





No 9381.1A 40

v. 23









**NATIONAL RECOVERY ADMINISTRATION  
NATIONAL INDUSTRIAL RECOVERY BOARD**

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**CODES OF FAIR COMPETITION**

**AS APPROVED**

**APRIL 23-JULY 30, 1935**

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

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**VOLUME XXIII**



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**UNITED STATES  
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## CONTENTS

Industry	Date	Page
<b>AMENDMENTS</b>		
Cotton Textile, No. 15.....	4-23-35	1
Retail Tobacco Trade, No. 1.....	4-23-35	5
Retail Trade in the Territory of Hawaii, No. 1.....	4-23-35	9
Wheel and Rim Manufacturing, No. 1 (A Division of Automotive Parts and Equipment Manufacturing).....	4-23-35	13
Electrical Manufacturing, No. 1.....	4-25-35	17
Preformed Plastic Products, No. 2.....	4-25-35	21
Copper, No. 1.....	4-26-35	25
Bituminous Road Material Distributing, No. 1.....	4-27-35	31
Farm Equipment, No. 5.....	4-29-35	35
Baking, No. 6.....	4-30-35	39
Cigar Container, No. 2.....	4-30-35	43
Industrial Furnace Manufacturing, No. 2.....	4-30-35	47
Industrial Supplies and Machinery Distributors' Trade, No. 3.....	4-30-35	51
Daily Newspaper Publishing Business, No. 2.....	5- 2-35	55
Commercial Stationery and Office Outfitting Trade, No. 1 (A Division of Wholesaling and Distributing Trade).....	5- 6-35	59
Daily Newspaper Publishing Business, No. 3.....	5- 6-35	63
Shoe and Leather Finish, Polish, and Cement Manufacturing, No. 2.....	5- 6-35	67
Toll Bridge, No. 2.....	5- 6-35	71
Trucking, No. 4.....	5- 6-35	77
Wire Rope and Strand Manufacturing, No. 2 (A Division of Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating).....	5- 6-35	81
Construction, No. 7.....	5- 7-35	85
Blouse and Skirt Manufacturing Industries, No. 3.....	5- 8-35	89
Domestic Freight Forwarding, No. 1.....	5- 8-35	93
Medium and Low Priced Jewelry Manufacturing, No. 3.....	5- 8-35	99
Construction, No. 8.....	5- 9-35	103
Narrow Fabrics, No. 2.....	5- 9-35	107
Cotton Cloth Glove Manufacturing, No. 6.....	5-10-35	113
Beverage Dispensing Equipment, No. 4.....	5-11-35	117
Cement, No. 1.....	5-11-35	121
Cotton Garment, No. 10.....	5-11-35	153
Leaf Spring Manufacturing, No. 1 (A Division of Automotive Parts and Equipment Manufacturing).....	5-11-35	157
Nottingham Lace Curtain, No. 2.....	5-11-35	163
Pyrotechnic Manufacturing, No. 3.....	5-11-35	167
Railway Car Building, No. 3.....	5-11-35	171
Trucking, No. 5.....	5-11-35	175
Blouse and Skirt Manufacturing Industries, No. 4.....	5-14-35	179
Hack Saw Blade Manufacturing, No. 2 (A Division of Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating).....	5-17-35	183
Processed or Refined Fish Oil, No. 1.....	5-17-35	187
Scientific Apparatus, No. 2.....	5-17-35	193
Cork, No. 4.....	5-20-35	197
Ladies' Handbag, No. 2.....	5-23-35	201
Copper, No. 2.....	5-24-35	205
Umbrella Frame and Umbrella Hardware Manufacturing, No. 1.....	5-24-35	209
Cotton Garment, No. 11.....	5-25-35	213
Motor Vehicle Retailing Trade, No. 6.....	5-27-35	221

Industry	Date	Page
SUPPLEMENTS		
Fishery, No. 11, for Sponge Preparing and Wholesaling or Wholesaling	4-27-35	225
Construction, General Contractors, No. 2, for Heavy Construction and Railroad Contractors	4-29-35	237
Fishery, No. 12, for Northwest and Alaska Fish and Shellfish Preparing and Wholesaling or Wholesaling	5-10-35	251
EXECUTIVE ORDER		
National Industrial Recovery Board, Member of the, Charles Edison appointed as a	4-29-35	269
ADMINISTRATIVE ORDERS		
Fuller's Earth Producing and Marketing, Hazardous occupations, Approving a list of	4-22-35	271
Automotive Chemical Specialties Manufacturing, Hazardous occupations, Approving a list of	4-23-35	272
Forest Products Administrator, Appointing and defining duties and authority of the	4-23-35	274
Retail Tobacco Trade, Costs of retail distributon, Approval of allowance for	4-23-35	276
Underwear and Allied Products Manufacturing, Hours of machine operation, Provisional exemption relevant to	4-23-35	278
Cigar Manufacturing, Hours of labor and rates of pay, Postponement of review relevant to	4-25-35	280
Industry of Collective Manufacturing for Door-to-Door Distribution, Hazardous occupations, Approving a list of	4-25-25	281
Light Sewing Industry Except Garments, Mattress Cover Division, Label provisions stayed for members of the	4-25-35	283
Retail Solid Fuel, Lowest reasonable cost determinations stayed	4-25-35	284
Rock and Slag Wool Manufacturing, Code Authority membership increased	4-25-35	285
Floor and Wall Clay Tile Manufacturing, Trade practices and participation in code activities, Stay of provisions relevant to	4-26-35	286
Motor Vehicle Retailing Trade, Official Guides, Delegation of authority to approve	4-26-35	287
Retail Trade, Retail Jewelry Trade, Code Authorities, Granting authority to approve local	4-26-35	288
Paint, Varnish and Lacquer Manufacturing, Sales below cost, Stay granted relevant to	4-27-35	289
Sanitary and Waterproof Specialties Manufacturing, Prices, Extension of a stay relevant to publication of a schedule of	4-27-35	290
Wholesaling or Distributing Trade, Beauty and Barber Equipment and Supplies Trade, Reports, Granting authority to secure divisional	4-27-35	291
Asbestos, Brakelining and Related Friction Products Division, Merchandising Plan approved for the	4-29-35	292
Wholesale Tobacco Trade Emergency price computation, Continuing previous order establishing basis of	4-29-35	296
Hat Manufacturing, Hours of labor in the manufacture of straw hats, Stay relevant to	4-30-35	298
Perforating Manufacturing, Price Guarantees, Approving circumstances for making	4-30-35	299
Retail Trade, Retail Jewelry Trade, Retail Food and Grocery Trade, Script, Stay extended relevant to	4-30-35	301
Assembled Watch, Sale terms stayed	5- 2-35	303
Cotton Garment, Terms of sale, Stay relevant to	5- 2-35	304
Package Medicine, Candy Manufacturing, Jurisdictional interpretation for "cough drops"	5- 2-35	305

Industry	Date	Page
<b>ADMINISTRATIVE ORDERS—Continued</b>		
Porcelain Breakfast Furniture Assembling, Administration, Providing temporary	5- 2-35	307
Rubber Manufacturing, Terms of sale, Mechanical Rubber Goods Division, Stay relevant to	5- 2-35	309
Shipbuilding and Shiprepairing, Hours, Partial stay to permit emergency work relevant to —, extended	5- 2-35	311
Crushed Stone, Sand and Gravel, and Slag Industries, Construction, Wages applicable, Further exemption of specified contractors subject to compliance with superior	5- 3-35	313
Marine Equipment, Electrical Manufacturing, Non-Ferrous Foundry, Gray Iron Foundry, Jurisdictional conflicts, Further stay of part of the code and further extension of time to report on	5- 4-35	315
Canned Salmon, Brokerage and commission provisions, Stay relevant to	5- 6-35	317
Cotton Pickery, Budget and expenditure rules stayed	5- 6-35	318
Hack Saw Blade Manufacturing, Budget and expenditure rules stayed	5- 6-35	319
Metal Safety Tread Manufacturing, Budget and expenditure rules stayed	5- 6-35	320
Paper and Pulp, Cellulose Wadding Division, Budget and expenditure rules stayed	5- 6-35	321
Rubber Manufacturing, Budget and expenditure rules stayed	5- 6-35	322
Specialty Accounting Supply Manufacturing, Budget and expenditure rules stayed	5- 6-35	323
Trucking, Hours of labor, Interpretation regarding	5- 6-35	324
Ice Cream Cone, Open price provisions, Staying	5- 7-35	325
Marine Equipment Manufacturing, Terms of sale, Provisional and partial stay relevant to	5- 7-35	326
Porcelain Breakfast Furniture Assembling, Temporary administration provision stayed	5- 7-35	327
Textile Planning Committee, Appointing a	5- 7-35	328
Boot and Shoe Manufacturing, Survey and Investigation, Appointing a committee to conduct a	5- 8-35	330
Wholesale Food and Grocery Trade, Loss limitations provisions, Further stay of an amendment relevant to	5- 8-35	331
Pacific Coast Dried Fruit, Sales contract, Granting application for inclusion in the code of a uniform	5- 9-35	333
Printing Equipment Industry and Trade, Used machinery, Extending the effective date of the method of value determination for	5- 9-35	334
Artistic Lighting Equipment Manufacturing, Price lists, Stay of provisions relevant to	5-10-35	335
Cotton Garment, Dress Manufacturing, Commission revised and delegated to report on specified provisions and specified previous orders stayed	5-10-35	336
Cotton Textile, Loom hour provisions, Stay relevant to	5-10-35	338
Cutlery, Manicure Implement and Painters and Paperhangers Tool Manufacturing and Assembling, Statement of quality, Approving a standard	5-10-35	339
Hat Manufacturing, Hours and wages, Further extension of a previously amended stay relevant to	5-10-35	340
Silverware Manufacturing, Budget and expenditure rules stayed	5-10-35	341
Snap Fastener Manufacturing, Budget and expenditure rules stayed	5-10-35	342
Hat Manufacturing, Made-over-used hats, Staying provisions relevant to	5-11-35	343
Knitted Outerwear, Contract system of production, Approval of regulations for the	5-11-35	344

Industry	Date	Page
ADMINISTRATIVE ORDERS— <i>Continued</i>		
Liquid Fuel Appliance Manufacturing, Price list filing, Stay of provisions relevant to.....	5-11-35	345
Marking Devices, Costs and specified unfair trade practices, Stay of provisions relevant to.....	5-11-35	346
Pickle Packing, Prices and discounts, Staying provisions relevant to.....	5-11-35	347
Coat and Suit, Dress Manufacturing, Inter-Code Agency's determinations stayed further.....	5-13-35	348
Wool Textile, Practice and Merchandising Rules, Approving an amendment to the.....	5-13-35	350
Beauty and Barber Equipment Manufacturing, Label provisions, Stay granted relevant to.....	5-14-35	352
Machine Screw Nut, Budget and expenditure rules stayed.....	5-14-35	353
Rubber Tire Manufacturing, Budget and expenditure rules stayed.....	5-14-35	354
Slide Fastener, Budget and expenditure rules stayed.....	5-14-35	355
Socket Screw Products Manufacturing, Budget and expenditure rules stayed.....	5-14-35	356
Vacuum Cleaner, Budget and expenditure rules stayed.....	5-14-35	357
Apparel Codes Label Council, Recognition and definition of powers and duties.....	5-15-35	358
Novelty Curtain, Draperies, Bedspreads and Novelty Pillow, Budget and expenditure rules stayed.....	5-16-35	360
Tag, Budget and expenditure rules stayed.....	5-16-35	361
Women's Neckwear and Scarf Manufacturing, Budget and expenditure rules stayed.....	5-16-35	362
Button Jobbers' or Wholesalers' Trade, Book inspection provisions stayed.....	5-17-35	363
Cotton Garment, Dress Manufacturing, Commission provided to report on specified provisions and specified previous orders terminated.....	5-17-35	364
Electro Plating and Metal Polishing and Metal Finishing, Specifications for quality of electro deposited coatings, Tentative approval of.....	5-17-35	365
Carbon Black Manufacturing, Hazardous occupations, Approving a list of.....	5-18-35	367
Fibre Can and Tube, Hazardous occupations, Approving a list of.....	5-18-35	368
Printing Equipment Industry and Trade, Used machinery value determination, Further extension of the effective date for the method to arrive at.....	5-18-35	370
Rubber Manufacturing, Terms of sale, Partial discontinuance of a stay governing uniform.....	5-18-35	371
Cutlery, Manicure Implement and Painters and Paperhangers Tool Manufacturing and Assembling, Selling prices, Partial stay of provisions relevant to.....	5-20-35	372
Sanitary Napkin and Cleansing Tissue, Hazardous occupations, Approving a list of.....	5-20-35	373
Retail Food and Grocery Trade, Meat sales, Partial modification and discontinuance of previous exemption relevant to.....	5-21-35	374
Retail Meat Trade, Trade practices, Partial discontinuance of previous stay relevant to.....	5-21-35	375
Cotton Garment, Piece rates, Extension of partial stay relevant to.....	5-22-35	376
Millinery, Hours of labor, Stay of provisions relevant to.....	5-22-35	377
Porcelain Breakfast Furniture Assembling, General N. R. A. Code Authority designated to temporarily administer this code.....	5-22-35	378
Upholstery Spring and Accessories Manufacturing, Prices and terms of sale, Stay of provisions relevant to.....	5-22-35	379

VII

Industry	Date	Page
<b>ADMINISTRATIVE ORDERS—Continued</b>		
Wrench Manufacturing, Sales to manufacturers of automobiles for use as original equipment, Partial stay relevant to-----	5-22-35	380
Printing Ink Manufacturing, Budget and expenditure rules stayed-----	5-23-35	381
Railway Safety Appliance, Equipment installation, Industry members exempted from other codes covering their own-----	5-24-35	382
Supreme Court Decision-----	5-27-35	383
<b>ADDENDA</b>		
<b>EXECUTIVE ORDERS</b>		
National Industrial Recovery Board, Board terminated and Administration reorganized-----	6-15-35	405
National Industrial Recovery Board, Order and Agencies previously created by the authority of—continued-----	6-15-35	407
National Emergency Council and the National Recovery Administration, Consumers' Agencies reorganized-----	7-30-35	408
<b>ADMINISTRATIVE ORDERS</b>		
National Sheltered Workshops Committee, Appointing members of the-----	6-17-35	409
Certification and Exemplification of Documents, Clerks designated and reappointed-----	6-27-35	410
Index-----		411





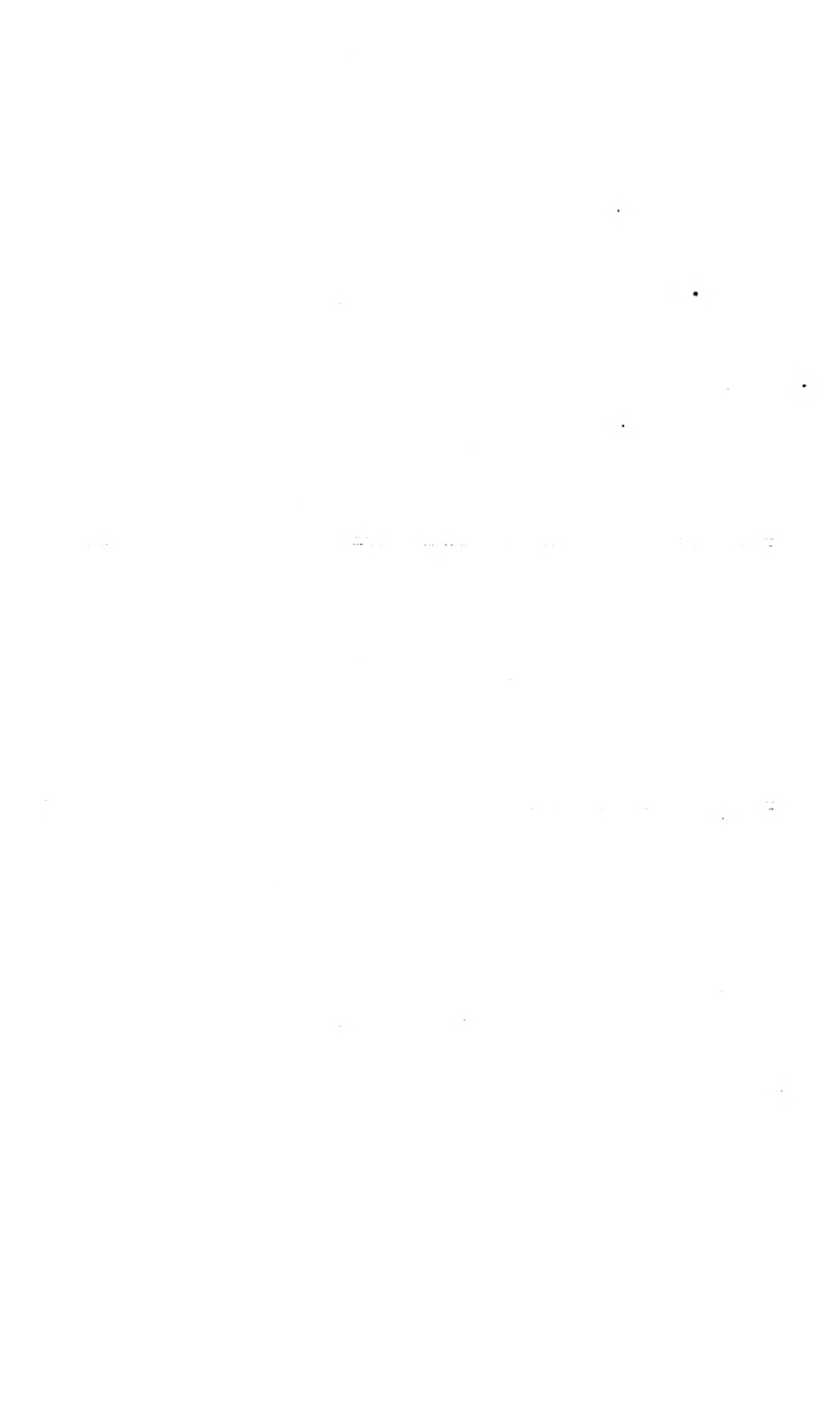
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**AMENDMENTS**

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Approved Code No. 1—Amendment No. 15

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

COTTON TEXTILE INDUSTRY

As Approved on April 23, 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:

M. D. VINCENT,  
*Acting Division Administrator.*

WASHINGTON, D. C.  
*April 23, 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 Cotton Textile Industry. Notice of Opportunity to be Heard on this amendment was published on March 20, 1935; only one objection was received within the given twenty day period ending April 9, 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.

The purpose of this amendment is to amplify the existing Section 2 of the Trade Practices Governing the Merchandising of Carded Cotton Yarn by requiring spinning mills to file certified reports of sales of carded cotton yarn whether such sales are made direct or through sales agents, thereby assuring more complete and accurate statistical data on this branch of the Industry.

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 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.*

APRIL 23, 1935.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE COTTON TEXTILE INDUSTRY

Amend the Trade Practices governing the Merchandising of Cotton Carded Yarn by deleting the present Section 2 and substituting in lieu thereof a new Section 2 which reads as follows:

Spinning mills shall furnish duly certified reports each week to the Statistical Bureau of the Cotton-Textile Institute, Inc., 320 Broadway, New York City, of all sales of carded cotton yarn during the week immediately prior, irrespective of the manner in which such sales are negotiated, stating same by date of order, quantity and descriptions of yarn, delivery specifications, price to be paid, and terms of sale; indicating in the case of each sale negotiated through a selling agent, the name of the selling agent who negotiated such sale. Selling agents shall file similar reports as to all sales made on behalf of spinning mills. Spinning mills and selling agents shall separately report to the Institute all export sales giving, as to each export sale, the name of the exporter. Statistical reports shall be issued weekly by the Institute to all spinners and selling agents summarizing such statistical information received.

