 1 and 2 of Administrative Order No. X-36, and any order amendatory or supplementary thereto. Such funds may be expended by the Code Authority only during the period covered by such approved budget except as NRA may otherwise authorize.

(b) Code Authorities operating under the provisions of an approved budget shall submit a budget covering the period immediately subsequent, not later than forty-five (45) days prior to the expiration of the period covered by the approved budget.

19. In no case shall the funds derived from the sale of labels be used to make contributions to trade association expenses or to the expenses of other organizations, except that such funds may be used to defray the expenses of a regularly constituted Code Authority or of such agencies of such Code Authority as it may deem advisable to employ in administering its Code to the extent permitted by its budget and its Code.

20. The Code Authority shall make such reports concerning the sale, charges, issuance, distribution, suspension, withdrawal, investigation and administration of the use of labels bearing the NRA insignia as the NRA may from time to time require.

21. The Compliance and Enforcement Director may delegate any powers conferred upon him by this Order.

22. Any person violating sections 5, 6, 7, or 9 of these regulations or using labels after the right to use such labels has been withdrawn is subject to the penalties provided in section 10 (a) of the National Industrial Recovery Act.

23. This Order shall become effective five days from the date of its approval, except that paragraphs 17 and 18 shall become effective thirty (30) days after said effective date.

NATIONAL INDUSTRIAL RECOVERY BOARD,
W. A. HARRIMAN, *Administrative Officer*.

Order recommended:

PRENTISS L. COONLEY,
Division Administrator.

WASHINGTON, D. C.,
February 25, 1935.

ADMINISTRATIVE ORDER NO. 442-16

HOURS, EXTENSION OF PREVIOUS LIMITED STAY RELEVANT TO

CODE OF FAIR COMPETITION FOR THE LEAD INDUSTRY—GRANTING APPLICATION FOR AN EXTENSION OF A STAY OF THE PROVISIONS OF ARTICLE III, SECTION 1, GRANTED BY ADMINISTRATIVE ORDER NO. 442-12

WHEREAS, the following stay was granted on December 18, 1934, pending an appropriate amendment to the Code of Fair Competition for the Lead Industry;

“NOW, THEREFORE, pursuant to the authority vested in the National Industrial Recovery Board, it is ordered that the operation of said provision of said Code be and it is hereby stayed as to all parties subject thereto for a period of sixty (60) days from the date hereof;

“PROVIDED, HOWEVER, that no employee shall be permitted to work in any division of the Industry in excess of forty (40) hours per week or in excess of eight (8) hours in any twenty-four (24) hour period except as otherwise provided in the Code of Fair Competition for the Lead Industry or for purposes of changing shifts, and in such cases no employee shall be permitted to work in excess of sixteen (16) hours in any twenty-four (24) hour period”; and

WHEREAS, further time is required for the consideration of said amendment; and

WHEREAS, the Deputy Administrator has reported and it appears to the satisfaction of the National Industrial Recovery Board that an extension of the aforesaid stay is necessary and will tend to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, pursuant to the authority vested in the National Industrial Recovery Board, it is ordered that effective as of February 16, 1935, the aforesaid stay be extended for a further period of sixty (60) days or until such earlier time as an appropriate amendment to said Code is approved;

PROVIDED, FURTHER, this Order shall be subject to cancellation in the event of a subsequent showing of proper cause therefore.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Order recommended:

W. P. ELLIS,
Division Administrator.

WASHINGTON, D. C.,
February 25, 1935.

ADMINISTRATIVE ORDER NO. X-136

PREScribing REGULATIONS REQUIRING APPROVAL OF BUDGETS FOR
ALL CODE AUTHORITIES AND SUBMISSION OF BASES OF CONTRI-
BUTION

Pursuant to the authority vested in it by Executive Order No. 6859, approved September 27, 1934, and otherwise, the National Industrial Recovery Board does hereby prescribe the following regulations applicable to all code authorities whether collecting contributions on a voluntary or mandatory basis or otherwise.

1. Each Code Authority shall, on or before March 31, 1935, (if it has not already done so prior to the date of approval of this Order) submit to the National Industrial Recovery Board for its approval an itemized budget of the estimated expenses of Code Administration for the current fiscal period, and thereafter for each subsequent fiscal period. Said Budget shall set forth in detail the duties of all officials and employees, their salaries and all office and other expenses to be incurred by the National Code Authority and each subsidiary or Regional Code Authority.