Approved Code No. 1—Amendment No. 15.  
Registry No. 299-25.

**AMENDMENT TO CODE OF FAIR COMPETITION**

FOR THE

**RETAIL TOBACCO TRADE**

As Approved on April 23, 1935

---

**ORDER**

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
RETAIL TOBACCO 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 the Code of Fair Competition for the Retail Tobacco Trade, and hearings having been 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, 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:

ARMIN W. RILEY,  
*Division Administrator.*

WASHINGTON, D. C.,  
*April 23, 1935.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: The Code Authority for the Retail Tobacco Trade has requested that the Code of Fair Competition for said trade be amended by striking out Sections 1 and 2, Part II of Article VI and substituting in their place two new Sections.

The Sections of the Code which are being removed provide that willfully destructive price cutting is an unfair method of competition and is forbidden. Furthermore, they provide that in cases of emergency a basis for computing minimum prices on the products affected may be established upon the recommendation of the Code Authority with the approval of the National Recovery Administration.

The proposed amendment declares it to be an unfair trade practice and forbids the selling of tobacco products at less than merchandise cost. Furthermore, it defines merchandise cost of cigarettes to be the manufacturer's list price less 9.1% and the merchandise cost of other tobacco products to be the manufacturer's list price less 7.1%. In addition, the proposal states that an allowance for the cost of retail distribution, or any part thereof, may be recommended by the Code Authority and may be fixed by the National Industrial Recovery Board. If such an allowance is fixed, no member of the trade may sell at a price which does not include such allowance.

This amendment has arisen from the fact that for a considerable period of time tobacco products have been used as "loss leaders", such use occurring primarily in those establishments whose principal line of business consists in the selling of merchandise other than tobacco products. This practice resulted in destructive price cutting among members of the trade and on July 12, 1934, an emergency was declared to exist in the selling of cigarettes at retail. At that time, an Administrative Order was approved which fixed the basis for the computation of minimum retail cigarette prices. Said Order became effective on July 16, 1934, for a ninety day period. At the end of that time, it was found that the causes leading to the emergency had not been removed and the Order has subsequently been extended from time to time and is now due to terminate on April 30, 1935.

A study of this situation has revealed that the causes of this emergency do not yield to treatment on an emergency basis and are perhaps of a more permanent nature than was originally believed to be the case. Consequently, in view of the fact that the emergency Order has had a very beneficial effect upon the Retail Tobacco Trade as a whole, and particularly upon small enterprises engaged in the distribution of cigarettes, the Code Authority has deemed it necessary to so amend the Code that the principles of said emergency



Order and its effects may be continued. The Code Authority also finds that tobacco products other than cigarettes have been used extensively as "loss leaders" and consequently, the proposed amendment includes all tobacco products rather than cigarettes only.

The Deputy Administrator in his final report to the National Industrial Recovery Board on said amendment of said Code having found as herein set forth and on the behalf of all 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 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 for the Retail Tobacco Trade to present the aforesaid amendment on behalf of the trade as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

(g) The "loss leader" practice sought to be removed by the proposed amendment results either in efforts by the tobacconist to make up the loss by charging more than a reasonable profit for other articles, or in driving the small tobacconist with little capital out of legitimate business. It works back against the tobacco grower, and the labor which he employs.

For these reasons the amendment has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

APRIL 23, 1935.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE RETAIL TOBACCO TRADE

Amend Part II of Article VI of the Code of Fair Competition for the Retail Tobacco Trade by striking out Sections 1 and 2 thereof and substituting therefor the following:

**SECTION 1. *Loss Limitation Provision: Merchandise Cost.***—It is hereby declared to be an unfair trade practice, and it is hereby forbidden, to sell tobacco products, which at the time may be subject to the provisions of this Part II, at less than merchandise cost.

(a) Any sale of cigarettes at a price which is below the manufacturer's list price less nine and one tenth percent (9.1%), and any sale of other tobacco products, at a price which is below the manufacturer's list price less seven and one tenth percent (7.1%), shall be deemed to be a sale below merchandise cost. Any change by the manufacturer in the discount from his list price occurring after the effective date of this provision shall be translated into an equivalent change of his list price and all calculations above referred to shall be based on such equivalent list price.

(b) From time to time, the Code Authority may recommend review and reconsideration, or the National Industrial Recovery Board may cause this provision to be reviewed or reconsidered and appropriate action taken.

**SECTION. 2. *Loss Limitation Provision: Distribution Costs.***—An allowance for costs of retail distribution, or any part thereof, may be recommended by the Code Authority, and may be fixed by the National Industrial Recovery Board, and thereafter no member of the trade shall sell at a price which does not include such allowance for costs of retail distribution so fixed. From time to time, the Code Authority may recommend review and reconsideration, or the National Industrial Recovery Board may cause any determination hereunder to be reviewed or reconsidered and appropriate action taken.

Approved Code No. 466—Amendment No. 1.

Registry No. 1615-30.

**AMENDMENT TO CODE OF FAIR COMPETITION**  
**FOR THE**  
**RETAIL TRADE IN THE TERRITORY OF HAWAII**  
**As Approved on April 23, 1935**  
**ORDER**

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
RETAIL 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 an amendment to the Code of fair Competition for the Retail Trade in the Territory of Hawaii, and due Notice of Opportunity to be Heard thereon having been given, 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. 6543-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 expressly 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 for the Retail Trade in the Territory of Hawaii 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 Order does not modify the conditions contained in the Order of Approval of said Code.

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

Approval recommended:

HARRY C. CARR,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*April 23, 1935.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on an amendment to Section 3 of Article VI of the Code of Fair Competition for the Retail Trade in the Territory of Hawaii, approved Code No. 525, as proposed by the Territorial Retail Code Authority duly established under the provisions of said Code. Notice of opportunity to file objections was published by the Deputy Administrator for the Territory of Hawaii on November 26, 1934. The Deputy Administrator states that copies of such notice were posted on the official bulletin board, published in all local newspapers, and mailed to every retailer of record in the Territory. The time for filing objections under the provisions of such notice expired on December 7, 1934. Two objections were submitted which have received the consideration by the Deputy Administrator for the Territory of Hawaii and by the National Industrial Recovery Board. Notice of opportunity to file objections on the mainland was published by the National Industrial Recovery Board on December 3, 1934. The time for filing mainland objections expired on December 15, 1934, with none being filed.

### LABOR PROVISIONS

The amendment provides for a rate of not less than 30¢ per hour for all part-time work within cities of 25000 population and over, and not less than 25¢ per hour within cities, towns and villages of less than 25000 population, and for clarification of the present provisions relating to exceptions in the case of students. The present part-time wage scale is based on the division of the basic work week into the basic weekly wage. As the Code permits a choice of a 40, 44, or 48 hour basic work week with a minimum wage of \$11.00, \$11.50 and \$12.00 respectively, the result is that a part-time worker for a Group III store receives less for the same number of hours as a part-time worker in a Group I store. The proposed amendment is designed to increase wages and to favor full-time employment.

The second part of the proposed amendment is designed to clarify the intent of the Trade at the time the Code was adopted.

### FINDINGS

The Deputy Administrator for Hawaii in a letter addressed to the National Industrial Recovery Board has made a detailed report on the expected effect of the amendment. He has made lengthy and detailed findings of fact in regard to the Retail Trade in the Territory of Hawaii. 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 expressly concur in and adopt the findings of fact contained in said report.

For these reasons, this amendment and the Code as amended has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

APRIL 23, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR  
THE RETAIL TRADE IN THE TERRITORY OF  
HAWAII

Amend Article VI by deleting Section 3 and substituting in lieu thereof the following:

Part-time employees shall be paid not less than at the rate of thirty cents (30¢) per hour within cities of twenty-five thousand (25,000) population and over, nor less than at the rate of twenty-five cents (25¢) per hour within cities, towns and villages of less than twenty-five thousand (25,000) population. However, the County Code Authority provided for in Article X, with the approval of the National Industrial Recovery Board, may make exceptions in the case of students who are engaged in the trade as an incident to a course in vocational training in a recognized institution of learning.

Approved Code No. 525—Amendment No. 1.  
Registry No. 1625-61.

AMENDMENT TO SUPPLEMENTARY CODE OF FAIR  
COMPETITION

FOR THE

WHEEL AND RIM MANUFACTURING INDUSTRY

As Approved on April 23, 1935

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ORDER

APPROVING AMENDMENT OF SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE WHEEL AND RIM 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 an amendment to the Supplementary Code of Fair Competition for the Wheel and Rim Manufacturing Industry, and Opportunity to be Heard having been noticed to all interested persons, 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 to said Supplementary Code 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.,  
*April 23, 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 Supplementary Code of Fair Competition for the Wheel and Rim Manufacturing Industry, a Product Group of the Automotive Parts and Equipment Manufacturing Industry, submitted by the Code Authority for the Automotive Parts and Equipment Manufacturing Industry, on behalf of the Administrative Committee of the Wheel and Rim Manufacturing Industry.

The purpose and effect of the Amendment are to exempt direct export sales, sales ultimately destined for export, and sales of materials used in the manufacture of products for export, from the provisions of this Supplementary Code with regard to prices, discounts, deductions, allowances, extras or methods and/or terms of sale; except as may otherwise be provided by the Administrative Committee, subject to the approval of the National Industrial Recovery Board.

### 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 Supplementary Code empowers the Administrative Committee to present the aforesaid Amendment through the Code Authority 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, therefore, this Amendment has been approved.  
For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

APRIL 23, 1935.

AMENDMENT TO SUPPLEMENTARY CODE OF FAIR  
COMPETITION FOR THE WHEEL AND RIM MANUFACTURING  
INDUSTRY

A PRODUCT GROUP OF THE AUTOMOTIVE PARTS AND EQUIPMENT MANUFACTURING  
INDUSTRY

Amend Article IV, Section 12, to read as follows:

“The provisions of this supplement with regard to prices, discounts, deductions, allowances, extras, or methods and/or terms of sale shall not apply to direct export sales or to sales in course of export (i. e., sales destined ultimately for export), or to sales of materials used in the manufacture of products for export; except as may otherwise be provided by the Administrative Committee, subject to the approval of the National Industrial Recovery Board.”

Approved Code No. 105D—Amendment No. 1.  
Registry No. 1404-46.

AMENDMENT TO CODE OF FAIR COMPETITION  
FOR THE  
ELECTRICAL MANUFACTURING INDUSTRY  
As Approved on April 25, 1935

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ORDER

AMENDMENT OF CODE OF FAIR COMPETITION FOR 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 Electrical Manufacturing Industry, 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, such approval and such amendment to take effect fifteen (15) days from the date hereof, unless good cause to the contrary is shown to the 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.,  
*April 25, 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 Electrical Manufacturing Industry. Opportunity to be Heard was noticed to all interested parties March 14, 1935, in accordance with the provisions of Title I of the National Industrial Recovery Act. All criticisms of, objections to, or suggestions concerning said amendment have been given due consideration. The amendment, which is attached, was presented by the Board of Governors of the National Electrical Manufacturers Association (Code Authority for the Electrical Manufacturing Industry).

The Electrical Manufacturing Code is amended to incorporate additional fair trade practice provisions, the need of which has been demonstrated by practical experience under the Code.

### 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 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 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, the approval to become effective fifteen (15) days from the date of the Order.

For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

APRIL 25, 1935.

# AMENDMENT TO CODE OF FAIR COMPETITION FOR THE ELECTRICAL MANUFACTURING INDUSTRY

## ARTICLE X

Amend the third paragraph of Article X by inserting after the word "shall", in the first line, the words: "quote, bid, offer to sell, contract to sell or" so that the said paragraph shall read as follows:

"No employer shall quote, bid, offer to sell, contract to sell or sell directly or indirectly by any means whatsoever any product of the industry covered by the provisions of this article at a price lower or at discounts greater or on more favorable terms of payment than those provided in his current net price lists or price lists and discount sheets."

Approved Code No. 4—Amendment No. 1.  
Registry No. 1308-10.

Approved Code No. 359—Amendment No. 2

**AMENDMENT TO CODE OF FAIR COMPETITION**  
**FOR THE**  
**PREFORMED PLASTIC PRODUCTS INDUSTRY**

**As Approved on April 25, 1935**

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**ORDER**

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
PREFORMED PLASTIC 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 Preformed Plastic Products 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 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.

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

Approval recommended:

W. P. ELLIS,  
*Division Administrator.*

WASHINGTON, D. C.,  
*April 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 Preformed Plastic Products Industry, submitted by the Code Authority for the Preformed Plastic Products Industry.

The purpose and effect of the amendment is to empower Industry members who may desire to do so to enter into an agreement among themselves for payment of liquidated damages when a Code provision is violated, but only after the execution thereof shall have received the consent of the National Recovery Administration.

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 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.*

APRIL 25, 1935.



## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE PREFORMED PLASTIC PRODUCTS INDUSTRY

Amend Article XIII by adding a new Section 4, as follows:

“Any member of the industry may enter into an agreement with any other member or members of the industry providing for the payment of liquidated damages by any party thereto upon violation by him of any provision of the Code, provided, however, that such agreement shall become effective and binding on the parties thereto only after the execution thereof shall have received the consent of the National Recovery Administration.”

Approved Code No. 359—Amendment No. 2.

Registry No. 1637-13.



**AMENDMENT TO CODE OF FAIR COMPETITION**

FOR THE

**COPPER INDUSTRY**

As Approved on April 26, 1935

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
COPPER INDUSTRY

WHEREAS, it has been reported and now appears to the National Industrial Recovery Board that the Phelps Dodge Corporation, a member of the Copper Industry, has purchased all the property, assets, rights and privileges of all kinds of the United Verde Copper Company, also a member of the Copper Industry, and has, in connection with such purchase, assumed the payment of all liabilities of that company; and

WHEREAS, by Administrative Order No. 401-9A, signed on March 26, 1935, the said Board granted an application of the said Phelps Dodge Corporation for an exemption from the provisions of Sub-section (2), Section 6 of Article VII of the Said Copper Code for a period of thirty (30) days, and allocated the said Phelps Dodge Corporation a monthly sales quota of one and sixty-seven hundredths of one per cent (1.67%) of a relative annual productive capacity of two hundred and thirty-six thousand (236,000) tons of copper; and

WHEREAS, a Notice of Opportunity to be Heard, Administrative Order No. 401-11, dated March 27, 1935, having been published relative to an appropriate amendment to Section 6 (2) of new Article VII of the Code of Fair Competition for the Copper Industry, and the objections filed as provided in said published Notice having been given due consideration, 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.  
*April 26, 1935.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: The Code of Fair Competition for the Copper Industry was approved on April 21, 1934. The Order of Approval contained a new Article VII, relating to marketing provisions. Section 6(2) of this Article contained the following monthly sales allocations for each primary producer in the Industry:

	Tons per annum	Monthly sales quota
		<i>Percent</i>
Kennecott Copper Corporation.....	366, 500	1. 67
Anaconda Copper Mining Co.....	225, 000	1. 67
Phelps Dodge Corporation.....	168, 000	1. 67
United Verde Copper Co.....	68, 000	1. 90
Calumet & Hecla Consolidated Copper Co.....	50, 000	2. 20
Miami Copper Co.....	36, 000	2. 30
Magma Copper Co.....	25, 000	2. 50
United Verde Extension Mining Co.....	24, 000	2. 50
Consolidated Coppermines Co.....	21, 000	2. 70
Copper Range Company.....	17, 500	3. 00

On February 18, 1935 the Phelps Dodge Corporation purchased all the property, assets, rights and privileges of every kind of the United Verde Copper Company and assumed the payment of all its liabilities.

By Administrative Order No. 401-9A, signed on March 26, 1935, the National Industrial Recovery Board granted an application of the Phelps Dodge Corporation for an exemption from the provisions of Sub-section (2), Section 6 of Article VII for a period of thirty (30) days, and allocated the said Phelps Dodge Corporation a monthly sales quota of one and sixty-seven hundredths of one per cent (1.67%) of a relative annual productive capacity of two hundred and thirty-six thousand (236,000) tons of copper.

A Notice of Opportunity to be Heard, Administrative Order No. 401-11, dated March 27, 1935, has been published relative to an appropriate amendment to Section 6 (2) of new Article VII of the Code of Fair Competition for the Copper Industry, and no objections have been filed to the continuation to June 16, 1935 of the allocation granted to the Phelps Dodge Corporation in Administrative Order No. 401-9A. The Deputy Administrator therefor recommended an amendment to Section 6 (2) of new Article VII of the Code of Fair Competition for the Copper Industry.

### 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 policy 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 amounts 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 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.*

APRIL 26, 1935.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE COPPER INDUSTRY

Delete Sub-section (2), Section 6. of new Article VII and substitute therefor the following:

“Until such time as the Code Authority may determine that such member has failed to comply with the provisions of this Code and such determination has been approved for the purpose by the Administrator, the monthly sales quota for each primary producer of the industry listed below and the relative annual productive capacities of such members, arrived at solely for the purpose of establishing sales quotas, shall be as follows:

	Tons per annum	Monthly sales quotas
Kennecott Copper Corporation.....	366,690	<i>Percent</i> 1.67
Anaconda Copper Mining Company.....	225,000	1.67
Phelps Dodge Corporation.....	236,000	1.67
Calumet & Hecla Consolidated Copper Company.....	50,000	2.20
Miami Copper Company.....	36,600	2.30
Magma Copper Company.....	25,000	2.50
United Verde Extension Mining Company.....	24,000	2.50
Consolidated Coppermines Co.....	21,000	2.70
Copper Range Company.....	17,500	3.00

Approved Code No. 401—Amendment No. 1.  
Registry No. 1209-1-02.





AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

BITUMINOUS ROAD MATERIAL DISTRIBUTING  
INDUSTRY

As Approved on April 27, 1935

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
BITUMINOUS ROAD MATERIAL DISTRIBUTING 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 Bituminous Road Material Distributing 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.

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

Approval recommended:

W. P. ELLIS,  
*Division Administrator.*

WASHINGTON, D. C.,  
*April 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 to the Code of Fair Competition for the Bituminous Road Material Distributing Industry, submitted by the Code Authority for the Bituminous Road Material Distributing Industry.

The purpose and effect of the amendment is to provide more specifically for registration of members of the Industry, and also for a registration insignia to be used by such members.

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 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.*

APRIL 27, 1935.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE BITUMINOUS ROAD MATERIAL DISTRIBUTING INDUSTRY

Amend Article VIII by striking out the last two sentences and inserting in lieu thereof the following:

“Registration of a member of the Industry shall include the full name and mailing address of the member, the number and type of bituminous distributors operated or owned, and such other information as may be prescribed by the Code Authority, subject to the approval of the National Industrial Recovery Board.

“The Code Authority shall issue to each member of the Industry a registration insignia indicating such registration. The cost of furnishing such insignia shall be paid by the member registering.

“The design of such insignia and the amount to be paid therefor shall be subject to the approval of the National Industrial Recovery Board. After sixty (60) days from the effective date of this amendment it shall be a violation of this Code for any member of the Industry to operate any bituminous distributor without such registration insignia permanently displayed at all times upon the outside of the bituminous distributor.

“An application may be made by the Code Authority to the National Industrial Recovery Board for an extension of the time limit for the registration of any member of the Industry if it appears that the time limit as provided herein might cause injustice or undue hardship to any member of the Industry.”

Approved Code No. 530—Amendment No. 1.  
Registry No. 1003-05.



AMENDMENT TO CODE OF FAIR COMPETITION  
FOR THE  
FARM EQUIPMENT INDUSTRY

As Approved on April 29, 1935

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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 the Code of Fair Competition for the Farm Equipment Industry, and 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 hereby is, approved and that, effective immediately, said Code of Fair Competition for the Farm Equipment Industry be, and it hereby is, amended as follows:

In Article XI, as amended January 31, 1935, that part of the first paragraph, which has heretofore 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.”

shall be amended to read as follows:

“This Code and any amendment thereof shall remain in effect until June 16, 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.,  
*April 29, 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 May 1, 1935, to June 16, 1935. The Amendment extending the expiration date to June 16, 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 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 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.*

APRIL 29, 1935.

Approved Code No. 39—Amendment No. 5.  
Registry No. 1303-1-04.





AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

BAKING INDUSTRY

As Approved on April 30, 1935

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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 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 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.,  
*April 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 Baking Industry No. 445, as approved by you on May 28, 1934.

The National Bakers' Council, Code Authority for the Baking Industry, in accordance with Article VI, Section 4 (a) of said Code, having found it necessary in order to support the administration of this Code and to maintain standards of fair competition, established by this Code, and to effectuate the policies of the Act, has made application for an amendment of said Code providing that those members of the Industry who desire to do so may enter into an agreement among themselves providing for liquidated damages.

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) 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.*

APRIL 30, 1935.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE BAKING INDUSTRY

Amend Article IX by the addition of a new section to read as follows:

“SECTION 5. *Liquidated Damages*.—Any member of the Industry may enter into an agreement with any other member or members of the Industry providing for the payment of liquidated damages by any party thereto upon violation by him of any provision of the Code, provided, however, that such agreement shall become effective and binding on the parties thereto only after the execution thereof shall have received the consent of the National Recovery Administration.”

Approved Code No. 445—Amendment No. 6.  
Registry No. 101-23.

**AMENDMENT TO CODE OF FAIR COMPETITION**

FOR THE

**CIGAR CONTAINER INDUSTRY**

As Approved on April 30, 1935

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**ORDER**

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE CIGAR  
CONTAINER 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 Cigar Container Industry, and a Notice of 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 finds 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:

JOHN W. UPP,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*April 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 Cigar Container Industry, relating to the incorporation of the Code Authority. The Amendment was proposed in accordance with the provisions of Article IX of the Code, as approved on November 27, 1933, and a Notice of Opportunity to be Heard was published on March 25, 1935 for a period of twenty (20) days.

### 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 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 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 said Amendment on behalf of the Industry as a whole.

(d) The Amendment and the Code as amended are not designed to permit monopolies or monopolistic practices.

(e) The Amendment and the Code as amended are not designed to eliminate or oppress small enterprises nor 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.*

APRIL 30, 1935.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE CIGAR CONTAINER INDUSTRY

Amend: Article VI, by adding a new Section 3, as follows:

The Code Authority may incorporate under the laws of any state of the United States or of the District of Columbia, if it deems such action appropriate for the proper performance of its activities, powers and duties under this Code. Such a Corporation shall be not for profit and the powers, duties, objects and purposes of said Corporation shall be limited to the powers, duties, objects and purposes of the Code Authority as provided in this Code. Prior to such incorporation the Code Authority shall submit to the National Industrial Recovery Board for its approval the proposed Certificate of Incorporation and proposed by-laws, and no amendment of either shall be made without the like prior approval of the National Industrial Recovery Board.

If, at any time, the National Industrial Recovery Board shall determine that the corporate status assumed by the Code Authority is interfering with the proper performance of its activities, powers and duties under this Code, or with the effectuation of the policies or purposes of the Act, it may, after such notice of 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 manner set forth herein, the substitution of a non-corporate Code Authority truly representative of the industry, or such other action as it may deem expedient.

Approved Code No. 135—Amendment No. 2.  
Registry No. 303-02.



Approved Code No. 357—Amendment No. 2

**AMENDMENT TO CODE OF FAIR COMPETITION**  
**FOR THE**  
**INDUSTRIAL FURNACE MANUFACTURING**  
**INDUSTRY**

As Approved on April 30, 1935

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**ORDER**

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE**  
**INDUSTRIAL FURNACE 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 Industrial Furnace Manufacturing Industry, and a public 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.,  
*April 30, 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 Industrial Furnace Manufacturing Industry, approved March 23, 1934, as revised after a Public Hearing held in Washington on the 18th day of March, 1935, in accordance with the provisions of the National Industrial Recovery Act.

The Code of Fair Competition for the Industrial Furnace Manufacturing Industry provides in Article VIII, Section 2, that

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

This amendment provides for an increase in the number of members of the Code Authority from five to seven, one member of the Code Authority to be elected by each of the seven (7) recognized sections within the Industry in a manner and method subject to the approval of the National Industrial Recovery Board.

### 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 promoting the 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.*

APRIL 30, 1935.

# AMENDMENT TO CODE OF FAIR COMPETITION FOR THE INDUSTRIAL FURNACE MANUFACTURING IN- DUSTRY

## PURPOSE

Pursuant to Article VIII, Section 2, of the Code of Fair Competition for the Industrial Furnace Manufacturing Industry, duly approved by the Administrator on March 23, 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 Industrial Furnace Manufacturing Industry.

## AMENDMENT ARTICLE VI—ADMINISTRATION

Delete all of Section 1, Paragraph (a) of Article VI and substitute the following:

SECTION 1. Organization and Constitution of Code Authority.

(a) The Code Authority shall consist of seven (7) individuals, to be selected as hereinafter set forth. The National Industrial Recovery Board, at its discretion, may appoint one (1) to three (3) additional members (without vote) to represent the National Industrial Recovery Board or such groups or interests as it may deem advisable.

One member of the Code Authority shall be elected by each of the following seven (7) recognized sections within the Industry in a manner and method subject to the approval of the National Industrial Recovery Board:

- I. Steel Mill Furnace Section.
- II. Glass Furnace Section.
- III. Ceramic Furnace Section.
- IV. Electric Melting Furnace Section.
- V. Electric Resistance Furnace Section.
- VI. Combustion Heat Treating Furnace Section.
- VII. Oven Section.

In the event that the members of any section of the Industry fail to elect a representative on the Code Authority, the National Industrial Recovery Board may appoint a representative from a list of two (2) or more nominees proposed by the Code Authority as constituted at the time the vacancy occurs.

Approved Code No. 357—Amendment No. 2.  
Registry No. 1103—09.

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

INDUSTRIAL SUPPLIES AND MACHINERY  
DISTRIBUTORS' TRADE

As Approved on April 30, 1935

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
INDUSTRIAL SUPPLIES AND MACHINERY DISTRIBUTORS' TRADE

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Industrial Supplies and Machinery Distributors' Trade, and Notice of Opportunity to be Heard 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 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 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 a subsequent order to that effect is issued.

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

Approval recommended: .

HARRY C. CARR,  
*Division Administrator.*

WASHINGTON, D. C.,  
*April 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 Industrial Supplies and Machinery Distributors' Trade. This amendment was proposed in accordance with Article VIII of the Code, approved October 23, 1933, and Notice of Opportunity to be Heard was given November 23 to December 13, 1934.

This amendment is intended to definitely define city, state, and governmental agencies as industrial consumers and to clarify the definition so that there is no question as to the class of products covered by the Code.

### 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 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 purchasing power, 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, this Amendment has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN  
*Administrative Officer.*

APRIL 30, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR  
THE INDUSTRIAL SUPPLIES AND MACHINERY DIS-  
TRIBUTORS' TRADE

Amend Article II by deleting Section 1 and substituting in lieu thereof the following:

SECTION 1. The term "Industrial Supplies and Machinery Distributors' Trade", or "trade", as used herein, includes the warehousing, selling, distributing, and/or servicing in conjunction therewith of industrial tools, industrial equipment, and industrial supplies for railroads, ships, boats, mines, mills, factories, and/or for other industrial users, and/or for the Federal Government or for any State, County, Municipality or other public authority, or any of their respective agencies or instrumentalities.

Approved Code No. 61—Amendment No. 3.  
Registry No. 1399-1-16.





**AMENDMENT TO CODE OF FAIR COMPETITION**  
**FOR THE**  
**DAILY NEWSPAPER PUBLISHING BUSINESS**  
**As Approved on May 2, 1935**

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**ORDER**

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE**  
**DAILY NEWSPAPER PUBLISHING BUSINESS**

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 Daily Newspaper Publishing Business 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 said Code as constituted after being so amended complies in all respects with the pertinent provisions and will promote the policy and the 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 approval of said Code in its entirety as amended.

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

Approval recommended:

JACK B. TATE,  
*Division Administrator*.

GUSTAV PECK,  
*Assistant to the Administrative Officer*.

WASHINGTON, D. C.,  
*May 2, 1935.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the proposed amendment to the Code of Fair Competition for the Daily Newspaper Publishing Business, approved Code No. 288. The amendment applies specifically to hours and wages for news department employees and is in the form of an additional Section 3 to Article III and an additional Section 5 to Article IV. A Notice of Public Hearing, Administrative Order No. 98-C was issued December 27, 1934, and a Public Hearing was held on January 17, 1935, at which Hearing an opportunity was given to all interested parties to present to the National Industrial Recovery Board facts pertinent to the proposed amendment.

The hours of work proposed for news department employees shall be those provided in Article III, Section 1, paragraph 1 of the Code, but the definition of news department employees does not apply to persons employed in a managerial or executive capacity, to editorial writers, to employees on out of town assignment, nor to correspondents (except where a permanent bureau of two or more full-time correspondents is maintained.)

The minimum wage for full-time, salaried news department employees, will be determined by the population of the community in which the business of the employer is located, there being six broad classifications. Part time employees will receive pro rata rates based on the scale of minimum wages. Cub reporters will be paid not less than seventy per cent (70%) of the wage called for in the scale. Learners and apprentices, copy and office boys or girls, and employees engaged in clerical, filing or statistical work will be paid in accordance with the provisions of Article IV, Section 1 of the Code.

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

We find that:

(a) Amendment to 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 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 in-

dustrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For the above reasons the amendment has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

MAY 2, 1935.

# AMENDMENT TO CODE OF FAIR COMPETITION FOR THE DAILY NEWSPAPER PUBLISHING BUSINESS

## ARTICLE III

SECTION 3. The hours of work for news department employees shall be those provided in Section 1, Paragraph 1, of this Article.

The provisions of this section shall not apply to persons employed in a managerial, executive or personal capacity, to editorial writers, to employees on out of town assignments, nor to correspondents except where a permanent bureau of two or more full time correspondents is maintained.

## ARTICLE IV

SECTION 5. The minimum wage for full time, salaried news department workers engaged principally in the gathering, writing or editing of news, (including photographers and artists so engaged) shall be as specified in the following schedule:

Population of City—	Minimum Wage
Less than 10,000-----	\$12.50 per week
10,000 to 25,000-----	\$15.00 per week
25,000 to 50,000-----	\$18.00 per week
50,000 to 250,000-----	\$20.00 per week
250,000 to 500,000-----	\$22.00 per week
Over 500,000-----	\$25.00 per week

Part time employees so engaged shall receive pro rata rates of the foregoing schedule.

Cub reporters shall be paid not less than 70 per cent of the foregoing schedule.

Minimum wages for learners and apprentices, copy and office boys or girls, and employees engaged in clerical, filing or statistical work shall be those provided in Section 1 of this Article.

Approved Code No. 288—Amendment No. 2.  
Registry No. 507-1-05.

AMENDMENT TO SUPPLEMENTARY CODE OF FAIR  
COMPETITION

FOR THE

COMMERCIAL STATIONERY AND OFFICE  
OUTFITTING TRADE

As Approved on May 6, 1935

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ORDER

APPROVING AMENDMENT OF SUPPLEMENTARY CODE OF FAIR COMPE-  
TITION FOR THE COMMERCIAL STATIONERY AND OFFICE OUTFITTING  
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 the Supplementary Code of Fair Competition for the Commercial Stationery and Office Outfitting Trade, and Notice of Opportunity to be Heard having been afforded all members of the 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, 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, such approval and such amendment to take effect fifteen 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:

HARRY C. CARR,  
*Division Administrator.*

WASHINGTON, D. C.,  
May 6, 1935.

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the amendment of the Supplementary Code of Fair Competition for the Commercial Stationery and Office Outfitting Trade as approved by the Administrator on March 16, 1934. Application was made under date of March 21, 1935, by the Divisional Code Authority for the Commercial Stationery and Office Outfitting Trade for amendment of Article V.

The amendment was drawn up and proposed in accordance with Office Memorandum No. 331, dated January 29, 1935, and with the Legal Division's suggested wording for such amendment. It is intended that this amendment will allow members of the Trade to enter into contracts and the payment of liquidated damages upon violation of code provisions.

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 proceedings in this matter:

It 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 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 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 National Industrial Recovery Board has approved this amendment to the Supplementary Code of Fair Competition for the Commercial Stationery and Office Outfitting Trade.

For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

MAY 6, 1935.

AMENDMENT TO SUPPLEMENTARY CODE OF FAIR  
COMPETITION FOR THE COMMERCIAL STATIONERY  
AND OFFICE OUTFITTING TRADE

A DIVISION OF THE WHOLESALING OR DISTRIBUTING TRADE

A new section to be known as Article V, Section 5 of the Supplementary Code of Fair Competition for the Commercial Stationery and Office Outfitting Trade, shall be added to read as follows:

SECTION 5. Any member of the Trade may enter into an agreement with any other member or members of the Trade providing for the payment of liquidated damages by any party thereto upon violation by him of any provision of the Code, provided, however, that such agreement shall become effective and binding on the parties thereto only after the execution thereof shall have received the consent of the National Recovery Administration.

Approved Code No. 201 C—Amendment No. 1.  
Registry No. 409-1-02.



AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

DAILY NEWSPAPER PUBLISHING BUSINESS

As Approved on May 6, 1935

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE DAILY  
NEWSPAPER PUBLISHING BUSINESS

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 Daily Newspaper Publishing Business and 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 said Code as constituted after being so 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.

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

Approval recommended:

JACK B. TATE,  
*Division Administrator.*

WASHINGTON, D. C.,  
*May 6, 1935.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on a proposed amendment to the Code of Fair Competition for the Daily Newspaper Publishing Business, approved Code No. 288.

Article VI, Section 2 of the Code now provides for the designation of Code Authority members and the Chairman thereof by certain newspaper associations. It is proposed in the amendment to the Code submitted herewith to modify only the provision relating to designations by the American Newspaper Publishers' Association by striking out the following clause: "Of whom its President shall be one," and also the final sentence: "The President of the American Newspaper Publishers' Association shall be the Chairman of the Code Authority."

This modification was suggested in the first instance by the American Newspaper Publishers' Association, so that the status of Code Authority membership and Chairmanship would not be affected by changes in the Association presidency.

The amendment having been duly approved by the Code Authority was thereupon submitted to all publisher members of the Code for their consent, as required by Article VII of the Code. This referendum resulted as follows:

For the Amendment.....	594 votes
Against the Amendment.....	4 votes

A Notice of Opportunity to be Heard has been issued as of the day the Order approving the amendment was signed, and the Order approving the amendment will become effective twenty days from the date thereof unless good cause to the contrary is shown and a subsequent order issued by the Board to that effect.

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

We find that:

(a) Amendment to 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 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 Code Authority to present the aforesaid amendment on behalf of the industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For the above reasons the amendment has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

MAY 6, 1935.

# AMENDMENT TO CODE OF FAIR COMPETITION FOR THE DAILY NEWSPAPER PUBLISHING BUSINESS

## ARTICLE VI

Amend Section 2 to read as follows:

SECTION 2. The Code Authority shall consist of ten members from the newspaper publishing business to be selected as hereinafter provided; and in addition there may be three members without vote, to be appointed by the President, to serve without expense to those assenting to this Code. Five members shall be designated by the Board of Directors of the American Newspaper Publishers Association, and one member by each of the following associations: The New England Daily Newspaper Association, the Southern Newspaper Publishers Association, the Del-Mar-Va Association, the Inland Daily Press Association, and the Pacific Northwest Newspaper Association.

Approved Code No. 288—Amendment No. 3.  
Registry No. 507-1-05.

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

SHOE AND LEATHER FINISH, POLISH, AND  
CEMENT MANUFACTURING INDUSTRY

As Approved on May 6, 1935

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE SHOE  
AND LEATHER FINISH, POLISH, AND CEMENT 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 Shoe and Leather Finish, Polish, and Cement 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 No. 6859, dated September 27, 1934, and otherwise, does hereby incorporate by reference said annexed report 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 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, and the National Industrial Recovery Board, by its further order, otherwise directs.

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

Approval recommended:

JOSEPH F. BATTLEY,  
*Division Administrator.*

WASHINGTON, D. C.,  
*May 6, 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 Shoe and Leather Finish, Polish, and Cement Manufacturing Industry which was approved by you on December 30, 1933.

A Public Hearing on the proposed Amendment was conducted in Washington on January 29, 1935, in accordance with the provisions of the National Industrial Recovery Act.

The Amendment deletes the provisions in the Code of said Industry as originally approved which have to do with the allowing of datings and shipping on consignment in this Industry and substitutes in place thereof revised provisions covering the same subject.

The Amendment provides that it shall be unfair competition for any member of this Industry to give datings in excess of thirty days except (1) on merchandise shipped from coast to coast via the Panama Canal, in which case an additional thirty days is allowed; (2) on merchandise shipped on or after September 1st and prior to December 1st, where the purpose is to supply the customer with his winter requirements, in which case a dating not exceeding February 1st may be given; and (3) shipments of cleaners for white shoes made on or after February 1st and prior to June 1st in which case a dating not exceeding June 1st may be given, and after June 1st there shall be no dating in excess of sixty days.

By this Amendment consignment sales are limited to thirty days.

### 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 inter-state and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of Industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing

and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating Industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation subsection (a) of Section 3, subsection (a) of Section 7, and subsection (b) of Section 10 thereof.

(c) The 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.

(d) The Amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(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.

Therefore, said Amendment has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

MAY 6, 1935.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE SHOE AND LEATHER FINISH, POLISH, AND CEMENT INDUSTRY

Article VII, Section 2, Subsection E shall be eliminated and the following substituted in place thereof:

E. To give datings in excess of thirty (30) days except as follows:

*Exception #1.*—On all merchandise shipped from Coast to Coast via the Panama Canal the manufacturer may, if he so desires, allow a dating of thirty days in addition to the regular thirty days.

*Exception #2.*—On all merchandise shipped on or after September 1st and prior to December 1st of any year where the purpose is to supply the customer with his winter requirements, the manufacturer may, if he so desires, allow a dating not to exceed February 1st.

*Exception #3.*—On all shipments made on or after February 1st and prior to June 1st of Cleaners for White Shoes the manufacturer may, if he so desires, give a dating not to exceed June 1st and after June 1st there shall be no dating in excess of sixty days.

*Exception #4.*—Provided, however, that the provisions of Exceptions #2 and #3, shall not be applicable to liquids for cleaning wearing apparel sold under a trade name, and not sold as a basic commodity.

Article VII, Section 2, Subsection H shall be eliminated and the following substituted in place thereof:

To ship goods on consignment in excess of thirty (30) days. Or for any manufacturer to ship merchandise to himself in care of a customer, such practice being considered a subterfuge. This provision is not intended to prohibit shipping merchandise to a jobber who acts as a warehouse point and who delivers to other jobbers for the account of the Manufacturer. It is also not intended to apply to shipments to a manufacturer's public or private warehouse.

Approved Code No. 184—Amendment No. 2.  
Registry No. 621-05.



AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

TOLL BRIDGE INDUSTRY

As Approved on May 6, 1935

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
TOLL BRIDGE 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 Toll Bridge Industry, and an opportunity to be heard having been afforded to all interested parties and a 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 adopt and incorporate herein by reference said report; does find that said amendments (in the form set forth in the Schedule referred to below) 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 (in the form set forth in the Schedule annexed hereto, marked Schedule "A", and by this reference made a part hereof) be and they hereby are 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.,  
*May 6, 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 amendment of Article VI of the Code of Fair Competition for the Toll Bridge Industry.