2. No Code Authority or agency of a Code Authority shall after March 31, 1935, make any expenditure of funds not in accordance with a budget duly approved by the National Industrial Recovery Board.

3. Each Code Authority shall submit with its budget the rate of assessment and basis of contribution to be used by it in the solicitation of funds.

4. After fifteen days from the date hereof each Code Authority whose Code does not authorize collection of assessments in a manner which states or implies that such payment is compulsory under the Codes, shall solicit contributions only on forms which clearly state, in effect, "this solicitation is for a purely voluntary contribution, and while such contribution is deemed essential to carrying on Code Administration no legal prosecution will follow non-payment." All forms used for the solicitation of contributions by each such Code Authority shall be submitted before use to the NRA, and shall be subject to the disapproval of the NRA.

NATIONAL INDUSTRIAL RECOVERY BOARD,
W. A. HARRIMAN, *Administrative Officer*.

WASHINGTON, D. C.,
February 26, 1935.

ADMINISTRATIVE ORDER NO. 84-J-15

PRICE PROVISIONS. PARTIAL STAY RELEVANT TO

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE CUTLERY, MANICURE IMPLEMENT AND PAINTERS AND PAPERHANGERS TOOL MANUFACTURING AND ASSEMBLING INDUSTRY (SUBDIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND METAL FINISHING AND METAL COATING INDUSTRY)—GRANTING APPLICATION FOR A STAY OF THE PROVISIONS OF ARTICLE VII OF THE ABOVE CODE INsofar AS SAID PROVISIONS APPLY TO THE FOLLOWING SECTIONS OF SAID INDUSTRY; TABLE AND TRADE KNIFE SECTION, SCISSORS & SHEARS SECTION, POCKET KNIFE SECTION, STRAIGHT RAZOR SECTION, MANICURE IMPLEMENT SECTION.

WHEREAS, an application has been made by the Cutlery Code Authority, 278 Main Street, Greenfield, Massachusetts, for a stay of the provisions of Article VII of the Supplementary Code of Fair Competition for the Cutlery, Manicure Implement and Painters and Paperhangers Tool Manufacturing and Assembling Industry insofar as said provisions apply to the above named sections of said Industry; and

WHEREAS, the Deputy Administrator has reported, and it is hereby found that:

(a) Due to similarity of products, it is difficult to adequately describe various types of merchandise; and that

(b) Because of this inadequacy of description of products which have a wide variation in price, the filing of minimum prices has been detrimental to the legitimate price structure; and that

(c) This stay is necessary to afford this industry opportunity to develop a feasible method of filing minimum prices; and that

(d) The stay applied for is necessary and would tend to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board, it is hereby ordered that the said application for a stay be and it is hereby granted for a period of sixty days from the date hereof, insofar as said provisions apply to the above named sections of this industry. This order is subject to modification or cancellation by the National Industrial Recovery Board at any time.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Order recommended:

JOHN W. UPP,
Acting Division Administrator.

FEBRUARY 26, 1935.

ADMINISTRATIVE ORDER NO. 538-3

WAGES, STAY OF PROVISIONS RELEVANT TO

CODE OF FAIR COMPETITION FOR THE WOMEN'S NECKWEAR AND SCARF MANUFACTURING INDUSTRY—GRANTING APPLICATION FOR A STAY OF THE PROVISIONS OF ARTICLE III, SECTION 3 OF THE CODE OF FAIR COMPETITION FOR THE WOMEN'S NECKWEAR AND SCARF MANUFACTURING INDUSTRY.

WHEREAS, an application has been made by the Commission established pursuant to Proviso III of the Order approving said Code, for a further Stay of the operations of the provisions of Article III, Section 3 as to the Central and Western Areas of the Code of Fair Competition for the Women's Neckwear and Scarf Manufacturing Industry; and

WHEREAS, the Deputy Administrator has reported and it appears to the satisfaction of the National Industrial Recovery Board that the Stay hereinafter granted is necessary and tends to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board, it is hereby ordered that the operation of said provisions of said Code be and it is hereby stayed as to all parties subject thereto for an additional period of sixty (60) days from February 7, 1935, during which time the study is to be continued by the Commission established by the National Industrial Recovery Board for the purposes of recommending to the National Industrial Recovery Board what classified wage differential should become effective in the Central and Western Areas; provided that during such Stay members of the Industry located in the Central and Western Areas shall pay not less than the classified wage on such operations as provided in Article III, Section 3, which classified wage shall be not more than 25% below the minimum classified wage for substantially the same operations as provided for the Eastern Area in Article III, Section 3, Subsection (a).