The Code of Fair Competition for the Toll Bridge Industry was approved on May 17, 1934. Article VI, Section 10, provides that:

“(10) All members of the industry shall furnish to the Code Authority, through an impartial 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 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.”

Article VI, Section 12, of said Code, provides that:

“(12) The Code Authority shall cooperate with the Administrator in regulating the use of any NRA insignia solely by those members of the industry who have assented to and are complying with this Code.”

Amendment No. 1 of the Code of Fair Competition for the Toll Bridge Industry was approved on December 20, 1934, provided, however, that the first sentence of Section 10 and the whole of Section 12 of Article VI of said Code be stayed pending further order of the National Industrial Recovery Board.

Subsection (b), Section 8, Article VI, of Amendment No. 1, provides that:

“(b) To obtain from members of the industry such information and reports as are required for the administration of the Code.”

This Subsection (b) of the amendment is inconsistent with the first sentence of Section 10, Article VI, of the Code.

The proposed amendment deletes the first sentence of Section 10, Article VI, of the Code, so that this Section shall read as follows:

“(10) 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."

Paragraph 2, Subsection (e), Section 8, Article VI, of Amendment No. 1, provides that:

"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 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."

This paragraph 2, Subsection (e), Section 8, Article VI, of the Amendment is inconsistent with Section 12, Article VI, of the Code.

The proposed amendment deletes Section 12, Article VI, of the Code, and amends Section 13, Article VI, of the Code, by changing the Section number thereof from "(13)" to "(12)".

The inconsistencies between the Sections of the Code and the Sections of Amendment No. 1 are eliminated by the proposed amendment.

#### FINDINGS

The Deputy Administrator, in his final report to the National Industrial Recovery Board on said amendment of 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 of said Code will eliminate certain inconsistencies between Sections of the Code and Amendment No. 1. Said inconsistencies are occasioned by a conflict in the wording of the Code and the wording of the model clauses of Amendment No. 1. The elimination of these inconsistencies have no economic significance and will not create any inequitable conditions, as between members of the Industry.

(b) 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 obstruction 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.

(c) 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.

(d) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the Industry as a whole.

(e) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(f) 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.

(g) 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.*

MAY 6, 1935.

Approved Code No. 431—Amendment No. 2.  
Registry No. 1713-2-15.

## SCHEDULE "A"

Section 10, Article VI of the Code of Fair Competition for the Toll Bridge Industry is hereby amended by deleting the first sentence thereof so that this Section shall read as follows:

"(10) 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."

Section 12, Article VI of said Code is hereby deleted.

Section 13, Article VI of said Code is hereby amended by changing the Section number thereof from "(13)" to "(12)".



AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

TRUCKING INDUSTRY

As Approved on May 6, 1935

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
TRUCKING 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 Trucking 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 27th, 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. PEBBLES,  
*Division Administrator.*

WASHINGTON, D. C.,  
*May 6, 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 two amendments to Article III, Section B of the Code of Fair Competition for the Trucking Industry, approved February 10, 1934.

The first amendment, which deletes the word "misfeasance" in the last line of Article III, Section B, Subsection 7 of said Code and substitutes therefor the word "malfeasance", affords members of Code Authorities a greater protection from any liability arising in the conduct of their official duties under the Code.

The second amendment properly extends to members of committees of the Industry which may be appointed by a Code Authority to aid in the administration of the Code, the same protection as is now granted members of the various Code Authorities in carrying out their official duties.

The amendments are submitted as revised by the National Code Authority, except for an unimportant change in the numbering of the subsections referred to in said amendments. No objections, criticisms or suggestions were received during the period provided in the Notice of Opportunity to be Heard, published April 4, 1935.

### FINDINGS

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



(b) The Code as 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 any other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendments.

(g) Code Authority members should be protected from any liability which may arise from an error in judgment on their part where said members perform some positive act in good faith in the conduct of their official duties under the Code.

(h) The amendment to Subsection 7 of Section B of Article III is designed to and does afford such protection.

(i) Members of committees appointed by Code Authorities should be granted the same protection in carrying out their official duties under the Code as is now granted members of Code Authorities in carrying out their official duties.

(j) The amendment adding Subsection 8 to Section B of Article III is intended to and does afford such protection.

For these reasons, these amendments have been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

MAY 6, 1935.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE TRUCKING INDUSTRY

Article III, Section B, Subsection 7 of said Code is hereby amended by deleting after the first word of the last line the word "misfeasance" and substituting therefor the word "malfeasance". As thus amended, Article III, Section B, Subsection 7 reads as follows:

"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 a 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 wilful malfeasance or nonfeasance."

Article III, Section B of said Code is hereby amended by adding a new subsection to be headed "8". Subsection 8 reads as follows:

"Nothing contained in this Code shall constitute the members of any committee of the Industry, appointed to aid in the administration of the Code, partners for any purpose. Nor shall any member of any such committee be liable in any manner to anyone for any act of any other member, officer, agent or employee of a Code Authority or of such a committee. Nor shall any member of such 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 nonfeasance."

Approved Code No. 27S—Amendment No. 4.  
Registry No 1411-61.

**AMENDMENT TO SUPPLEMENTARY CODE OF FAIR  
COMPETITION**

FOR THE

**WIRE ROPE AND STRAND MANUFACTURING  
INDUSTRY**

As Approved on May 6, 1935

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**ORDER**

APPROVING AMENDMENT OF 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

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 Supplementary Code of Fair Competition for the Wire Rope and Strand Manufacturing Industry and a Notice of Opportunity to be Heard having been duly given 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, dated September 27, 1934, and otherwise, does hereby incorporate by reference said annexed report and does find that said amendments 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 amendments be, and they are 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:

JOHN W. UPP,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*May 6, 1935.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on Amendments to the Supplementary Code of Fair Competition for the Wire Rope and Strand Manufacturing Industry, to incorporate provisions to constitute as unfair trade practices the guarantee or protection in any form against advance or decline in the market price of any products; to exclude the export trade or sales on shipments for export trade from the provisions of the Supplementary Code relating to prices or terms of selling, shipping or marketing; to specifically empower the Supplementary Code Authority to present Amendments on behalf of the Industry as a whole; to provide for the payment of liquidated damages; to increase the membership of the Supplementary Code Authority from sixteen to seventeen members. These Amendments were proposed in accordance with Article XI, Sections 2 and 3 of the Supplementary Code as approved on May 24, 1934, and a Notice of Opportunity to be Heard was published on March 25, 1935.

### FINDINGS

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

The Amendment to Article VIII, Rule 12 covers the guarantee against advance and decline in prices.

Finding: To prevent unfair competition, the trade practice of guaranteeing a purchaser against advance or decline in prices is to be considered unfair.

The Amendment to be new Article XI relates to Export Trade.

Finding: This Amendment by excluding Export Trade from the provisions of the Supplementary Code relating to prices or terms of selling, shipping or marketing, allows a better opportunity for the free flow of foreign commerce. The competitive conditions of the various consumer countries will be better overcome and a resultant increase in production may be expected.

The Amendment to Article IX, Sections 2 and 3 authorizes the Supplementary Code Authority to present Amendments on behalf of the Industry as a whole.

Finding: Under the existing provisions in the Supplementary Code, it is necessary for Amendments to be submitted by a majority of the members of the entire Industry. The Amendment will simplify this procedure.

The Amendment to be identified as Article X provides for the payment of liquidated damages.

Finding: Members of the Industry who so desire may enter into an agreement among themselves for payment of liquidated damages. This voluntary agreement will tend to promote the general welfare of the Industry and will improve the standards of labor through increased employment and protection of wage and hour provisions.

The Amendment of Article IV, Section 1, Paragraph 2, increases the membership of the Supplementary Code from sixteen to seventeen members.

Finding: This Amendment recognizes the need of further Industry representation, and the Supplementary Code Authority will represent approximately ninety-five percent of the total production and sales in the Industry.

#### GENERAL FINDINGS

(a) The Amendments will not change the fundamental economic conditions of the Industry, will not obstruct any sound economic practice in the Industry and will further the economic progress of any manufacturer or member of the Wire Rope and Strand Manufacturing 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 provides that the aforesaid Amendments may be presented by a majority by number of all members of the Industry.

Finding: The total number of members in the Industry is twenty-one (21). A vote of approval has been received from a majority of the members.

(d) The Amendments and the Supplementary Code as amended are not designed to and will not permit monopolies or monopolistic practices and will not eliminate or oppress small enterprises or discriminate against them.

Finding: The tendency towards any monopoly arising is not anticipated. The Amendments were considered at a meeting of the Supplementary Code Authority representing eighty percent by number of the members of the Industry. A Notice of Opportunity to Be Heard was published and all members of the Industry have been given a ballot on which they may vote on the proposed Amendments.

(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.

Finding: No protests were received from other industries as a result of publishing the Notice of Opportunity to be Heard.

For these reasons, therefore, these Amendments have been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

MAY 6, 1935.

## AMENDMENT TO 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

Article IV, Section 1, Paragraph 2, to be amended as follows: "There shall be constituted within the sixty-day period a Supplementary Code Authority of seventeen members to be elected by the members of the Industry at a meeting to be called by the temporary Supplementary Code Authority upon ten (10) days' notice sent by registered mail to all known members of the Industry, each member of the Industry to have one vote and such member may vote either in person or by proxy, a majority of votes so cast being necessary for election."

Add the following Rule 12 to Article VIII: "Making or giving to any purchaser of any product any guarantee or protection in any form against advance or decline in the market price of such product."

Delete Sections 2 and 3 of Article IX and substitute therefor a new Section 2 as follows: "This Supplementary Code, except as to provisions required by the Act, may be modified or amended on the basis of experience or changes in circumstances, such modifications or amendments to be based upon application by the Supplementary Code Authority or other representative group within the Industry to the National Industrial Recovery Board and such Notice and Hearing as it shall specify and to become effective and be a part of this Supplementary Code on approval by the President and/or the National Industrial Recovery Board."

Liquidated Damages to be added as new Article X: "Any member of the Industry may enter into an agreement with any other member or members of the Industry providing for the payment of liquidated damages by any party thereto upon violation by him of any provision of the Supplementary Code, provided, however, that such agreement shall become effective and binding on the parties thereto only after the execution thereof shall have received the consent of the National Industrial Recovery Board."

Export Trade—to be added as new Article XI, the succeeding Articles to be renumbered accordingly: "No provision of this Supplementary 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 as adopted April 10, 1918."

Approved Code No. 84H1—Amendment No. 2.  
Registry No. 1151-03.

AMENDMENT TO CODE OF FAIR COMPETITION  
FOR THE  
CONSTRUCTION INDUSTRY

As Approved on May 7, 1935

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR 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 Construction 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, dated September 27th, 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:

ROBT. N. CAMPBELL,

*Acting Division Administrator.*

WASHINGTON, D. C.,

*May 7, 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 Construction Industry as approved by you on January 31st, 1934. The amendment has been duly submitted by the National Code Authority on behalf of the Industry. All those interested have had ample opportunity to file objections, and no such objections have been received.

The effect of the amendment to Article IV, B Section 2 (c) is to permit the Construction Code Authority to consider and examine any amendments to the supplemental Codes. The purpose of this amendment is to bring about proper coordination within the Industry and between its various divisions and subdivisions.

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 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 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 Code as amended is 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 this amendment.

For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

MAY 7, 1935.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE CONSTRUCTION INDUSTRY

Amend Article IV. B. Section 2 (c) by deleting the present section and, in lieu thereof, insert the following:

(c) It shall study the provisions incorporated in this Code applicable to its own division, and the operation thereof, and may make such recommendations to the National Industrial Recovery Board as it deems desirable for amendment thereto, provided that the Construction Code Authority shall be given ample opportunity to consider and examine any such recommendations for amendment thereto, prior to their approval by the National Industrial Recovery Board to the end that there may be proper coordination within the industry and between its various divisions and subdivisions. Such recommendations, upon approval of the National Industrial Recovery Board after such notice and hearing as it may prescribe shall become a part of this Code and have full force and effect as provisions hereof.

Approved Code No. 244—Amendment No. 7.  
Registry No. 1616-2-31.

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

BLOUSE AND SKIRT MANUFACTURING  
INDUSTRIES

As Approved on May 8, 1935

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
BLOUSE AND SKIRT MANUFACTURING INDUSTRIES

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 Blouse and Skirt Manufacturing Industries, 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, 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:

M. D. VINCENT,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*May 8, 1935.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: A public hearing was called on October 26, 1934, to discuss amendments to the Code of Fair Competition for the Blouse and Skirt Manufacturing Industries. The hearing subsequently adjourned to November 16, 1934, and to December 3, 1934, and again to December 17, 1934, at which date the amendment herein contained was properly heard.

Following the hearing, this amendment was revised upon the basis of facts presented, and in accordance with the suggestions of the various Advisory Boards, the Legal Division, and the Division of Research and Planning of the National Recovery Administration.

This amendment amends Article V by adding thereto a new section to be known as section 9. The provisions of this new section empower the Code Authority to require members of the Industry to keep accurate and complete records with respect to wages, hours of labor, conditions of employment, number of employees, production and such other matters as may be required by the Code, and shall furnish accurate reports based on such records when required by the Code Authority or the National Industrial Recovery Board. It is further provided that a confidential agency shall be established by the Code Authority for the purpose of examining any books and records submitted in accordance with the provisions of this amendment.

In accordance with the counsel of the Legal Division, notices of Opportunity to be Heard will be printed and distributed in the same manner as notices of Public Hearing. A specified date is set forth in such notices, by which time objections and criticisms are 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 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 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 the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

MAY 8, 1935.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE BLOUSE AND SKIRT MANUFACTURING INDUS- TRIES

Amend Article V by the addition of a new section, to be known as Section 9, reading as follows:

All members of the industry shall keep accurate and complete records with respect to wages, hours of labor, conditions of employment, number of employees, production and such other matters as may be required by the Code, and shall furnish accurate reports based on such records when required by the Code Authority or the National Industrial Recovery Board.

For the purpose of verifying such reports all the pertinent books, records and papers of a member of the industry shall be available for examination by the chief enforcement officer of the Code Authority and such deputies and investigators working under his supervision as may be employed by the Code Authority. However, a member of the Industry may request that an impartial agent, agreed upon between the Code Authority and such member, or appointed by the National Industrial Recovery Board, be designated to examine books and records for the purpose of verifying reports.

The reports of individual members of the industry shall be submitted to the chief enforcement officer of the Code Authority and shall not be disclosed to any other member of the industry whether on the Code Authority or otherwise, in identifiable form, and shall be treated as confidential, except where alleged violations are being heard by duly qualified agencies.

Approved Code No. 194—Amendment No. 3.  
Registry No. 210-01.

Approved Code No. 162—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

DOMESTIC FREIGHT FORWARDING INDUSTRY

As Approved on May 8, 1935

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
DOMESTIC FREIGHT FORWARDING 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 Domestic Freight Forwarding Industry, and an opportunity to be heard having 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, dated September 27, 1934, and otherwise, does hereby adopt and incorporate herein by reference said annexed report; does find that said amendment (in the form set forth in the Schedule referred to below) 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 (in the form set forth in the Schedule annexed hereto, marked Schedule "A", and by this reference made a part hereof) be and it hereby is 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.,  
*May 8, 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 V of the Code of Fair Competition for the Domestic Freight Forwarding Industry.

The Code of Fair Competition for the Domestic Freight Forwarding Industry was approved on December 18, 1933. Article V contains six sections of general labor provisions. Recognizing the importance of establishing standards for safety and health, a new section, to be known as Section 7, is therefore proposed to be added to Article V. This section will require the submission of standards, providing for the safety and health of employees at the place and during the hours of their employment, within six months after the effective date of this amendment. After approval, such standards of safety and health shall become the minimum standards of safety and health for all members of the Industry and shall thereafter be a part of the Code and enforceable as such.

### FINDINGS

The Deputy Administrator, in his final report to the National Industrial Recovery Board on the 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) Certain members of the Industry are not following any adequate standards for the safety and health of their employees. Other things being equal, the expenses of a member who is not following such standards are less than those of a member who has adopted such standards and who is incurring additional expenses necessarily involved in following them. The competitive advantage gained by not following any adequate standards of safety and health is, as a matter of fact, unfair.

(b) 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 obstruction 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 restric-



tion 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.

(c) 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.

(d) The Code Authority, which submitted the application for amendment of the Code, is truly representative of the Industry as a whole.

(e) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(f) 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.

(g) Those engaged in any 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.*

MAY 8, 1935.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE DOMESTIC FREIGHT FORWARDING INDUSTRY

The Code of Fair Competition for the Domestic Freight Forwarding Industry shall be amended by adding a new section to Article V, to be known as Section 7, to read as follows:

“7. Every employer 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 Code Authority to the National Industrial Recovery Board for approval within six months of the effective date hereof. After approval, such standards shall become the minimum standards of safety and health for all members of the Industry and shall thereafter be a part of this Code and enforceable as such.”

Approved Code No. 162—Amendment No. 1  
Registry No. 1411-25

## SCHEDULE "A"

Article V, Code of Fair Competition for the Domestic Freight Forwarding Industry, is hereby amended by adding at the end thereof the following new Section:

"7. Every employer 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 Code Authority to the National Industrial Recovery Board for approval within six months of the effective date hereof. After approval, such standards shall become the minimum standards of safety and health for all members of the Industry and shall thereafter be a part of this Code and enforceable as such."



Approved Code No. 175—Amendment No. 3

**AMENDMENT TO CODE OF FAIR COMPETITION**  
**FOR THE**  
**MEDIUM AND LOW PRICED JEWELRY**  
**MANUFACTURING INDUSTRY**

As Approved on May 8, 1935

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**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 approval of an amendment to the Code of Fair Competition for the Medium and Low Priced Jewelry Manufacturing Industry, said amendment being designed to, and will make possible an equitable and just basis of electing Industry Members of the Code Authority 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 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.,  
*May 8, 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 Medium and Low Priced Jewelry Manufacturing Industry, submitted by the Code Authority for the Medium and Low Priced Jewelry Manufacturing Industry.

The purpose and effect of the amendment are to establish an equitable and just method of electing the Code Authority.

The following facts have been developed:

1. The present Section 1 (a) of Article VII provides:

“(a) The Code Authority shall consist of the Council of Jewelry and Allied Industries and one member of the Precious Jewelry Producing Industry.”

2. As the membership of the Council of Jewelry and Allied Industries consists of seven hundred (700) members, this provision, if left in the Code, would provide for a Code Authority of seven hundred (700) members.

3. This, obviously, would set up a Code Authority that would be unworkable and was not the original intent when this section was written.

4. This amendment will provide for a specified number of Industry members, to serve as a Code Authority, as well as establish a method of selection.

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 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 the industries, by avoiding undue restrictions of production (except as may be temporarily required) by increasing the consumption of industrial and agricultural products through increasing purchasing power, by

reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the 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.*

MAY 8, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE  
MEDIUM AND LOW PRICED JEWELRY MANUFACTUR-  
ING INDUSTRY

Delete Section 1 (a) of Article 7 and substitute the following:  
“The Code Authority shall consist of nine members of the industry  
elected through a fair method of selection approved by the National  
Industrial Recovery Board.”

Approved Code No. 175—Amendment No. 3.  
Registry No. 1215-1-01.



Approved Code No. 244—Amendment No. 8

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

CONSTRUCTION INDUSTRY

As Approved on May 9, 1935

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR 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 amendments to a Code of Fair Competition for the Construction Industry, and an opportunity to be heard having been duly afforded to 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 27th, 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:

ROBT. N. CAMPBELL,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*May 9, 1935.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report covering three amendments to the Code of Fair Competition for the Construction Industry as approved by you on January 31, 1934. The amendments have been duly submitted by the National Code Authority on behalf of the Industry. All those interested have had ample opportunity to file objections, and no such objections have been received.