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

PRENTISS L. COONLEY,
Division Administrator.

WASHINGTON, D. C.,
February 26, 1935.

ADMINISTRATIVE ORDER NOS. 152-16 AND 429-14

CODE OF FAIR COMPETITION FOR THE CAN MANUFACTURERS INDUSTRY—GRANTING APPLICATION OF MEMBERS OF THE CANNED SALMON INDUSTRY FOR EXEMPTION FROM ALL THE PROVISIONS OF THE CAN MANUFACTURERS CODE

WHEREAS, an application has been made by the Code Authority for the Canned Salmon Industry on behalf of the members of that Industry engaged in the manufacture for use, of the products of the Can Manufacturers Industry, for exemption from all the provisions of the Code of Fair Competition for the Can Manufacturers Industry for such activities carried on within the territory of Alaska; and

WHEREAS, an opportunity to be heard has been duly afforded to all interested parties, the Deputy Administrator has reported, and it is hereby found that:

(a) The manufacture of cans for use, as carried on by said members of the Canned Salmon Industry, consists primarily of merely crimping and soldering the tin forms into the finished can, and that

(b) More than 80% of such can manufacturing operations are as set forth above, and that

(c) Most of the labor required for such canning operations is transported from the United States, and that

(d) Such labor is paid a basic monthly wage and furnished food and lodging by the canneries, and that

(e) The labor and other conditions, as set forth above, under which the Canned Salmon Industry operates, make it impracticable for the Industry to operate under the provisions of the Can Manufacturers Code, and that

(f) The exemption applied for is necessary and would tend to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board, it is hereby ordered that the members of the Canned Salmon Industry engaged in such can manufacturing operations for their own use, be and they hereby are exempted; as of the date of this Order, from all provisions of the Can Manufacturers Industry Code for such operations carried on within the territory of Alaska, until June 16, 1935, provided, that each member shall comply with the Code of Fair Competition for the Canned Salmon Industry in all such operations.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Exemption recommended:

H. FERRIS WHITE,
Deputy Administrator, Manufacturing Division.

JOHN W. UPP,
Acting Division Administrator, Manufacturing Division.

WELD STEVENS,
Deputy Administrator, Division 6.

ARMIN W. RILEY,
Division Administrator, Division 6.

WASHINGTON, D. C.,
February 27, 1935.

ADMINISTRATIVE ORDER NO. LP14-17

SINGLE ASSESSMENT RULE FOR PARTICIPANTS IN RETAIL DISTRIBUTION, EXEMPTION RELEVANT TO

CODE OF FAIR COMPETITION FOR THE COUNTRY GRAIN ELEVATOR INDUSTRY—GRANTING APPLICATION OF COUNTRY GRAIN ELEVATOR CODE AUTHORITY, BOX 27, COMMERCE STATION, MINNEAPOLIS, MINNESOTA, FOR AN EXEMPTION FROM THE PROVISIONS OF ADMINISTRATIVE ORDER NO. X-131

WHEREAS, an application has been made by the above-named applicants for an exemption from the provisions of Administrative Order No. X-131; and

WHEREAS, the Deputy Administrator has reported, and the said report, which is hereby adopted by the National Industrial Recovery Board and incorporated by reference herein, finds 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 said National Industrial Recovery Board it is hereby ordered that members of the Country Grain Elevator Industry be and they are hereby exempted from the payment of any assessment levied on the retail sales of such members by the Code Authority for any other trade or industry, (1) to the extent that the volume of retail sales of any member of the Country Grain Elevator Industry does not exceed ten per cent (10%) of the total volume of business done by such member during the preceding calendar year and (2) provided that the amount of the retail sales of such member during said preceding calendar year does not exceed the sum of \$10,000.00.

IT IS FURTHER ORDERED that the granting of this exemption shall not prejudice the right of members of the Country Grain Elevator Industry whose retail sales during the preceding calendar year slightly exceed \$10,000.00 or are distributed over divers codified retail operations to petition the Budget Control Officer of the N. R. A. for relief if any such member shall find that by the operation of this exemption he is placed at a competitive disadvantage as against a member whose retail sales during the preceding calendar year are slightly less than \$10,000.00.

This order shall take effect fifteen (15) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the said Board by a subsequent order otherwise directs.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

ARMIN W. RILEY,
Division Administrator.