The effect of the amendment to Section 5 of Article III is to permit the appointment of an impartial chairman of the Regional Planning and Adjustment Board, such an impartial chairman now being prohibited. The effect of the amendment to Section 1 of Article III is to remove the present restriction that all local regional boards shall be limited to two members representing employers and two representing employees, and to permit such equal number of representatives of both employers and employees as may be deemed advisable. The effect of the second amendment to Section 1 of Article III is to permit joint mutual collective bargaining agreements between two or more divisions or subdivisions.

The Acting 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 the proceedings in this matter:

It 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 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 Code as amended is not designed to and will not permit monopolies or monopolistic practices.

(e) The amendments and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, therefore, the National Industrial Recovery Board has approved these amendments to the Code of Fair Competition for the Construction Industry.

For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

MAY 9, 1935.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE CONSTRUCTION INDUSTRY

Amend Article III by adding to the end of the first paragraph of Section 1 of Article III the following:

“Nothing herein contained shall be construed to prevent truly representative associations or groups of employers and employees respectively concerned in two or more divisions or subdivisions of the industry by mutual consent from entering into a joint mutual agreement.”

Amend Article III by deleting the second sentence of the third paragraph of Section 1, Article III, reading as follows:

“Each such Board shall consist of two representatives each of employers and employees of the division or subdivision affected, selected by the Administrator from nominations made by such employers and employees respectively in such manner as the Administrator may approve or prescribe, and an impartial chairman named by the Administrator from nominations made by the employer and employee representatives selected to the Board.”

and substituting therefor the following:

“Each such Board shall consist of an equal number of representatives each of employers and employees of the division or subdivision affected, selected by the National Industrial Recovery Board from nominations made by such employers and employees respectively in such manner as the National Industrial Recovery Board may approve or prescribe, and an impartial chairman named by the National Industrial Recovery Board from nominations made by the employer and employee representatives selected to the Board.”

Amend Article III by deleting the first sentence of the fourth paragraph of Section 5 of Article III reading as follows:

“The National Construction Planning and Adjustment Board shall have the authority, and upon its own motion shall establish in properly defined areas, Regional Construction Planning and Adjustment Boards, and said Boards shall be composed of an equal number of members from employer groups and employee groups, and it is further provided that there shall be no disinterested or impartial chairman of said Regional Boards, it being provided that such Boards shall select from their members a chairman and a secretary.”

and substituting therefor the following:

“The National Construction Planning and Adjustment Board shall have the authority, and upon its own motion shall establish in properly defined areas, Regional Construction Planning and Adjustment Boards, and said Boards shall be composed of an equal number of members each from employer and employee groups and an impartial chairman.”

Approved Code No. 312—Amendment No. 2

AMENDMENT TO CODE OF FAIR COMPETITION  
FOR THE  
NARROW FABRICS INDUSTRY

As Approved on May 9, 1935

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
NARROW FABRICS INDUSTRY

An application has 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 Narrow Fabrics Industry, and a hearing has been duly held thereon, and the annexed report on said amendments, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, 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 hereby are 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:

M. D. VINCENT,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*May 9, 1935.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the hearing on the amendments to the Code of Fair Competition for the Narrow Fabrics Industry, held in Room 2062 of the Department of Commerce Building on April 18, 1935. The amendments which are attached are presented by the Code Authority.

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

These amendments provide for "open price filing" and unfair trade practices such as false marking or branding, commercial bribery, secret rebates and false invoicing.

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 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 Narrow Fabrics Code Authority was and is an industrial group truly representative of the aforesaid Industry and that said group imposed and imposes no inequitable restrictions on admission to membership therein and has applied for these amendments.

(d) The amendments and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendments and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons these amendments have been approved.

For the National Industrial Recovery Board :

W. A. HARRIMAN,  
*Administrative Officer.*

MAY 9, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE NARROW  
FABRICS INDUSTRY

The present Article VII is deleted in its entirety and a new Article VII is substituted in lieu thereof which reads as follows:

ARTICLE VII—TRADE PRACTICE

SECTION 1. *Open Price Filing.*—(a) Any division or branch of the industry may adopt the following open price provision by a vote of the majority both in number and amount, of the members of such division or branch. The vote shall be by written ballot, which may be obtained by mail. When a division or branch of the industry adopts the open price provision it shall notify the Code Authority of such decision and of the date upon which said provision shall become effective in said division or branch. The following shall be filed with the Code Authority: the entire record of said vote, which shall include a list of the members of the division, a list of the members to whom ballots were sent, all of the ballots received, and a count of the ballots received. A division or branch of the industry may delegate to a committee the power to designate the products to which the open price filing provision shall apply in said division or branch. Such delegation of power shall be by a written vote of a majority, both in number and amount of the members of such division or branch. The Code Authority shall be notified of the names of the members of said committee.

(b) Each member of a division or branch of the industry shall file with the confidential and disinterested agent of the Code Authority identified lists of all his prices, discounts, rebates, allowances, and all other terms or conditions of sale, hereinafter 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 products as are sold or offered for sale by a member of this division or branch of the industry and which have been designated by the committee of the division or branch, referred to in (a) above, or by a majority of the members, both in number and amount. Said price terms shall be filed in the first instance within fifteen (15) days after the effective date of this provision in a division or branch of the industry. Price terms and revised price terms shall become effective immediately upon receipt thereof by said confidential agent. Immediately upon receipt thereof, said agent shall by mail or, when so requested, 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 (15) day period after the effective date 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. When any member of the industry has filed revisions, such member shall not file a higher price within forty-eight (48) hours.

(c) No member of the industry shall sell or offer to sell any products of the industry, for which price terms have been filed at a price or prices lower than, or upon terms or conditions more favorable than those filed. However in no case shall a price be higher than the filed price except in payment for additional services rendered.

(d) The open price filing provisions set forth above do not apply to the courtesy sales made by one member of a division or branch to another member in the same division or branch of the industry.

(e) 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 2. Destructive Price Cutting.**—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 a subdivision or of any other industry or the customers of either may at any time complain to the Code Authority that any filed price constitutes unfair competition as destructive price cutting, imperiling small enterprise or tending toward monopoly or the impairment of code wages and working conditions. The Code Authority shall within 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 shall be used and that consideration shall be given to costs in the determination of pricing policies.

(c) In order to make generally available to members of the industry information concerning methods of cost finding and accounting which will assist such members to a more informed judgment con-

cerning the effectiveness of their operations, 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 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 which he finds appropriate in his own business. Nothing herein contained shall be construed to permit the Code Authority, any agent thereof, or any member of the industry to suggest uniform additions, percentages or differentials or other uniform items of cost which are designed to bring about arbitrary uniformity of costs or prices.

SECTION 3. The following unfair trade practices are prohibited:

(a) *False Marking or Branding.*—The false marking or branding of any product of the industry which has a tendency to mislead or deceive customers or prospective customers, whether as to grade, quality, quantity, substance, character, nature, origin, size finish, or preparation of any product of the industry or otherwise.

(b) *Commercial Bribery.*—The giving, permitting to be given, or directly offering to give anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representatives 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.

(c) *Secret Rebates.*—The secret payment or allowance of rebates, refunds, commissions, credits, or unearned discounts, whether in the form of money or otherwise, or the secret extension to certain purchasers of special services or privileges not extended to all purchasers on like terms and conditions.

(d) *False Invoicing.*—Withholding from, or inserting in any invoice, words or figures which make or tend to make such invoice a false record, wholly or in part, of the transaction represented on the face thereof.

Approved Code No. 312—Amendment No. 2.

Registry No. 299-43.

AMENDMENT TO CODE OF FAIR COMPETITION  
FOR THE  
COTTON CLOTH GLOVE MANUFACTURING  
INDUSTRY

As Approved on May 10, 1935

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
COTTON CLOTH GLOVE MANUFACTURING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933 for approval of an amendment to the Code of Fair Competition for the Cotton Cloth Glove Manufacturing Industry, and Notice of Opportunity to be Heard being issued simultaneously with this recommendation, 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 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 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:

M. D. VINCENT,  
*Acting Division Administrator.*

WASHINGTON, D. C.  
*May 10, 1935.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: The Code Authority for the Cotton Cloth Glove Manufacturing Industry proposed an Amendment to Article VI of its Code which has been considered and approved by the National Industrial Recovery Board.

The Amendment defines the Legal status of Code Authority members and members of committees appointed by the Code Authority. It provides that nothing contained in this Code shall constitute any such members partners for any purpose, that no such members shall be liable for any act of any other member, officer, agent or employee of the Code Authority or any of its committees, and that no such members exercising reasonable diligence in the conduct of their duties shall be liable for any action or omission to act under the Code, except for their own wilfull malfeasance or nonfeasance.

The Industrial Advisory Board, the Consumers' Advisory Board, the Labor Advisory Board, the Legal Division, and the Research and Planning Division of the National Recovery Administration all have considered this Amendment and reported with recommendations that it be approved.

To afford an opportunity to all interested parties to be Heard, on this date, a Notice of Opportunity to be Heard is being published and will be distributed in the same manner as a Notice of Hearing. In this Notice is stated the rights of all those interested to file criticisms, objections or suggestions prior to the effective date of the Amendment which will be twenty (20) days from the date of the Notice, unless by any such criticism, objection or suggestions filed, good cause to the contrary is shown and the National Industrial Recovery Board issues a subsequent order to that effect.

### 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:

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 competi-

tive 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 will not have been deprived of the right to be heard prior to effective date of said Amendment.

For these reasons this Amendment has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

MAY 10, 1935.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE COTTON CLOTH GLOVE MANUFACTURING INDUSTRY

Said Code is hereby amended by adding the following Section to be known as Section 7 of Article VI:

“Nothing contained in this Code shall constitute the members of the Code Authority or of any committee thereof partners for any purpose. Nor shall any member of the Code Authority or of any committee thereof 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 committee thereof. Nor shall any member or officer of the Code Authority or of any committee thereof, 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. 187—Amendment No. 6.  
Registry No. 235-1-01.

**AMENDMENT TO CODE OF FAIR COMPETITION**  
**FOR THE**  
**BEVERAGE DISPENSING EQUIPMENT INDUSTRY**

As Approved on May 11, 1935

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**ORDER**

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
BEVERAGE DISPENSING 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 Beverage Dispensing Equipment Industry, and a public hearing having been 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:

JOHN W. UPP,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*May 11, 1935.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on an amendment to Article VIII of the Code of Fair Competition for the Beverage Dispensing Equipment Industry, submitted by the Code Authority in accordance with Article IX of the Code as approved on March 16, 1934, and now approved by the National Industrial Recovery Board.

This amendment is intended by the Code Authority to put an end to unfair competitive conditions in the Industry which recently have developed. It is designed to prevent the copying of, and the making of bids and estimates from, the plans, specifications, and/or elevations or drawings, of Industry members without their consent, and to correct an emergency situation, brought about by the announced intention of the largest member of the Industry to itself absorb all financing charges rather than pass them along to customers buying on installment terms, by requiring the addition of a minimum financing charge to cash prices whenever installment payments are allowed.

This amendment was submitted by the Code Authority on March 16, 1934, and, a Public Hearing on it and other proposals having been held on July 21, 1934, has now been revised in accordance with suggestions made by the various advisory boards and divisions at a post-hearing conference, April 2, 1935.

### FINDINGS

The Acting Assistant Deputy Administrator in his final report to the National Industrial Recovery Board on said amendment to said Code found as herein set forth, and on the basis of all the proceedings in this matter, we find that:

(a) The trade practices described above do exist in the Industry and have resulted in an unfair competitive situation demanding relief.

(b) The amendment as approved is well designed to relieve this situation.

(c) 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.

(d) 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.

(e) The Code empowers the Code Authority 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:

W. A. HARRIMAN,  
*Administrative Officer.*

MAY 11, 1935.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE BEVERAGE DISPENSING EQUIPMENT INDUSTRY

Amend Article VIII by adding the following sections:

SECTION 7. *Financing Charge*: If installment payment terms are granted on sales, members shall add to their cash prices, for each month specified in sales contract as constituting the period over which installment payments shall be made, an amount equal to not less than one-half ( $\frac{1}{2}$ ) of one (1) per cent of the unpaid balance remaining after cash payment has been deducted from sales price. This charge shall be construed as covering financing charge and interest to maturity of notes or other evidence of indebtedness.

Any contract for the sale or transfer of any product of the industry which does not provide for payment in full within ninety (90) days after the date of shipment of such product sold is an installment transaction, and shall be subject to all rules or provisions governing installment sales contained in this Code.

SECTION 8.—*Using Competitor's Plans*: No member of the industry shall knowingly make bids or estimates to a prospective customer, for a specific project, from plans, specifications and/or elevations or drawings belonging to another member without first obtaining the consent of such member.

Approved Code No. 334—Amendment No. 4.  
Registry No. 1331-02.

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

CEMENT INDUSTRY

As Approved on May 11, 1935

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ORDER

APPROVING AMENDED CODE OF FAIR COMPETITION FOR THE CEMENT  
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 amended Code of Fair Competition for the Cement Industry, and hearings having been duly held thereon and the annexed report on the said amended 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 the 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 as constituted after being amended complies with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that the Code as amended be and it is hereby approved, subject, however, to the following conditions:

(1) That the operation of Section 8 of Article X of said amended Code be and it is hereby stayed as to all parties subject thereto pending the further Order of the National Industrial Recovery Board, and to afford the Industry, in conjunction with the National Recovery Administration, an opportunity to make a further study of said provision:

(2) That Article XVII shall be deleted.

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

Approval recommended:

W. P. ELLIS,  
*Division Administrator.*

WASHINGTON, D. C.,  
May 11, 1935.

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: The original Code of Fair Competition for the Cement Industry was approved on November 27, 1933. The Cement Industry as represented by the Code Authority for the Cement Industry subsequently submitted an application for modification of the Code of Fair Competition for the Cement Industry approved on November 27, 1933, by amending such Code as set forth and submitted in the application for amendment.

The Labor and Consumers' Advisory Boards and the Legal Division of the National Recovery Administration, and the National Recovery Administration also submitted proposals for amendment. To that end a public hearing was held on July 11, 1934. Every person who requested an appearance was properly heard in accordance with statutory and regulatory requirements. The Code was revised during the recess of this hearing and was submitted in its final form for approval by a duly authorized committee of the Code Authority acting upon resolution adopted by the Board of Trustees of the Cement Institute on December 29, 1934, and who represent 98.4% of the Portland Cement productive capacity of the United States.

The Portland Cement Industry includes the mining or quarrying of raw materials for use in the manufacture of products of the Industry and the manufacturing of products of the Industry, or the manufacturing of products of the Industry, or the original sale directly or indirectly of products of the Industry by Members of the Industry.

In general it may be said that production of Portland Cement in the years 1928 to 1932 shows a decline of 54%. A comparison with the number of persons employed in the Industry shows a decrease from 34,000 employees in 1928 to 11,941 in 1933, or a decline in employment of 68%.

The rated capacity of the Cement Industry is about 272,000,000 barrels per year. In 1932 Portland Cement in the amount of 80,843,187 barrels was shipped from 160 plants, and there were six plants listed as inactive. The total rated production capacity was 272,000,000 barrels and the rated capacity utilized was 28.3%—152 plants shipped 64,086,000 barrels in 1933. The rated capacity utilized being 23.9%; the smallest in the present century. The lack of consumption caused serious financial losses in many companies and led to major operating economies such as part-time operation with low personnel, contraction of sales organizations, reduction in administrative personnel, etc.

Due to the widespread location of plants which, in the main, are in small communities, the Industry is one that can show marked improvement in reemployment and in operating ratios when the public works program gets in full swing. For the first quarter of 1934 there was a marked increase in shipments.

In the Code as approved November 27, 1933, a provision was made that no employee shall work or be permitted to work in excess of 42 hours in any one week or 8 hours in any one day, nor more than 36 hours per week averaged over any half calendar year, except that employees engaged in emergency maintenance and repair work involving breakdowns or protection of life or property, and employees in packing and shipping departments, who shall not, however, work more than 10 hours in any one day or 36 hours per week averaged over any half calendar year. In keeping with the policy of the National Recovery Administration all reference to the averaging provision has been deleted in the amended Code, and in lieu thereof has been substituted a provision that no employee shall be permitted to work in excess of 40 hours in any one week or 8 hours in any 24 hour period or for more than 6 days in any 7 day period, except as otherwise provided for specific employees.

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 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 Cement Institute was and is an industrial group truly representative of the aforesaid Industry and that said group imposed and imposes no inequitable restrictions on admission to membership therein and consents to this amendment.

(d) The amendment and the Code as amended are not designed to and will not permit or promote 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, subject to the deletion of the specific provisions as set forth in the Order of Approval, has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

MAY 11, 1935.

# AMENDED CODE OF FAIR COMPETITION FOR THE CEMENT INDUSTRY

## ARTICLE I—PURPOSES

To effect the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Portland Cement Industry, and shall be the standards of fair competition for such Industry, and shall be binding upon every Member thereof.

## ARTICLE II—DEFINITIONS

SECTION 1. Wherever used in this Code or any supplement appertaining thereto, the terms enumerated in this Article II shall have the meanings herein defined, unless the context shall otherwise clearly indicate.

SECTION 2. The terms "President", "Act" and "N. I. R. Board" shall mean respectively the President of the United States, Title I of the National Industrial Recovery Act, and the National Industrial Recovery Board as created by Executive Order 6859 of September 27, 1934.

(a) The term "Code" shall mean the Code of Fair Competition for the Cement Industry as approved on November 27, 1933, as amended.

SECTION 3. The term "Portland Cement Industry" or "Industry" includes:

(a) The mining or quarrying of raw materials for use in the manufacture of products of the Industry and the manufacturing of products of the Industry; or

(b) The manufacturing of products of the Industry; or

(c) The original sale directly or indirectly of products of the Industry by Members of the Industry.

SECTION 4. The term "original sale" shall include, but without limitation, the sale by a Member of the Industry of products of the Industry purchased from another Member of the Industry.

SECTION 5. The term "products of the Industry" includes the following:

(a) Portland cements which comply with standard specifications or tentative standards of the American Society for Testing Materials.

(b) Modified and/or treated Portland cements.

(c) Cementitious products in which Portland cement or Portland cement clinker is an essential constituent and which are sold in competition with and used in lieu of Portland cement, excluding, however, masonry and/or bricklayers' cements marketed and/or used as such.

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

SECTION 7. The term "affiliate" means any individual, partnership, association, corporation, or other form of enterprise whose relations to a Member of the Industry are such that either one has directly or indirectly a substantial interest in the other or that a third entity or a group of stockholders has directly or indirectly a substantial interest in both or substantial control of both.

SECTION 8. The term "employee" includes anyone engaged in the Industry, in any capacity, receiving compensation for his services, irrespective of the nature or method of payment of such compensation, except a Member of the Industry.

SECTION 9. The term "employer" includes anyone engaged in the Industry by whom any such employee is compensated or employed.

SECTION 10. The term "district" means each of the geographical producing districts of products of the Industry as now or hereafter designated by the United States Bureau of Mines or other governmental agency.

SECTION 11. The term "productive capacity" shall mean the productive capacity of the Industry as determined by the United States Bureau of Mines.

SECTION 12. The term "Institute" shall mean The Cement Institute.

SECTION 13. The term "Board" shall mean the Board of Trustees of The Cement Institute.

SECTION 14. The term "plant" shall mean a Portland Cement Manufacturing Plant.

### ARTICLE III—HOURS OF LABOR

#### MAXIMUM HOURS

SECTION 1. No employee shall be permitted to work in excess of forty (40) hours in any one (1) week or over eight (8) hours in any twenty-four (24) hour period or more than six (6) days in any seven (7) day period except as herein otherwise provided.

#### HOURS FOR CLERICAL AND OFFICE EMPLOYEES

SECTION 2. No person employed in clerical or office work shall be permitted to work in excess of an average of forty (40) hours per week during any five (5) week period, or more than forty-eight (48) hours in any one (1) week period.