WASHINGTON, D. C.,
February 27, 1935.

ADMINISTRATIVE ORDER NO. 164-41

HOMEWORK, EXTENSION OF RULES AND REGULATIONS SUPERSEDING
PROVISIONS RELEVANT TO

CODE OF FAIR COMPETITION FOR THE KNITTED OUTERWEAR
INDUSTRY—EXTENSION OF THE STAY OF THE PROVISIONS OF
ARTICLE VI, SECTIONS (A) (B) AND (C) GRANTED BY ADMINIS-
TRATIVE ORDER NO. 164-36, DATED FEBRUARY 4, 1935

WHEREAS, Order No. 164-36, dated February 4, 1935, stays the provisions of Article VI, Sections (a) (b) and (c), insofar as they apply to hand knitting as described in said Section of the Code of Fair Competition for the Knitted Outerwear Industry for the period from February 4, 1935, until April 1, 1935; and

WHEREAS, one of the conditions of said Order requires the Homework Commission to make certain reports and recommendations to the National Industrial Recovery Board on or before April 1, 1935; and

WHEREAS, the Chairman of said Homework Commission has informed the Acting Deputy Administrator that at least three months are required to enable said Commission to make the required investigations and reports; and

WHEREAS, the Acting Deputy Administrator has reported, and it appears to the satisfaction of the National Industrial Recovery Board, that an extension of said stay is necessary to enable the Homework Commission to make the required reports and will tend to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board, it is hereby ordered that

(1) The stay granted by Order No. 164-36 be and it is hereby extended to and including May 15, 1935, upon the conditions set forth in said Order except insofar as said conditions are modified by this Order;

(2) The Homework Commission shall make reports and recommendations required by said Order on or before May 15, 1935.

This Order is subject to revocation upon proper showing of cause or subsequent Order.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

PRENTISS L. COONLEY,
Division Administrator.

WASHINGTON, D. C.,
February 27, 1935.

ADMINISTRATIVE ORDER NO. 278-159

CODE OF FAIR COMPETITION FOR THE TRUCKING INDUSTRY—APPROVAL OF REGISTRATION INSIGNIA, REGISTRATION FORMS AND CERTAIN OTHER ITEMS CONCERNING REGISTRATION

WHEREAS, in the administration of Article VI, Sections 1 and 2 of the Code of Fair Competition for the Trucking Industry an application has been duly made by the National Code Authority for such Industry for approval of certain items hereinafter listed, the originals whereof are on file with the National Recovery Administration; and

WHEREAS, the Deputy Administrator has rendered a report recommending approval of said items and it appears to the satisfaction of the National Industrial Recovery Board that said items so submitted are reasonable, in full conformity with the applicable provisions of said Code, and well designed to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board by Executive Orders of the President and otherwise, it is hereby ordered that the following items as now on file with the National Recovery Administration be and they hereby are approved:

1. Registration Forms, including Instructions to registrants, for second Code year.
2. Form of Registration Certificate and Receipt, for second Code year.
3. Instructions for handling of and accounting for such Registration Forms.
4. Registration Agency Procedure for second Code year.
5. Instructions for handling of and accounting for Code fees for second Code year.
6. Form of vehicle Registration Insignia for second Code year.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Order recommended:

LEIGHTON H. PEEBLES,
Division Administrator, Public Utilities Division.

WASHINGTON, D. C.,
February 27, 1935.

ADMINISTRATIVE ORDER NO. 118-295

PIECE RATES, PARTIAL STAY RELEVANT TO

CODE OF FAIR COMPETITION FOR THE COTTON GARMENT INDUSTRY—GRANTING APPLICATION FOR A STAY OF A CERTAIN PART OF THE PROVISIONS OF ARTICLE IV, SECTION B

WHEREAS, an application has been made by the National Association Sheep Lined and Leather Garment Manufacturers, Incorporated, New York City, for and in behalf of all manufacturers of sheep lined and leather garments, for a stay of the operations of a certain part of the provisions of Article IV, Section B of the Code of Fair Competition for the Cotton Garment Industry, which part is as follows:

“Piece rates shall be increased by not less than ten percent (10%) over and above the piece rates prevailing May 1, 1934”; and

WHEREAS, the Deputy Administrator has reported and it appears to the satisfaction of the National Industrial Recovery Board that the stay hereinafter granted is necessary and will tend to effectuate the policies of Title I of the National Industrial Recovery Act; and