#### EXCEPTIONS TO HOURS

SECTION 3. The limitations specified in Sections 1 and 2 of this Article III shall not apply to the following:

(a) Employees engaged in emergency maintenance or emergency repair work involving breakdown or protection of life or property; provided, that not less than one and one-half (1½) times the regu-



lar wage rate for any employee so employed shall be paid for all hours worked in excess of the maximum hours hereinbefore provided.

(b) Employees in packing and shipping departments; provided such employees shall not be permitted to work in excess of forty-eight (48) hours in any one (1) week; and provided further, that not less than one and one-half (1½) times the regular wage rate for any employee so employed shall be paid for all hours worked in excess of forty (40) hours in any one (1) week.

(c) Persons in a managerial, executive, supervisory or technical capacity and their immediate assistants (excluding skilled production workers), provided that this exception shall apply to no such employee who is paid less than at a rate of Thirty-Five Dollars (\$35.00) per week; and sales and sales service employees.

(d) Watchmen; provided such employees shall not be permitted to work in excess of fifty-six (56) hours in any seven (7) day period, or more than six (6) days in any seven (7) day period.

#### EMPLOYMENT BY SEVERAL EMPLOYERS

SECTION 4. No employer shall knowingly permit any employee to work for any time, which, when totaled with that already performed with another employer or employers in this Industry or any other Industry, or in any Trade, exceeds the maximum permitted herein.

### ARTICLE IV—WAGES

#### MINIMUM WAGES

SECTION 1. Except as hereinafter provided, no employee shall be paid at less than the hourly rates specified for each of the twelve (12) geographical districts, which as now designated are set forth in Exhibit A of this Code, as follows:

District:	<i>Minimum wage per hour (cents)</i>
No. 1. Eastern Pennsylvania, New Jersey, Maryland-----	40
No. 2. New York, Maine-----	40
No. 3. Western Pennsylvania, Ohio, West Virginia-----	40
No. 4. Michigan-----	40
No. 5. Wisconsin, Illinois, Indiana, Kentucky-----	40
(Except Jefferson and Meade Counties, Kentucky)-----	38
No. 6. Virginia, Tennessee, Alabama, Georgia, Florida, Louisiana---	30
No. 7. Eastern Missouri, Iowa, Minnesota; South Dakota-----	40
(Except St. Louis County, Minnesota, and Ralls County, Missouri)-----	37
No. 8. Western Missouri, Nebraska, Kansas, Oklahoma, Arkansas---	40
No. 9. Texas-----	30
No. 10. Colorado, Montana, Utah, Wyoming, Idaho-----	40
No. 11. California-----	40
No. 12. Oregon, Washington-----	40

The rates of pay hereinbefore provided shall not be understood to be the maximum rates of pay for the respective districts.

#### HANDICAPPED PERSONS

SECTION 2. 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 such persons employed by him, showing the wages paid to, and the maximum hours worked by such employees.

#### PIECEWORK COMPENSATION

SECTION 3. The foregoing provisions of this Article establish a minimum rate of pay regardless of whether an employee is compensated on a time rate, piece rate, or other basis.

#### WAGES ABOVE THE MINIMUM

SECTION 4. Adjustments of wages with respect to wages above the minimum shall be made within thirty (30) days after the effective date of this Code by each employer who has not heretofore made such adjustments since the enactment of the National Industrial Recovery Act. Such adjustments shall mean the maintenance of a differential at least as great in amount as that existing between the wage rates for such employment and the then existing minima subsequent to the date of the last adjustment made prior to this Code's approval on November 27, 1933. In no event, however, shall hourly rates of wages be reduced in making such adjustments. Within sixty (60) days after the effective date of this Code each Member of the Industry shall make a report of such adjustment, whether made prior to or subsequent to the date of approval of this Code, to the Code Authority.

#### PAYMENT OF WAGES

SECTION 5. Each employer shall make payment of all wages in lawful currency, or by negotiable check therefor, payable on demand. These wages shall be exempt from any deductions other than those voluntarily authorized to be deducted by an employee or required by law. Pay periods for wages shall be at no greater interval than every semimonth, and salaries at no greater interval than every month. No employer shall withhold wages except as otherwise provided by law.

### ARTICLE V—GENERAL LABOR PROVISIONS

#### CHILD LABOR

SECTION 1. No person under eighteen (18) years of age shall be employed except in clerical, sales service, technical and engineering office duties, and no person under sixteen (16) years of age shall be employed in any capacity. In any state an employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit, duly signed by the authority, in such state, empowered to issue employment or age certificates or permits, showing that the employee is of the required age.

## PROVISIONS OF THE ACT

SECTION 2. Pursuant to Subsection (a) of Section 7 of the Act, and so long as this Code shall be in effect:

(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.

## STATE LAWS

SECTION 3. 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. Standards for safety and for the protection of health shall be submitted by the Code Authority to the N. I. R. Board within three (3) months after the effective date of this amendment and when approved by the N. I. R. Board shall have the same effect as other provisions of this Code.

## RECLASSIFICATION OF EMPLOYEES

SECTION 4. No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge so as to defeat the purposes or provisions of the Act or of this Code.

## DISMISSAL FOR COMPLAINT

SECTION 5. No employer shall dismiss or demote any employee for making a complaint or giving evidence with respect to an alleged violation of the provisions of any Code of Fair Competition approved under Title I of the Act.

## POSTING

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 N. I. R. Board.

## COMPANY TOWNS AND STORES

SECTION 7. Employees other than maintenance or supervisory men, or packers, or those necessary to protect property, may not be required

as a condition of employment to live in houses rented from or specified by the employer. No employee shall be required as a condition of employment to trade at a store owned or specified by an employer.

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

ADMINISTRATION

SECTION 1. A Code Authority is hereby constituted to cooperate with the N. I. R. Board in the administration of this Code, 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.

SECTION 2. The Code Authority shall be the general planning, coordinating, and administering agency of this Code and shall operate in accordance with the provisions of this Code and pursuant to by-laws adopted thereunder.

ORGANIZATION AND CONSTITUTION

SECTION 3. The Code Authority shall consist of not more than ten (10) members to be selected as follows:

(a) Seven (7) members, with one (1) vote each, shall be elected by the Board, one (1) of whom shall be designated to serve as the chairman.

(b) Not more than three (3) members without vote and without compensation from the Industry may be appointed by the N. I. R. Board.

SECTION 4. The Institute shall:

(a) Impose no inequitable restrictions on membership.

(b) Submit to the N. I. R. Board true copies of its articles of association, by-laws, rules and regulations any amendments when made thereto, together with any other information relating to membership, organization and activities as the N. I. R. Board may deem necessary to effectuate the purposes of the Act.

SECTION 5. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose; nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent or employee of the Code Authority; nor shall any member of the Code Authority exercising reasonable diligence in the conduct of his duties hereunder be liable to anyone for any action or omission to act under this Code, except for his own wilful malfeasance or nonfeasance.

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 N. I. R. 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, it may require an appropriate modification of the Code Authority.

SECTION 7. If the N. I. R. 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 N. I. R. 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 N. I. R. 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 8. Any Member of the Industry shall be entitled to participate in and share the benefits of the activities of the Code Authority, and to participate in the selection of the members thereof by complying with the requirements of this Code and by paying his reasonable share of the expenses of its administration. The reasonable share of expenses of administration shall be determined by the Code Authority subject to review by the N. I. R. Board on the basis of volume of business and/or such other factors as may be deemed equitable to be taken into consideration.

SECTION 9. No member of the Code Authority or of any committee designated by it shall participate in a proceeding in which he or it is interested, either as complainant or as respondent, or in which he or it is in any other manner directly interested.

#### POWERS AND DUTIES

SECTION 10. Subject to such rules and regulations as may be issued by the N. I. R. Board to the extent permitted by the Act, the Code Authority shall have the following powers and duties, in addition to those authorized by other provisions of this Code:

(a) To obtain from Members of the Industry, through a disinterested agency, such information and reports as are required for the administration of this 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 N. I. R. 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 Member of the Industry or any other party except to such other governmental agencies as may be directed by the N. I. R. Board, and except as may be required by any provision of this Code.

(b) 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.

(c) Upon complaint of interested parties, upon request of the N. I. R. Board, or upon its own initiative, to make such inquiry and investigation as to the operation and observance of this Code as may be necessary and report the results thereof to the N. I. R. Board for such action by it as may be in accordance with law.

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

(e) To call meetings of Members of the Industry to consider further trade practice provisions to govern Members of the Industry in their relations with each other or with other industries, measures for industrial planning, measures for control of production, measures for stabilization of employment and conservation of natural resources, as the Code Authority shall consider to be for the best interests of the Industry, and to recommend to the N. I. R. Board such measures as have been voluntarily agreed upon, such recommended measures, upon approval by the N. I. R. Board, after such notice and hearing as it may prescribe, to have the same effect as other provisions of this Code.

(f) To prepare and submit to the N. I. R. Board for approval a standard method or system of uniform cost accounting which shall specify all items and include all elements of manufacturers' cost. Nothing contained herein 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. Thereafter, each Member of the Industry shall utilize such methods to the extent found practicable.

(g) Any interested party shall have the right to complain to the Code Authority under such rules and regulations as it may prescribe in respect of any rule, regulation, order or finding made or course of action pursued by the Code Authority, and any interested party shall have the right to appeal to the N. I. R. Board under such rules and regulations as it may prescribe in respect to any decision, rule, regulation or course of action of the Code Authority, pursuant to any provision of this Code.

SECTION 11. Each Member of the Industry shall keep such accurate and complete records of its transactions in the Industry as may be necessary to show compliance with the provisions of this Code, and shall furnish accurate reports based upon such records concerning any of its activities when required by the Code Authority or the N. I. R. Board. If the Code Authority or the N. I. R. 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 N. I. R. 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 12. No Member shall furnish any information required by any provision of this Code which is inaccurate or misleading in any material particular.

## ARTICLE VII—LIQUIDATED DAMAGE AGREEMENT

SECTION 1. Recognizing that violation of any provision of this Code by a Member of the Industry will disrupt the normal course of fair competition in the Industry and cause serious damage to other Members of the Industry, and that it will be impossible to determine ac-

curately the amount of such damage to any Member or Members of the Industry, it is hereby provided that any Member of the Industry may enter into an agreement with any other Member or Members of the Industry providing for the payment of liquidated damages by any party thereto upon violation by him of any provision of the Code; provided, however, that such agreement shall become effective and binding upon the parties thereto only after the execution thereof shall have received the consent of the National Recovery Administration. It is further provided that Members of the Industry desiring to do so may enter into a contract substantially in the form of Exhibit "D" appended to this Code.

SECTION 2. Violation of such a contract shall not in any sense be deemed a violation of this Code within the purview of Sections 3 (b), 3 (c), and 3 (f) or other provisions of the Act. Rather, it is intended in this Article that the force and effect of said contract will be derived from the individual and private action of the parties and not from any provision of this Code or of the Act, or of any rules and regulations prescribed pursuant thereto.

#### ARTICLE VIII—OPEN PRICE FILING

SECTION 1. Each Member of the Industry shall file with a confidential and disinterested agent of the Code Authority identified lists of all of his prices, discounts, 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 products of the Industry as are sold or offered for sale by said Member. Said price terms shall in the first instance be filed within five (5) days after the date of approval of this Code, and Members of the Industry shall make the same public by broadcast quotations to the trade, so that competitors, the trade, and the buying public may at all times have accurate information relative thereto. Any Member of the Industry may from time to time change or revise his price terms by filing such revised price terms with the agent of the Code Authority. Immediately upon receipt thereof, said agent shall, by telegraph or other means which is equally as prompt as the method used by the filer, acknowledge receipt thereof. The agent of the Code Authority shall with equal promptness notify all interested Members of the Industry of such revisions and the operative dates thereof by such means as the Code Authority deems necessary. Said lists or revisions or any part thereof shall not be made available to any Member of the Industry or customers until released to all interested Members of the Industry.

SECTION 2. No Member of the Industry shall anticipate by quotation, sale, contract, or otherwise, any change or revision of price terms until the same shall have been on file five (5) days at the office of the confidential, disinterested agent of the Code Authority. At the expiration of such five (5) day filing period the said changes or revisions shall become operative and such fifth day from the date the filing is received at the office of the Code Authority's agent shall be known as the "operative date." Such changes or revisions shall be made public by broadcast quotations to the trade in the manner provided in Section 1 hereof but not prior to the operative

date. When any Member of the Industry has filed any revision such Member shall not file a higher price within five (5) days. Prices on file with the confidential, disinterested agent of the Code Authority shall be made available for inspection by any customers of Members of this Industry at the office of the Code Authority's agent and shall be disseminated to customers who have applied therefor and have offered to defray the cost actually incurred by the Code Authority in the preparation and distribution thereof. The Code Authority's agent 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. Board. Upon request the Code Authority's agent shall furnish the N. I. R. Board or any duly designated agent copies of any such lists or revisions of price terms.

SECTION 3. No Member of the Industry shall sell or offer to sell any products of the Industry, for which price terms have been filed pursuant to the provisions of this Article, except in accordance with such price terms; provided, however, that any Member of the Industry may meet the revised price terms of another Member, established by the above method, as of their operative date and period, and all Members meeting such revised price terms shall make the same public by broadcast quotations to the trade and shall notify the Code Authority's agent that they are meeting 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. Manner of Procedure on Price Changes:

#### DECLINES IN PRICE

(a) Filed revised prices resulting in price declines shall be retroactive on all shipments made within five (5) calendar days before the operative date thereof, and for such shipments a Member of the Industry shall issue new invoices on the basis of the new filed price as soon as such revisions become operative.

#### ADVANCES IN PRICE

(b) Filed revised prices resulting in price advances shall be made effective to the trade five (5) calendar days after the operative date. During the five (5) days prior to the effective date of an advance, current market orders may be booked at the prior price for shipment not more than fifteen (15) days from the date the advance becomes effective.

(c) Each specific work quotation shall contain a provision permitting withdrawal on five (5) days' notice.

(d) After an advance in price all outstanding quotations on work for which bids have been opened, which quotations extend longer than fifteen (15) days from the effective date of the new price, shall be withdrawn or revised to expire on such fifteenth day.



(e) All quotations at the prior price, made during the five (5) day notice period shall be confined to jobs on which bids are to be opened prior to ten (10) days from the effective date of the new price. Such quotations may be closed by contract not later than fifteen (15) days from the effective date of the new price.

(f) All quotations outstanding on jobs on which bids are to be opened later than ten (10) days from the effective date of the new price shall be withdrawn, and any quotations made on such jobs during the five (5) day notice period shall be at the new price.

#### CONTRACTS

SECTION 6. Nothing in this Code shall prevent a Member of the Industry from selling products of the Industry in accordance with the terms of a legally binding contract provided the conditions of this Article VIII are complied with. The provisions of Sections 6, 7, 8 and 9 of this Article VIII shall apply only to specific sales orders and specific sales contracts.

(a) No Member of the Industry may make a contract or order to sell products of the Industry or sell pursuant to such a contract or order unless such contract or order contains a definite and accurate statement of all items necessary to form a complete legally binding contract or order, such as price, terms of payment, quantity, place of delivery, effective period of contract or order, name of purchaser, name of user and a complete description of the work.

(b) No contract or order for sale of products of the Industry shall contain any provision which would require a Member of the Industry to do any act in violation of this Code.

#### FILING OF CONTRACTS

SECTION 7. Every Member of the Industry shall file with an agent of the Code Authority a copy of every contract or order by which he sells or undertakes to sell products of the Industry. The agent of the Code Authority shall maintain a file of such contracts or orders which shall be open to the inspection of interested Members of the Industry in accordance with such rules and regulations as may from time to time be provided by the Code Authority with the approval of the N. I. R. Board. Each contract or order so filed shall contain or be accompanied by a statement of the nature and quantity of products involved and a complete statement of all price terms included therein, as provided in Section 6, Subsection (a) of this Article VIII. Each such contract or order which is made on or after the effective date of this amended Code shall be so filed within five (5) days from the date of execution thereof. Each outstanding contract or order which is in effect on the effective date of this amended Code shall be so filed within ten (10) days from the effective date of this amended Code, and shall be accompanied by a statement indicating the quantity of products specified therein which remains undelivered. The filing of other than bona fide contracts or orders will constitute a violation of this Code. Upon receipt of such filed orders or contracts the agent of the Code Authority shall send digests thereof to all interested Members of the Industry.

## NOTICE OF COMPLETION

SECTION 8. Each Member of the Industry shall notify the agent of the Code Authority of the completion of each such contract or order within ten (10) days after the date of such completion.

## EXTENSION

SECTION 9. No contract or order shall constitute a defense to any charge alleging violation of this Code if the effective period thereof is extended or if there is any substantial overshipment thereunder. Nothing in this Article shall prevent any Member from making a new contract or order with any person provided the terms thereof are not in violation of the terms of this Code or amendments hereto which are in effect at the time of making such contract or order, and provided further that a copy of such new contract or order is filed as provided in this Article. For the purpose of this Article every revision, modification, renewal or extension of any contract or order shall constitute a "new contract".

## ARTICLE IX—TRADE PRACTICES

SECTION 1. The following trade practices are specifically declared to constitute unfair methods of competition between Members of the Industry, and no Member of the Industry shall use or engage in any of them, either directly or indirectly, through any officer, agent, affiliate or employee. Engaging in any one or more of these or any further trade practice provisions which hereafter may be established as unfair, on recommendation by the Code Authority approved by the N. I. R. Board after such hearings as it may prescribe, shall be deemed to be in violation of this Code.

SECTION 2. No Member of the Industry shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal or party. This commercial bribery 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 3. Imitating or simulating any design, style, mark or brand owned by any other Member of the Industry, provided that nothing herein shall prevent any Member from using any design, style, mark or brand with the consent of the owner.

SECTION 4. Modifying or cancelling in whole or in part, or permitting the modification or cancellation in whole or in part, of any contract of sale of any product for the purpose or having the effect of effectuating a new contract with the buyer when the effect of such modification or cancellation is to create an advantage in price terms for a Member of the Industry or to violate any provision of this Code.

SECTION 5. Knowingly inducing or attempting to induce the breach of any existing contract (including specific sales orders) between any other Member of the Industry and his customer or his source of supply; or interfering with or obstructing in any manner the per-

formance of contractual duties or services between a Member of the Industry and his customer.

SECTION 6. Knowingly selling or offering to sell products of Industry for specific projects or period requirements to a purchaser with whom another Member of the Industry has a contract to furnish products of the Industry for the same requirements without first having taken the following steps: (a) Filing with the Code Authority proof that he has been requested by the customer to furnish such products for such requirements, and (b) notifying said other Member of the Industry of his intention to sell products to such purchaser.

SECTION 7. Disseminating, publishing or circulating any false or misleading information relative to any product or price for any product of any Member of the Industry, or the credit standing or ability of any Member of the Industry to mine or quarry raw materials, or manufacture or sell or deliver products of the Industry.

SECTION 8. No Member of the Industry shall knowingly withhold from or insert in any quotation, contract, or invoice, any statement, the withholding or insertion of which makes such quotation, contract or invoice inaccurate in any material particular.

SECTION 9. Making any sale or contract of sale of any product of the Industry under any description which does not fully describe such product in the nomenclature customarily used in the Industry.

SECTION 10. Secretly paying or allowing rebates, refunds, commissions, credits, unearned discounts, excess allowances, special services or privileges, whether in the form of money or otherwise, to certain purchasers which are not extended to all purchasers under similar circumstances for the purposes of influencing a sale.

SECTION 11. Permitting, directly, or indirectly, the consummation of any sale made with the intent, or having the effect, of violating the provisions of the Act and of this Code.

SECTION 12. Aiding or abetting any person, firm, association or corporation, directly or indirectly, in any practice which would tend to defeat the provisions of the Act and of this Code.