WHEREAS, after summary investigation and report by the Deputy Administrator, an emergency exemption was deemed necessary and granted to applicant by telegram, dated December 1, 1934:

NOW, THEREFORE, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President including Executive Order No. 6859, dated September 27, 1934, and otherwise, hereby orders that the operation of that part of said provisions of said Code as set forth hereinabove, be and it is hereby stayed for the period from December 1, 1934 up to and including March 1, 1935, except that this stay shall not apply to piece rates paid on the manufacture of garments other than sheep lined and leather garments, and it is further ordered that a copy of this Order shall be posted in a conspicuous place in said applicant's plants, in accordance with the provisions of Executive Order No. 6590-B and Administrative Order X-82.

This Order may be revoked at any time in the event of a subsequent showing of proper cause therefor.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

PRENTISS L. COONLEY,
Division Administrator.

WASHINGTON, D. C.,
March 1, 1935.

ADMINISTRATIVE ORDER NO. 126-40

TRADE PRACTICE PROVISIONS APPLICABLE TO THE VITRIFIED CHINA
BRANCH, TEMPORARY STAY RELEVANT TOCODE OF FAIR COMPETITION FOR THE CHINAWARE AND
PORCELAIN MANUFACTURING INDUSTRY—GRANTING APPLI-
CATION FOR A STAY OF THE PROVISIONS OF ARTICLE XI

WHEREAS, an application has been made by the Code Authority of the Vitrified China Branch of the Chinaware and Porcelain Manufacturing Industry for a stay of the operation of the provisions of Article XI of the Code of Fair Competition for the Chinaware and Porcelain Manufacturing Industry; and

WHEREAS, the Deputy Administrator has reported and it appears to the satisfaction of the National Industrial Recovery Board, 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 the authority vested in the National Industrial Recovery Board, it is hereby ordered that the operation of said provisions of said Code be, and it is hereby, stayed as to all parties subject thereto for a period of ninety (90) days from date hereof.

This Order is subject to cancellation upon five (5) days' notice.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrator Officer*.

Order recommended:

W. P. ELLIS,
Division Administrator.

WASHINGTON, D. C.,
March 2, 1935.

ADMINISTRATIVE ORDER NO. 201C-9

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE COMMERCIAL STATIONERY & OFFICE OUTFITTING TRADE, A DIVISION OF THE WHOLESALING OR DISTRIBUTING TRADE—APPROVAL AND AUTHORIZATION FOR OPEN PRICE PLAN OF SELLING

WHEREAS, Sections 1 (b) and (c) of Article V of the Supplementary Code of Fair Competition for the Commercial Stationery and Office Outfitting Trade provide in part that the Divisional Code Authority with the advice and consent of the Administrator may at any time determine that an Open Price Plan of selling such commodity or commodities of the Trade as it shall specify shall be put into effect and that any schedule or any price therein may apply nationally or may be limited to one or more geographical divisions; and

WHEREAS, the Divisional Code Authority of this Trade has made application to the National Industrial Recovery Board for the authorization and approval of an open price plan of selling the following commodities in the geographical divisions named;

Bound blank books
Office chairs
Commercial envelopes
Crepe paper and tags
Drawing and artists materials
Fountain pens, mechanical pencils
Loose Leaf devices and supplies
Inks and adhesives
Miscellaneous stationery products
Paper fasteners
Pencil sharpeners
Pins and notions
Rubber sundries
School supplies
Stamp pads and daters
Waste baskets
Typewriter and other commercial cut paper
Papeteries and school supplies

District No. 1

Maine
New Hampshire
Vermont
Massachusetts
Rhode Island
Connecticut

District No. 3

Pennsylvania
New Jersey (South of Trenton)
Delaware
Maryland
Virginia
District of Columbia
West Virginia (Wheeling only)

Business furniture
Calendar pads
Chalks and crayons
Diaries
Desk accessories
Filing devices and supplies
Hardware and glassware
Leather goods and leather novelties
Mimeographs and stencils
Numbering machines
Wood cased lead pencils
Pen points
Ribbons and carbon paper
Rulers
Specialty paper products
Stationery, tablet and school paper
Wood furniture
Wire staples and stapling machines

District No. 4

North Carolina
South Carolina
Tennessee
Georgia
Alabama
Mississippi
Florida
Louisiana
Kentucky