SECTION 13. To compensate salesmen in any manner other than upon a fixed salary and full-time basis. To pay or offer to pay directly or indirectly any commissions or other remunerations for the sale of cement except as provided herein.

SECTION 14. To divert or permit the diversion of shipments of cement, the effect of which will be to enable a purchaser or user to secure cement at variance from the Member of Industry's filed price terms for the point of final destination.

SECTION 15. The prepayment of transportation charges on shipments consigned to other than the Member of the Industry itself (except in the case of railroad freight charges to stations to which regulations require prepayment from any shipping point) or the payment of demurrage charges by any Member of the Industry on such shipments; provided, however, that the foregoing provision, except as to demurrage charges, shall not apply to shipments purchased directly by and consigned to departments of the United States or State Governments.

SECTION 16. Knowingly diverting or permitting to be diverted to other uses, cement shipped for a specific work project or knowingly shipping on a specific sales order or contract an amount of cement in excess of the actual needs of such work.

SECTION 17. To entice the employees of a competitor with the intent or effect of interfering with the conduct of the business of such competitor; provided that nothing herein shall be construed to prevent any employee from voluntarily changing his employment in order to better his condition.

SECTION 18. Knowingly to ship cement by any transportation agency which makes payments or concessions by rebates or otherwise for the purpose or with the effect of inducing or influencing the sale or purchase of cement.

SECTION 19. The payment, or offer to make payment, directly or indirectly, of any advertising expenses of purchasers or users of cement.

SECTION 20. Lavish, excessive, or undignified entertainment of purchasers or users of cement, or others connected therewith; donating funds, or providing banquets or other similar lavish entertainment for purchasers or users, or associations thereof; giving or offering to give premiums, personal gifts, gifts of cement, or gifts of any other commodity of value to purchasers or users of cement.

SECTION 21. Selling or offering to sell a non-Industry product together with an Industry product when the combined price for the two products is less than the applicable filed price for the Industry product, plus invoice cost (including transportation costs) for the non-Industry product, or the filed price for this non-Industry product by a Member of this Industry who is also a Member of the Industry of which this non-Industry product is an Industry product, for the purpose or having the effect of influencing or inducing the sale of products of the Industry and thereby creating an unfair price advantage for a Member of the Industry.

SECTION 22. The furnishing of articles or facilities of a definite physical nature, whether by way of loan, lease, gift, or otherwise, without commensurate consideration therefor. (Services to purchasers or users are proper under fair competition, if confined within the limits of advice and consultation.)

SECTION 23. Maliciously refusing to sell to, or maliciously interfering with the business of, dealers or users of products of the Industry purchased from a competitor, for the purpose of interfering with the conduct of the business of such competitor.

SECTION 24. Filing or agreeing to file new price terms or making or agreeing to make any new or special price, or prices, or terms, on Industry or other products, as a condition or in consideration of the receipt or placement of an order for any product of the Industry.

SECTION 25. Using any subterfuge, either in collusion with an affiliate or otherwise, for the purpose or with the effect of evading or violating the provisions of the Act or of this Code; or engaging in a transaction involving, or being a party to a sale influenced by any act performed by an affiliate or otherwise, which act if performed by such Member of the Industry would be a violation of this Code.

SECTION 26. The direct or indirect giving, permitting to be given, or offering of money or anything of value by a Member of Industry, or his agents, employees, salesmen, or representatives, to the agents, employees, buyers or representatives of customers or prospective customers, or to the customers themselves, for the purpose of inducing such customers, or their agents, employees, buyers or representatives.

to purchase or contract to purchase products from the Member of Industry making such gift, or suffering the same to be made, or to refrain from dealing or contracting to deal with competing Members of Industry.

SECTION 27. The following practices, undertaken for the purpose or with the effect, directly or indirectly, of furthering the sale or use of a particular brand of cement shall constitute unfair trade practices and a violation of this Code:

(a) Except with the approval of the N. I. R. Board (which, when given, shall apply to all Members of the Industry in the marketing area affected) the purchase by any Member of the Industry of bonds or other securities, issued for the financing of construction work, either in the name of the Member of the Industry, its subsidiaries, or of individuals, or officers connected therewith, or the acceptance of such bonds, or other securities, in payment, wholly or in part, for cement, or the advance, loan, or payment of any monies by a Member of the Industry for the purpose of inducing the purchase of cement, or to assume cost of bidders' bonds or to endorse or guarantee or in any way relieve a bidder of the responsibility for or the expense of providing such bonds.

(b) For a Member of Industry to maintain or utilize any business relationship with any purchaser or user of the products of this Industry, whether or not such purchaser or user is an affiliate, a member of another Industry, or any individual, partnership, corporation, association or other form of enterprise for the purpose or with the effect of violating any provisions of the Act or of this Code.

(c) For the purpose or with the effect of evading the provisions of this Code, the purchase of fuel or supplies, either directly or indirectly, or in the name of the company, or its subsidiaries, or of individuals, or officers connected therewith at prices above the market price thereof at the time of purchase.

#### ARTICLE X—METHOD OF SELLING AND MARKETING CEMENT

SECTION 1. Because of inherent varying conditions in the several widely separated marketing areas throughout the United States, the Code Authority may submit recommendations to the N. I. R. Board for such exceptions to any of the provisions hereof, for all Members of the Industry in the marketing areas affected, as to it may seem appropriate or necessary to better effectuate the purposes and provisions of this Code.

SECTION 2. No Member of the Industry shall discriminate in prices, terms and conditions of sale at the same time and place of delivery between purchasers or users of cement in the same class and similarly situated.

SECTION 3. The products of this Industry shall be marketed on the basis of a barrel weighing three hundred and seventy-six (376) pounds net; unless a different weight shall have been filed with the Code Authority, and shall be delivered in the following manner:

(a) In cloth or paper sacks; four (4) sacks of ninety-four (94) pounds net each constitute a barrel, unless a different weight shall have been filed with the Code Authority's agent and printed on the container.

(b) In bulk invoiced on the basis of scale weights at point of origin or enroute or nearest track scales enroute from point of origin.

(1) Settlement on carload shipments of bulk cement shall be on track scale weights of carriers unless the consignee proves by notation on freight bill by railroad agent as to fact and extent of shortage occurring on some particular car and only in that case providing that claim for shortage is made within fifteen (15) days after the arrival of such car at destination.

(2) When grain doors, bulkheads or boards are used to protect shipments of bulk cement, the weight of such dunnage shall be considered as a part of the tare weight of the car:

SECTION 4. Cement shall be sold either on current or market orders for delivery within fifteen (15) days, or on orders or contracts for future delivery beyond fifteen (15) days. Quotations on current orders shall be for immediate acceptance, and orders for delivery within fifteen (15) days shall be subject to shipment on the fifteenth day without notice to the buyer.

SECTION 5. Orders or contracts for future delivery beyond fifteen (15) days from date of purchase shall be sold either to cover period requirements or specific work.

SECTION 6. Exhibits B and C attached to this Code are designed and suggested for use in closing commitments for the delivery of cement beyond fifteen (15) days from date of purchase for specific work or period requirements. Exhibit B (specific sales *order*) should be executed where a sale is made by a Member of this Industry to a dealer, and Exhibit C (specific sales *contract*) should be executed:

(a) To cover unfinished commitments with dealers under Exhibit B in event of an increase in the market price.

(b) To cover new commitments with dealers at prices prior to an advance, but closed during the period immediately following the advance. Such contracts shall be supported by dealer's record of prior deliveries and contractor's written estimate of requirements.

(c) To cover initially all direct sales by Members of this Industry for delivery beyond fifteen (15) days.

SECTION 7. *Time of Closing Calendar Requirement Contracts.*—Contracts for any quarter shall be quoted or closed not earlier than the first day of the last month of the preceding quarter.

SECTION 8. Where land grant or other special freight rates are applicable to shipments to the United States Government, a Member of the Industry may file with the Code Authority in the manner prescribed for prices under Article VIII, destination costs to the United States Government computed on such rates. Any Member of the Industry may meet destination costs thus established, as of their operative date.<sup>1</sup>

SECTION 9. To prevent diversions of cement prohibited by this Code and to insure the broadest field of active competition for all cement business offered, cement shall not be quoted or sold in quantities or for points of delivery which are not definitely specified.

SECTION 10. The provisions of this Article are designed to meet present industrial and social conditions as they relate to the Portland Cement Industry; but the N. I. R. Board reserves the right, from time

<sup>1</sup> See paragraph 2 (1) of order approving this Amendment.

to time and after such hearing as may be deemed necessary, to modify the provisions hereof, as conditions and circumstances may indicate to be necessary to effectuate the policy and provisions of the Act.

## ARTICLE XI—TERMS AND CONDITIONS OF SALE

SECTION 1. All future sales orders and future sales contracts for the sale of products of the Industry shall contain a definite statement of price, quantities, terms of payment, time and place of delivery, and all other terms of sale necessary to form a complete and unambiguous contract.

SECTION 2. Attached hereto and marked Exhibits B and C are forms of future specific sales orders, and contracts, the provisions, terms and conditions of which have been agreed to by Members of the Industry as representing in substance the best practices within the Industry.

SECTION 3. Terms of payment shall be as follows: A cash discount of not in excess of ten cents (10¢) per barrel may be deducted from invoices paid in full within fifteen (15) days from date of issue. A cash discount of not in excess of twenty cents (20¢) per barrel may be deducted from invoices for White Portland cement paid in full within fifteen (15) days from date of issue. Invoices not discounted are payable net thirty (30) days from date of issue.

(a) Where purchases involve frequent shipments, a plan of semi-monthly remittance, based on a fifteen (15) day average, may be used as follows:

All invoices dated from first day of month to fifteenth day of month, inclusive, to be paid by the 22nd of that month; and all invoices dated 16th to 31st, inclusive, to be paid by the 7th day of the following month.

(b) Cash discount shall not be allowed if remittance is forwarded after the expiration of the fifteen (15) day period, or semimonthly period; or if deduction is made in the remittance for cloth sacks to be returned or in transit and not yet credited; or if the remittance consists in whole or in part of notes, trade acceptances, scrip, warrants (whether interest bearing or not) or any medium other than cash or bankable check for the full amount of the invoices upon which cash discount is deducted.

(c) The postmark date at point of mailing shall determine the date of remittance.

(d) No unearned discounts shall be allowed.

### SECTION 4. Package Charges and Allowances

(a) When cement is shipped in cloth or paper sacks the price shall include the Member of the Industry's published deposit or leasing charges for cloth sacks or the selling charge for paper sacks and payment of such charges shall be required at the same time as the cement.

(b) When used cloth sacks are returned empty to the Member of the Industry the credit or allowance shall at all times be in accordance with the Member's published terms and conditions of sale.

## INVOICES

SECTION 5. Invoices shall be dated as of the date of shipment (provided where special and unusual conditions prevail, the Members of the Industry in the district or districts concerned, may, subject to the

approval of the Code Authority and the N. I. R. Board, change this provision to conform to such special and unusual conditions) and shall contain full information as to price, quantity, kind of package, terms of payment, place of deliveries, routing, amount of freight allowed, and any other data necessary to show fully all conditions entering into the sale. Any deviation or concession from these conditions is an unfair practice.

#### ARTICLE XII—STANDARDIZATION OF PRODUCTS

SECTION 1. All Portland cement marketed by Members of the Industry shall comply with the standard specifications and/or tentative standards for Portland cement of the American Society for Testing Materials, and/or the American Standards Association, and/or the Federal Specification Board. Members of the Industry may sell "Products of the Industry" other than Portland cement under specifications that are designed to meet special or unusual conditions not adequately or properly covered by the specifications hereinabove referred to; provided, however, that the price at which such "Products of the Industry" are sold shall be filed with the Code Authority in accordance with Article VIII.

SECTION 2. Every Member of the Industry shall guarantee his products to comply with all of the conditions of the specifications under which they are sold, but shall not be responsible for the improper use of cements and therefore shall not guarantee finished work, nor shall the Member of the Industry be responsible for conditions of product after delivery.

SECTION 3. No Member of the Industry shall pay or absorb, directly or indirectly, any charges for inspection or tests made by or on behalf of the purchaser to determine compliance with specifications therefor.

#### ARTICLE XIII—EXPORT TRADE

Nothing in this Code contained, excepting, however, the wage, hour and general labor provisions, shall be deemed to apply to or affect the sale by any Member of the Industry of any products of the Industry for direct shipment in export trade.

#### ARTICLE XIV—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. Except as to the provisions required by the Act, this Code may be modified on the basis of experience or changes in circumstances, such modifications to be based upon application to the N. I. R. Board, on such notice and hearing as it shall specify and to become effective on approval by the President.

#### ARTICLE XV

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



## ARTICLE XVI

This Code as amended shall become effective on the tenth (10th) day after the date of its approval by the N. I. R. Board and shall then supersede the Code of Fair Competition for the Cement Industry approved by the President November 27, 1933.

## ARTICLE XVII

By presenting this Code, The Cement Institute and others assenting hereto do not thereby consent to any modification thereof and they reserve the right to object individually or jointly to any such modifications except as may be made in Article X pursuant to Section 10 thereof.<sup>2</sup>

Approved Code No. 128—Amendment No. 1.  
Registry No. 1010-1-02.

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<sup>2</sup> Deleted—See paragraph 2 (2) of order approving this Amendment.

## EXHIBIT A

### Districts

The twelve (12) geographical districts as described by the United States Bureau of Mines are as follows:

- District No. 1—Eastern Pennsylvania, New Jersey, Maryland.
- No. 2—New York, Maine.
- No. 3—Western Pennsylvania, Ohio, West Virginia.
- No. 4—Michigan.
- No. 5—Wisconsin, Illinois, Indiana, Kentucky.
- No. 6—Virginia, Tennessee, Alabama, Georgia, Florida, Louisiana.
- No. 7—Eastern Missouri, Iowa, Minnesota, South Dakota.
- No. 8—Western Missouri, Nebraska, Kansas, Oklahoma, Arkansas.
- No. 9—Texas.
- No. 10—Colorado, Montana, Utah, Wyoming, Idaho.
- No. 11—California.
- No. 12—Oregon, Washington.

EXHIBIT B

(Specific Sales Order)

To -----  
Name and Address of Cement Company  
We have sold to ----- Contractor -----  
Barrels of (Brand) ----- Portland Cement for -----  
(Fraction or all)

of his requirements on the following specific work awarded him:  
(Character, description and location of work, and name of owner)  
We hereby place with you our order for the above quantity of (Brand)  
----- Portland cement, to be packed in -----  
sacks, for use on the above work, at your prevailing market price at time of  
shipment, subject to the conditions stated on both sides hereof.

We will desire delivery made, as the work requires, upon our instructions  
in carload lots, F. O. B. cars -----, deliveries to be complete  
prior to -----.

It is expressly understood and agreed:

1. That if you advance your market price prior to the completion of ship-  
ments on this order, you will, within ten (10) days of the effective date of  
such advance, enter into your standard form of specific work contract with  
us, at the price prior to such advance, for the quantity of cement that may at  
that date be required for the completion of the work covered by this order.

2. That as a basis for such specific work contract, we will supply you with  
our record of cement delivered to the contractor prior to the time of your  
advance in price, together with a written estimate from the contractor, or a  
responsible employee of the contractor, of the quantity of cement then required  
to complete the work.

Signed: -----  
Date: -----

Accepted: -----  
----- Cement Company.  
-----  
(Officer)

Date: -----  
Terms of Payment. On approved credit net cash thirty (30) days, from  
date of invoice, or ten cents (10¢) per barrel discount for cash in fifteen (15)  
days from date of invoice.

If at any time the financial responsibility of Buyer becomes impaired or  
unsatisfactory to Seller, it reserves the right to require payments in advance  
or satisfactory security or guarantee that invoices will be promptly paid when  
due.

If Buyer fails to comply with terms of payment, or with any of the other  
terms of sale, Seller reserves the right to cancel unfulfilled portion of this order,  
without notice, Buyer remaining liable for all unpaid accounts. No waiver of  
such right shall be implied from any failure by Seller to exercise the same.

*Package.*—Cloth sacks bearing Seller's brands, in which cement herein con-  
tracted for is packed, are the property of Seller and are for a period of ninety  
(90) days from the delivery by Seller of the said cement, leased by it to Buyer  
at a charge of ten cents (10¢) each, which charge is included in price for cement  
packed in cloth sacks and which charge Buyer agrees to pay at same time and  
on same terms as payment for cement is made.

Buyer agrees within ninety (90) days of delivery of the cement to return to  
Seller, the owner, at its nearest plant, freight charges collect, as provided by  
railroad classifications and tariffs, properly bundled and so marked as to insure  
complete identification, the cloth sacks bearing Seller's brands, in which the said  
cement is packed, and Seller agrees to refund to Buyer ten cents (10¢) for each  
said cloth sack so delivered in good condition, subject to Seller's count and in-

spection, and to assume freight charges thereon. If for any reason freight charges (per railroad tariffs) are prepaid, they will be refunded by Seller upon presentation of Railroad Company's receipted freight bill or bill of lading.

For useless cloth sacks which have been wet, no refund will be made. Cloth sacks bearing other than Seller's brands will be held by Seller for thirty (30) days subject to Buyer's order.

In the event that any of the said empty cloth sacks bearing Seller's brands are sold or otherwise disposed of by Buyer to any person other than Seller, the owner, Buyer agrees to pay Seller, as liquidated damages, ten cents (10¢) for each sack so sold or disposed of.

If during the life of this order, Seller shall change its present charge for the lease of cloth sacks, or the liquidated damages, or both, it is expressly agreed that the said amount or amounts in the preceding paragraphs shall be changed accordingly, and the gross price specified herein for cement packed in cloth sacks shall be changed in accordance with the change in charge for lease of cloth sacks.

Price on cement packed in paper bags includes the paper bags, which are not returnable. Shipments in paper bags are made at Buyer's risk of breakage and resultant loss of cement.

(If cement company requires a deposit for cloth sacks, instead of leasing them, then the following clauses are suggested):

*Package.*—The cloth sacks, bearing Seller's brand, containing the cement are not sold, but remain the property of Seller. Buyer agrees to return said cloth sacks, properly bundled and marked so as to insure complete identification, to Seller's nearest mill, within ninety (90) days from the date of the delivery of the cement to Buyer.

Seller agrees to refund to Buyer the deposit of ten cents (10¢) for each cloth sack so returned. This deposit has been included in the price herein stated and Buyer agrees to include it when payment for the cement is made.

It is, however, expressly understood that such cloth sacks must be delivered to Seller's mill in good condition and will be subject to mill count and inspection, and that no refund will be made for useless cloth sacks, nor for cloth sacks not of Seller's brand. Such cloth sacks, if received, will be held by Seller for thirty (30) days subject to Buyer's order and risk.

Seller agrees to pay carrier's freight charges on returned empty cloth sacks of Seller's brand after delivery to its nearest mill or to refund Buyer for freight charges prepaid on such shipments upon presentation of original bill of lading properly executed or original receipted freight bill.

If Seller shall change its present deposit required for cloth sacks, it is expressly agreed that the said amounts in the preceding paragraphs shall be changed accordingly and the gross price specified herein for cement packed in cloth sacks shall be changed in accordance with the change of deposit required.

Price on cement packed in paper bags includes the paper bags which are not returnable. Shipments in paper bags are made at Buyer's risk of breakage and resultant loss of cement.

*Bulk cement.*—Bulk cement shall be invoiced and paid for on basis of scale weights at point of origin or on railroad track scales, nearest point of origin, while enroute. Original weights shall be final basis of settlement unless buyer proves by notation on freight bill by railroad agent the fact and extent of such shortage occurring in any particular car and only in that case providing that claim for such shortage is made within fifteen (15) days after arrival of such car at destination.