District No. 7

Minnesota
Iowa
North Dakota
South Dakota

District No. 8

Missouri
 Kansas
 Arkansas
 Illinois (East St. Louis only)
 Nebraska
 Oklahoma

District No. 11

Montana
 Utah
 Idaho
 Washington
 Oregon

District No. 9

Texas (except El Paso)

and it appears that the establishment of such a Plan will tend to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859 and otherwise, and as successor to all powers heretofore vested in the Administrator for Industrial Recovery, does hereby authorize and approve the establishment of an open price plan of selling the above named commodities of the Trade in the geographical divisions above stated, such plan to conform to the provisions of Section 1 of Article V of this supplemental code, provided that all prices and terms shall be filed with a confidential and disinterested agency of the Divisional Code Authority and, provided, further, that the National Industrial Recovery Board may make such changes in this authorization and approval as may seem necessary in order to effectuate the policies of Title I of the National Industrial Recovery Act.

NATIONAL INDUSTRIAL RECOVERY BOARD,
 By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

HARRY C. CARR,
Acting Division Administrator.

WASHINGTON, D. C.,
 March 2, 1935.

ADMINISTRATIVE ORDER NO. 494-10

CODE OF FAIR COMPETITION FOR THE MERCHANT AND CUSTOM TAILORING INDUSTRY—APPROVING DETERMINATION OF PEAK SEASON AND THE MAXIMUM HOURS OF EMPLOYMENT PERMITTED THEREIN IN ACCORDANCE WITH ARTICLE III, SECTION 2

WHEREAS, Article III, Section 2 of the Code of Fair Competition for the Merchant and Custom Tailoring Industry provides that members of the Industry shall be permitted to work employees overtime at regular rates during peak seasons, the number of hours and the number of weeks to be determined, subject to the approval of the Administrator, through an agreement to be reached by a Committee of the Code Authority appointed for this purpose and consisting of an equal number of representatives of industry and labor; and,

WHEREAS, a Committee of the Code Authority consisting of an equal number of representatives of industry and labor was appointed in accordance with said Code provision; and

WHEREAS, the said Committee has determined and so reported to the Code Authority that the current peak season shall be recognized as extending from March 1, 1935, to June 16, 1935, inclusive, and that the maximum hours of employment permitted during said current peak season shall be forty (40) hours per week for each of four (4) weeks and forty-four (44) hours per week for each of eight (8) weeks, which weeks shall be chosen within the peak period as desired by each employer;

NOW, THEREFORE, pursuant to the authority vested in the National Industrial Recovery Board by Executive Orders of the President, including Executive Order No. 6859 dated September 27, 1934, and otherwise; it is hereby ordered that the report of the said Committee recognizing the current peak season as extending from March 1, 1935, to June 16, 1935, inclusive, and limiting the maximum hours of employment during said current peak season to forty (40) hours per week during each of four (4) weeks and forty-four (44) hours per week during each of eight (8) weeks, which weeks shall be chosen within the peak period as desired by each employer, be and it is hereby approved.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

HARRY C. CARR.,
Acting Division Administrator.

WASHINGTON, D. C.,
March 2, 1935.

ADMINISTRATIVE ORDER NOS. 84-H1-13 AND 85-17

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE WIRE ROPE AND STRAND MANUFACTURING INDUSTRY (A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND METAL FINISHING AND METAL COATING INDUSTRY)—GRANTING APPLICATION FOR A STAY TO MEMBERS OF THE INDUSTRY WHO SELL DIRECT TO THOSE PURCHASERS WHOSE BUSINESS IS THAT OF DRILLING, PRODUCING, PIPE-LINE TRANSPORTING, REFINING OR STORING PETROLEUM, OR OF PRODUCING OR PIPE-LINE TRANSPORTING NATURAL GAS, IN THE UNITED STATES OF AMERICA, IN COMPETITION WITH MEMBERS OF THE CODE OF FAIR COMPETITION FOR THE AMERICAN PETROLEUM EQUIPMENT INDUSTRY AND TRADE, FROM THE PROVISIONS OF SECTION 4 OF ARTICLE VI OF THE SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE WIRE ROPE AND STRAND MANUFACTURING INDUSTRY.

WHEREAS, application has been made by a majority of the members of the Industry who sell in direct competition with members of the Code of Fair Competition for the American Petroleum Equipment Industry and Trade, for a Stay from the provisions of Section 4 of Article VI of the Supplementary Code of Fair Competition for the Wire Rope and Strand Manufacturing Industry; and

WHEREAS, the Deputy Administrator has reported, and it is hereby found that;

(a) The applicants are at a disadvantage when selling in competition with members of the American Petroleum Equipment Industry and Trade, which members sell on more liberal terms of dating than those contained in the Supplementary Code of Fair Competition for the Wire Rope and Strand Manufacturing Industry; and that

(b) There are seventeen (17) manufacturers of wire rope in this Industry, and fourteen (14) manufacturers representing approximately ninety-five (95) percent of the total volume of business in this Industry, have filed petitions for a Stay; and that

(c) The Supplementary Code as approved contains no provision through which members of the Industry may obtain the relief needed to meet the existing conditions; and that

(d) The Stay applied for is necessary and would tend to effectuate the policies of Title I of the National Industrial Recovery Act.

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board, it is hereby ordered that the said application for a Stay be and it is hereby granted for a period of ninety days from the date hereof, PROVIDED that the manufacturers to whom this Stay applies shall not make any credit terms to the purchaser more liberal than those terms of the members of the American Petroleum Equipment Industry and Trade; and PROVIDED, FURTHER, that this Stay shall apply only to sales made to those purchasers whose business is that of drilling, producing, pipe-line trans-

porting, refining or storing petroleum, or of producing or pipe-line transporting natural gas, in the United States of America, in competition with members of the Code of Fair Competition for the American Petroleum Equipment Industry and Trade.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Order recommended:

JOHN W. UPP,
Acting Division Administrator.

WASHINGTON, D. C.,
March 2, 1935.

ADMINISTRATIVE ORDER NOS. 24-103 AND 314-11

BITUMINOUS COAL AND WHOLESALE COAL INDUSTRIES—SALES OF
BITUMINOUS COAL, COMMITTEE ESTABLISHED TO EFFECT RULES
RELEVANT TO

WHEREAS, it appears to the Board that the administrations of the Code of Fair Competition for the Bituminous Coal Industry, hereinafter referred as "Bituminous Coal Code", and particularly Sections 1 and 2 of Article VI thereof, and of the Code of Fair Competition for the Wholesale Coal Industry, hereinafter referred to as "Wholesale Coal Code", respectively, are now and have been for a considerable period of time seriously threatened and impeded by reason of the inability of the Western Pennsylvania, Eastern, Northern Pan Handle of West Virginia, Northern West Virginia, Southern No. 1, Southern No. 2, and Ohio Subdivisional Code Authorities of Division I of the Bituminous Coal Industry, established pursuant to the provisions of Sections 1 and 2, Article VII, Bituminous Coal Code, and the Code Authority established pursuant to the provisions of Sections 1, 2 and 3, Article III, Wholesale Coal Code, properly to execute their respective powers and duties to establish rules, regulations and discounts to govern the sale of bituminous coal under Sections 1 and 2, Article VI, Bituminous Coal Code, by members of the Bituminous Coal Industry, subject to the jurisdiction of such Bituminous Coal Subdivisional Code Authorities as are hereinabove described, to and the purchase of bituminous coal under Sections 1, 2 and 3, Article V, Wholesale Coal Code, by, members of the Wholesale Coal Industry, as defined in Section 8, Article II, Wholesale Coal Code, from such members of the Bituminous Coal Industry, as provided in the Bituminous Coal Code and in the Wholesale Coal Code; and

WHEREAS, it appears to the Board that, in the light of the premises, it is now the duty of the Board within its powers under the National Industrial Recovery Act, the provisions of the Bituminous Coal Code and Wholesale Coal Code and otherwise, promptly to make provision for the establishment of such rules, regulations and discounts as are described hereinabove in the preceding paragraph to the end that the administration of the Bituminous Coal Code and of the Wholesale Coal Code may be no further threatened or impeded by reason of the inability of the Subdivisional Code Authorities of Division I of the Bituminous Coal Industry and the Code Authority of the Wholesale Coal Industry properly to execute their respective powers and duties to establish such rules, regulations and discounts:

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board under Title I of the National Industrial Recovery Act by Executive Orders of the President, including Executive Order No. 6859 dated September 27, 1934, and by pertinent provisions of the Bituminous Coal Code and of the Wholesale Coal Code, and otherwise, it is hereby ordered that rules, regulations and

discounts to, and which rules, regulations and discounts shall, until otherwise ordered by the Board, govern the sale of bituminous coal under Sections 1 and 2, Article VI, Bituminous Coal Code, by all members of the Bituminous Coal Industry subject to the jurisdiction of any of the Western Pennsylvania, Eastern, Northern Pan Handle of West Virginia, Northern West Virginia, Southern No. 1, Southern No. 2, and Ohio Subdivisional Code Authorities of Division I of the Bituminous Coal Industry, established pursuant to the provisions of Sections 1 and 2, Article VII, Bituminous Coal Code, to, and the purchase of bituminous coal under Sections 1, 2, and 3 Article V, Wholesale Coal Code, by, all members of the Wholesale Coal Industry, as defined in Section 8, Article II, Wholesale Coal Code, from such members of the Bituminous Coal Industry, shall be established and may thereafter be modified or changed by a Committee of the National Recovery Administration, which is hereby created for such purpose and the membership of which shall consist of the following, who are hereby appointed to serve upon such Committee as members thereof for the life of the Committee:

W. E. Hotchkiss
 Roger B. Shepard
 W. Jett Lauck

NATIONAL INDUSTRIAL RECOVERY BOARD,
 By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

W. P. ELLIS,
Division Administrator.

HARRY C. CARR,
Acting Division Administrator.

WASHINGTON, D. C.,
 March 4, 1935.

ADMINISTRATIVE ORDER NO. 16-22

LEARNERS, TEMPORARY MODIFICATION OF PROVISIONS APPLICABLE TO

 CODE OF FAIR COMPETITION FOR THE HOSIERY INDUSTRY—
 STAYING, UNDER CERTAIN CONDITIONS, THE PROVISIONS OF
 ARTICLE V, SECTION 5 OF THE CODE OF FAIR COMPETITION
 FOR THE HOSIERY INDUSTRY

WHEREAS, Article V, Sections 1 and 2 of said Code provides certain minimum wages for learners in the Industry; and

WHEREAS, Article V, Section 5 of said Code provides as follows:

“The learner’s first three (3) months’ training provided for under Class 5 of Section 1 and Class 4 of Section 2 of this Article is the aggregate of his or her first three (3) months’ training within the industry, whether continuous or not, and whether employed by or permitted to work for one or more employers”, and

WHEREAS, the Code Authority has made application for a stay of said Article V, Section 5 to the extent that, subject to certain conditions, members of the Industry may shift employees from one productive operation to another, and that employees so shifted may, for a period not to exceed three (3) months, be regarded as learners; and

WHEREAS, it appears that such application is designed to permit employees skilled in one operation to learn other skilled operations, assuring thereby more continuous employment to the employee and a smaller labor turnover to the employer; and

WHEREAS, after summary investigation and report by the Deputy Administrator, an emergency stay was deemed necessary and granted by letter dated February 9, 1935; and

WHEREAS, the Deputy Administrator has recommended, and it appears to the satisfaction of the National Industrial Recovery Board 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 the National Industrial Recovery Board, it is hereby ordered that the provisions of said Article V, Section 5 be stayed to the extent that members of the Industry may employ as learners for a period not exceeding three (3) months, employees heretofore employed in the Industry whether for more or less than three (3) months, in the event that such employees are shifted from one productive operation in the Industry to another; provided

(1) That such employees have had no previous experience in the operation to which they are shifted; and

(2) That any management of a plant desiring to avail itself of the privilege conferred herein, shall file with the Code Authority, not

less than twenty-four (24) hours in advance of intention to utilize this provision, such information and in such form as the Code Authority may prescribe; and

(3) That during the aforesaid three (3) months period such employees shall be paid at not less than the rate of ten dollars (\$10.00) per week of forty (40) hours; and

(4) That if the operation to which an employee is shifted is one for which piece-work rates are established in the plant, and the production of such employee, calculated at such piece-work rates, should at any time during the three (3) months period amount to more than ten dollars (\$10.00) per week of forty (40) hours, the employee shall be paid piece-rate earnings instead of the ten dollar (\$10.00) minimum; and

(5) That the privilege granted herein shall apply only in the event that employees are shifted from one productive operation to another within the plant or plants of individual members of the Industry;

PROVIDED, that a copy of this Order is placed in a conspicuous place in the plant of any and all members of the Industry availing themselves of the privilege granted herein.

This Order shall become effective as of February 11, 1935, and shall expire not later than June 16, 1935.

This Order is subject to revocation at any time prior to June 16, 1935, in the event of showing of proper cause therefor.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

PRENTISS L. COONLEY,
Division Administrator.

WASHINGTON, D. C.,
March 5, 1935.

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