When grain doors, bulkheads or boards are used to protect shipments of bulk cement, the weight of such damage shall be considered as part of the tare weight of the car.

*Claims.*—Claims for loss or damage will not be considered unless supported by seal record and railroad agent's acknowledgment on freight bill. Freight overcharge claims must be accompanied by original receipted freight bill.

*Time of delivery.*—Buyer shall give Seller shipping instructions in writing a reasonable time before shipments are to be made. If Buyer fails to order shipment within the time specified Seller shall have the right to extend the time for delivery of such cement, but shall not be obligated to do so, except at its option.

The Seller reserves the right to select the route and method by which shipments shall be forwarded, but no Seller can be required to favor any one route or method of transportation as against another by any joint action of the Members of the Industry or the Code Authority. Transportation charges

per tariff applying from shipping point to place of delivery for route and method of shipment used, will be paid by the Buyer for the account of the Seller.

Seller shall not be liable to Buyer for any delays in manufacturing, shipping, or delivering said cement, caused by fire, strikes, lockouts, differences with workmen, accidents, war, insurrection, inability to secure cars, coal, or other material, governmental interference or regulation, delays in transportation or contingencies beyond Seller's control; and during the time of such delays Seller shall have the right to prorate among its various customers such cement as it may be able to manufacture and ship.

Seller shall have the right, but shall not be obligated to ship from any plant other than the one normally supplying the delivery point specified herein.

*Specifications.*—The cement shipped under this order shall conform to the present standard specifications for Portland cement of the American Society for Testing Materials and the American Standards Association and/or the Federal Specification Board, and no other warranty is made in respect thereof. Seller having no control over the use of cement will not, therefore, guarantee finished work in which it is used, nor shall the Seller be responsible for the condition of cement after delivery to Buyer. Any charges incident to inspection or tests made by or on behalf of Buyer to determine compliance with specifications shall be paid by Buyer.

EXHIBIT C

(Specific Sales Contract)

Agreement made this \_\_\_\_\_ day of \_\_\_\_\_ 193\_\_\_\_ between  
 \_\_\_\_\_ Cement Company, hereinafter called  
 Seller and \_\_\_\_\_ of \_\_\_\_\_,  
 hereinafter called Buyer:

Seller hereby sells and agrees to furnish and deliver and Buyer hereby buys and agrees to receive and pay for Portland Cement in the quantity and on the terms and conditions hereinafter and on the back hereof set forth.

QUANTITY: (Brand) \_\_\_\_\_ Barrels  
 DESCRIPTION:

-----  
 Name and Address of Owner  
 -----  
 Name and Nature of Work  
 -----  
 Location of Work  
 -----  
 Name and Address of Contractor  
 -----

The purpose of this contract is to cover the purchase and sale of \_\_\_\_\_  
 the Portland Cement required to complete the work  
 (Fraction or all)

hereinbefore described, whether more or less than the quantity stated herein.

Buyer represents that the aforesaid number of barrels of cement will be used in the construction of the above-described work and agrees that no portion of such cement will be used for any other purpose without the written consent of Seller. If any of the cement shipped hereunder is reconsigned or diverted by Buyer from the place of delivery specified herein or used for any other purpose, Seller may cancel this contract and refuse to ship any more cement and Buyer agrees to pay Seller's market price at the place of final destination for such cement as has been diverted by Buyer from the place of delivery specified herein or has been used by Buyer for any other purpose than the purpose above specified; Buyer remaining liable for all unpaid accounts.

Place of delivery.—F. O. B. \_\_\_\_\_

Time of delivery.—Prior to \_\_\_\_\_  
 as required by the progress of the work. Buyer shall give Seller shipping instructions in writing a reasonable time before shipments are to be made. If Buyer fails to order shipment within the time specified Seller shall have the right to extend the time for delivery of such cement, but shall not be obligated to do so, except at its option.

Price.—

Per standard barrel, in cloth sacks \_\_\_\_\_ \$\_\_\_\_\_  
 Per standard barrel, in paper bags \_\_\_\_\_ \$\_\_\_\_\_  
 Per standard barrel, in bulk \_\_\_\_\_ \$\_\_\_\_\_

All shipments made on this contract will be at the current destination price of Seller on the date of shipment, if this price is below the contract destination price mentioned herein.

Terms of payment.—On approved credit net cash thirty (30) days from date of invoice, or ten cents (10¢) per barrel discount for cash in fifteen (15) days from date of invoice.

If at any time the financial responsibility of Buyer becomes impaired or unsatisfactory to Seller, it reserves the right to require payments in advance or satisfactory security or guarantee that invoices will be promptly paid when due.

If Buyer fails to comply with terms of payment, or with any of the other terms of sale, Seller reserves the right to cancel unfilled portion of this contract, without notice, Buyer remaining liable for all unpaid accounts. No waiver of such right shall be implied from any failure by Seller to exercise the same.

This contract is not assignable by Buyer without the consent of Seller in writing.

By \_\_\_\_\_ Cement Company  
 (Buyer) (Seller)

*Package.*—Cloth sacks bearing Seller's brands, in which cement herein contracted for is packed, are the property of Seller and are for a period of ninety (90) days from the delivery by Seller of the said cement, leased by it to Buyer at a charge of ten cents (10¢) each, which charge is included in price for cement packed in cloth sacks and which charge Buyer agrees to pay at same time and on same terms as payment for cement is made.

Buyer agrees within ninety (90) days of delivery of the cement to return to Seller, the owner, at its nearest plant, freight charges collect, as provided by railroad classifications and tariffs, properly bundled and so marked as to insure complete identification, the cloth sacks bearing Seller's brands, in which the said cement is packed, and Seller agrees to refund to Buyer ten cents (10¢) for each said cloth sack so delivered in good condition, subject to Seller's count and inspection, and to assume freight charges thereon. If for any reason freight charges (per railroad tariffs) are prepaid, they will be refunded by Seller upon presentation of Railroad Company's receipted freight bill or bill of lading.

For useless cloth sacks which have been wet, no refund will be made. Cloth sacks bearing other than Seller's brands will be held by Seller for thirty (30) days subject to Buyer's order.

In the event that any of the said empty cloth sacks bearing Seller's brands are sold or otherwise disposed of by Buyer to any person other than Seller, the owner, Buyer agrees to pay Seller, as liquidated damages, ten cents (10¢) for each sack so sold or disposed of.

If during the life of this contract, Seller shall change its present charge for the lease of cloth sacks, or the liquidated damages, or both, it is expressly agreed that the said amount or amounts in the preceding paragraphs shall be changed accordingly, and the gross price specified herein for cement packed in cloth sacks shall be changed in accordance with the change in charge for lease of cloth sacks.

Price on cement packed in paper bags includes the paper bags, which are not returnable. Shipments in paper bags are made at Buyer's risk of breakage and resultant loss of cement.

(If cement company requires a deposit for cloth sacks, instead of leasing them, then the following clauses are suggested) :

*Package.*—The cloth sacks, bearing Seller's brand, containing the cement are not sold, but remain the property of Seller. Buyer agrees to return said cloth sacks, properly bundled and marked so as to insure complete identification, to Seller's nearest mill, within ninety (90) days from the date of delivery of the cement to Buyer.

Seller agrees to refund to Buyer the deposit of ten cents (10¢) for each cloth sack so returned. This deposit has been included in the price herein stated and Buyer agrees to include it when payment for the cement is made.

It is, however, expressly understood that such cloth sacks must be delivered to Seller's mill in good condition and will be subject to mill count and inspection, and that no refund will be made for useless cloth sacks, nor for cloth sacks not of Seller's brand. Such cloth sacks, if received, will be held by Seller for thirty (30) days subject to Buyer's order and risk.

Seller agrees to pay carrier's freight charges on returned empty cloth sacks of Seller's brand after delivery to its nearest mill or to refund Buyer for freight charges prepaid on such shipments upon presentation of original bill of lading properly executed or original receipted freight bill.

If Seller shall change its present deposit required for cloth sacks, it is expressly agreed that the said amounts in the preceding paragraphs shall be changed accordingly and the gross price specified herein for cement packed in cloth sacks shall be changed in accordance with the change of deposit required.

Price on cement packed in paper bags includes the paper bags which are not returnable. Shipments in paper bags are made at Buyer's risk of breakage and resultant loss of cement.

*Bulk cement.*—Bulk cement shall be invoiced and paid for on basis of scale weights at point of origin or on railroad track scales, nearest point of origin, while enroute. Original weights shall be final basis of settlement unless buyer proves by notation on freight bill by railroad agent the fact and extent of such shortage occurring in any particular car and only in that case providing that claim for such shortage is made within fifteen (15) days after arrival of such car at destination.

When grain doors, bulkheads or boards are used to protect shipments of bulk cement, the weight of such dunnage shall be considered as part of the tare weight of the car.

*Claims.*—Claims for loss or damage will not be considered unless supported by seal record and railroad agent's acknowledgment on freight bill. Freight overcharge claims must be accompanied by original receipted freight bill.

The Seller reserves the right to select the route and method by which shipments shall be forwarded, but no Seller can be required to favor any one route or method of transportation as against another by any joint action of the Members of the Industry or the Code Authority. Transportation charges per tariff applying from shipping point to place of delivery for route and method of shipment used, will be paid by the Buyer for the account of the Seller.

Seller shall not be liable to Buyer for any delays in manufacturing, shipping, or delivering said cement, caused by fire, strikes, lockouts, differences with workmen, accidents, war, insurrection, inability to secure cars, coal, or other material, governmental interference or regulation, delays in transportation, or contingencies beyond Seller's control; and during the time of such delays Seller shall have the right to prorate among its various customers such cement as it may be able to manufacture and ship.

Seller shall have the right, but shall not be obligated, to ship from any plant other than the one normally supplying the delivery point specified herein.

*Specifications.*—The cement shipped under this contract shall conform to the present standard specifications for Portland cement of the American Society for Testing Materials and the American Standards Association and/or the Federal Specification Board, and no other warranty is made in respect thereof. Seller having no control over the use of cement will not, therefore, guarantee finished work in which it is used, nor shall the Seller be responsible for the condition of cement after delivery to Buyer. Any charges incident to inspection or tests made by or on behalf of Buyer to determine compliance with specifications shall be paid by Buyer.



## EXHIBIT D

### Liquidated Damage Agreement

In consideration for the act of others in making similar agreements and for substantial benefits and other valuable consideration, the receipt of which is hereby acknowledged, each party to this contract covenants and agrees with every other party hereto, and the Treasurer of the Code Authority for the Portland Cement Industry as an individual, that:

1. If found guilty of violation of any provision of the Code of Fair Competition for the Portland Cement Industry in the manner provided in Paragraph 2 hereof, he will pay to the Treasurer of the Code Authority, as an individual and not as Treasurer, in trust, as and for liquidated damages, amounts indicated as follows:

(a) For the violation of any wage provision an amount equal to the difference between the wages which have been paid and the wages which would have been paid if the Member had complied with the applicable provision of the Code, provided, however, that any such payments shall not relieve the Member from his obligation to make equitable restitution to his employee or employees.

(b) For the violation of any hour provision, an amount equal to the wages payable for the overtime at the regular rate payable to the employee or employees who worked overtime.

(c) For the violation of any provision of the Code (other than wage or hour provisions) involving a transaction incidental to or connected with a sale of any product of the Industry, an amount equal to ----- per cent ( %) of the actual selling price of the product sold in violation of any such provision, or of the price at which the product should have been sold under the Code, if determinable, whichever is the higher.

(d) For the violation of any provision of the Code (other than wage or hour provisions) not involving a transaction incidental to or connected with a sale of any product of the Industry.

Note: The amount of liquidated damages must be correlated reasonably to the probable injury.

2. For the purposes of this contract, violation of any provision of the Code by a party hereto, and his or its liability for liquidated damages herein stipulated shall be determined by an impartial fact-finding board, the members of which shall be nominated by the Code Authority or by the parties to this contract, with the approval of the N. I. R. Board, consisting of the following:----- Said board shall receive and hear all evidence submitted, in a fair manner, and shall render its decision in the form of written findings of fact and conclusions based thereon. Said decision shall be final and not subject to review.

3. Each party to this contract hereby assigns, transfers, and delivers to the Treasurer of the Code Authority, as an individual, and not as Treasurer, in trust, all rights and causes of action whatsoever which shall hereafter accrue to such Member for such liquidated damages by reason of any violation of the Code by any other party, and hereby designates and appoints the Treasurer of the Code Authority, as an individual, and not as Treasurer, the true and lawful attorney in fact of such party to demand, sue for, collect and receipt for any and all amounts which shall be owing to such Member in respect of any such right or cause of action and to compromise, settle, satisfy, and discharge any such right or cause of action, all in the name of such Member or in the name of the Treasurer of the Code Authority, as an individual, and not as Treasurer as he shall elect. All rights of any person who shall at any time be the Treasurer in respect to any amount which shall be payable to him because of the commission by any employer of any act constituting a violation of said Code, shall pass to and become vested in his successor in office, as an individual, and not as Treasurer, upon the appointment of such successor.

4. All liquidated damages paid to or collected by the Treasurer of the Code Authority pursuant to the provisions of this contract shall be utilized by him

in the payment of Code expenses to the extent indicated and authorized in the budget for the Code Authority.

5. The Treasurer of the Code Authority, as an individual, and not as Treasurer, by accepting office accepts the trusts established by this contract and agrees to perform the duties of trustee hereunder until his successor in office may be appointed.

6. Any Member of the Industry may become a party to said contract by written notification to said Treasurer of the Code Authority of the adoption of and assent to the terms hereof.

7. Except as provided in Paragraph 3 above, nothing contained herein shall be construed or applied to (a) deprive any Member of the Industry, employee or other person of any right or cause of action arising out of this Code, or (b) relieve any Member of the Industry from any contractual or legal obligation arising out of such Code or of the Act or otherwise.

8. This contract may be terminated by vote of two-thirds ( $\frac{2}{3}$ ) of the parties hereto, such termination to take effect immediately upon notice in writing to said Treasurer of the Code Authority; provided, however, such termination shall not relieve any member from payment of liquidated damages due as a result of any violation committed prior to said termination; provided, further, that such termination shall not be deemed to constitute a defense in any proceeding instituted pursuant to any provisions of the Act, any rules and regulations issued pursuant thereto, or any provisions of the Code.

9. Anything in this contract to the contrary notwithstanding, upon the affirmative vote of not less than seventy-five per cent (75%) of the parties hereto, said parties may waive any liability for liquidated damages arising under this contract; provided, however, such waivers shall not constitute a defense in any proceeding instituted pursuant to any provisions of the Act, any rules and regulations issued pursuant thereto, or any provisions of the Code.

10. No suit shall be brought for the collection of liquidated damages after one (1) year from the date of the decision rendered as provided in Paragraph 2 above.

Approved Code No. 118—Amendment No. 10

**AMENDMENT TO CODE OF FAIR COMPETITION  
FOR THE  
COTTON GARMENT INDUSTRY**

**As Approved on May 11, 1935**

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**ORDER**

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
COTTON GARMENT 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 Cotton Garment Industry, and an opportunity to be heard having been duly afforded thereon, and the annexed report on said amendments containing findings with respect thereto, having been made and directed to the President:

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 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:

M. D. VINCENT,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*May 11, 1935.*

## REPORT TO THE PRESIDENT

The PRESIDENT,

*The White House.*

SIR: The Code Authority for the Cotton Garment Industry, on behalf of the members of the Industry, has submitted applications for amendments of the Code of Fair Competition for such Industry.

The said proposed amendments amend Article XIX, Section 23, Paragraph (b) to the extent of substituting the word "imperfect" for the word "irregulars" wherever such appears in said provisions, and amend Article IV, Section C, by substituting "as a manufacturing employee" for the phrase "in whatsoever capacity".

Pursuant to such applications, a Notice of Opportunity to be Heard was published on February 20, 1935 to afford members of the Industry an opportunity to file objections against said proposed amendments. No objections were filed by any members of the Industry pursuant to such Notice.

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 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 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 amendment.

For these reasons these amendments have been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

MAY 11, 1935.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE COTTON GARMENT INDUSTRY

Article IV, Section C, is hereby amended by deleting the phrase "in whatsoever capacity" and substituting therefor the phrase "as a manufacturing employee". Said Article IV, Section C shall read as follows:

The number of learners employed at any time in the Cotton Garment Industry or in a manufacturer's plant or factory, shall not exceed ten per cent (10%) of the total number of manufacturing employees in said plant. A learner shall be classified as a person who has worked in this industry for a period of not more than twelve (12) weeks as a manufacturing employee.

Learners shall be paid not less than the following:

First four weeks, 50% of the minimum wage.

Second four weeks, 66 $\frac{2}{3}$ % of the minimum wage.

Third four weeks, 80% of the minimum wage.

Amend Article XIX, Section 23, Paragraph b, by substituting for the word "irregulars", wherever such appears, the word "imperfect".

Approved Code No. 118—Amendment No. 10.

Registry No. 217-1-06.

AMENDMENT TO SUPPLEMENTARY CODE OF FAIR  
COMPETITION

FOR THE

LEAF SPRING MANUFACTURING INDUSTRY

As Approved on May 11, 1935

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ORDER

APPROVING AMENDMENT OF SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE LEAF SPRING MANUFACTURING INDUSTRY

A PRODUCT GROUP OF THE ORIGINAL EQUIPMENT AND REPLACEMENT PARTS DIVISIONS OF THE AUTOMOTIVE PARTS AND EQUIPMENT 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 Supplementary Code of Fair Competition for the Leaf Spring Manufacturing Industry, and Opportunity to be Heard having been noticed to all interested persons, 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 of said Supplementary Code 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.,  
May 11, 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 Supplementary Code of Fair Competition for the Leaf Spring Manufacturing Industry, a Product Group of the Original Equipment and the Replacement Parts Divisions of the Automotive Parts and Equipment Manufacturing Industry, submitted by the Code Authority Committee for the Automotive Parts and Equipment Manufacturing Industry, on behalf of the Administrative Committee of the Leaf Spring Manufacturing Industry.

The purpose and the effect of the Amendment are to permit Open Price Filing in the Industry, in accordance with Office Memorandum Number 228. To that end, paragraphs 8, 16-c, 19 and 20 of Article IV are deleted and paragraph 15 of said Article is entirely revised by this Amendment.

### 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 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 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 Administrative Committee to present the aforesaid Amendment through the Code Authority 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, therefore, this Amendment has been approved.  
For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

MAY 11, 1935.

## AMENDMENT TO SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE LEAF SPRING MANUFACTURING INDUSTRY

### A PRODUCT GROUP OF THE ORIGINAL EQUIPMENT AND THE REPLACEMENT PARTS DIVISIONS OF THE AUTOMOTIVE PARTS AND EQUIPMENT MANUFACTURING INDUSTRY

Delete Paragraphs 8, 15, 16c, 19, and 20, of Article IV. Substitute in lieu of the deleted Paragraph 15 a new paragraph to be numbered 14 and to read as follows:

“(14) (a) Each member of the industry shall file with a confidential and disinterested agent of the Administrative Committee or, if none, then with such an agent designated by the Administrator, identified lists of all of his prices, discounts, rebates, allowances, and all other terms or conditions of sale, hereinafter in this article referred to as “price terms,” which lists shall completely and accurately conform to and represent the individual pricing practices of said member. Such lists shall contain the price terms for all products of the industry as are sold or offered for sale by said member. 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 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 15 day period after the approval of this provision. 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 Administrator. Upon request the Administrative Committee shall furnish to the Administrator or any duly designated agent of the Administrator copies of any such lists or revisions of price terms.

“This section shall specifically apply to Class ‘A’ members as well as to the other members of the Industry with this exception: that Class ‘A’ members shall forward to the impartial agency of the

Administrative Committee immediately after selling or offering to sell any products of the Industry, the price terms at which such products were sold or offered for sale.

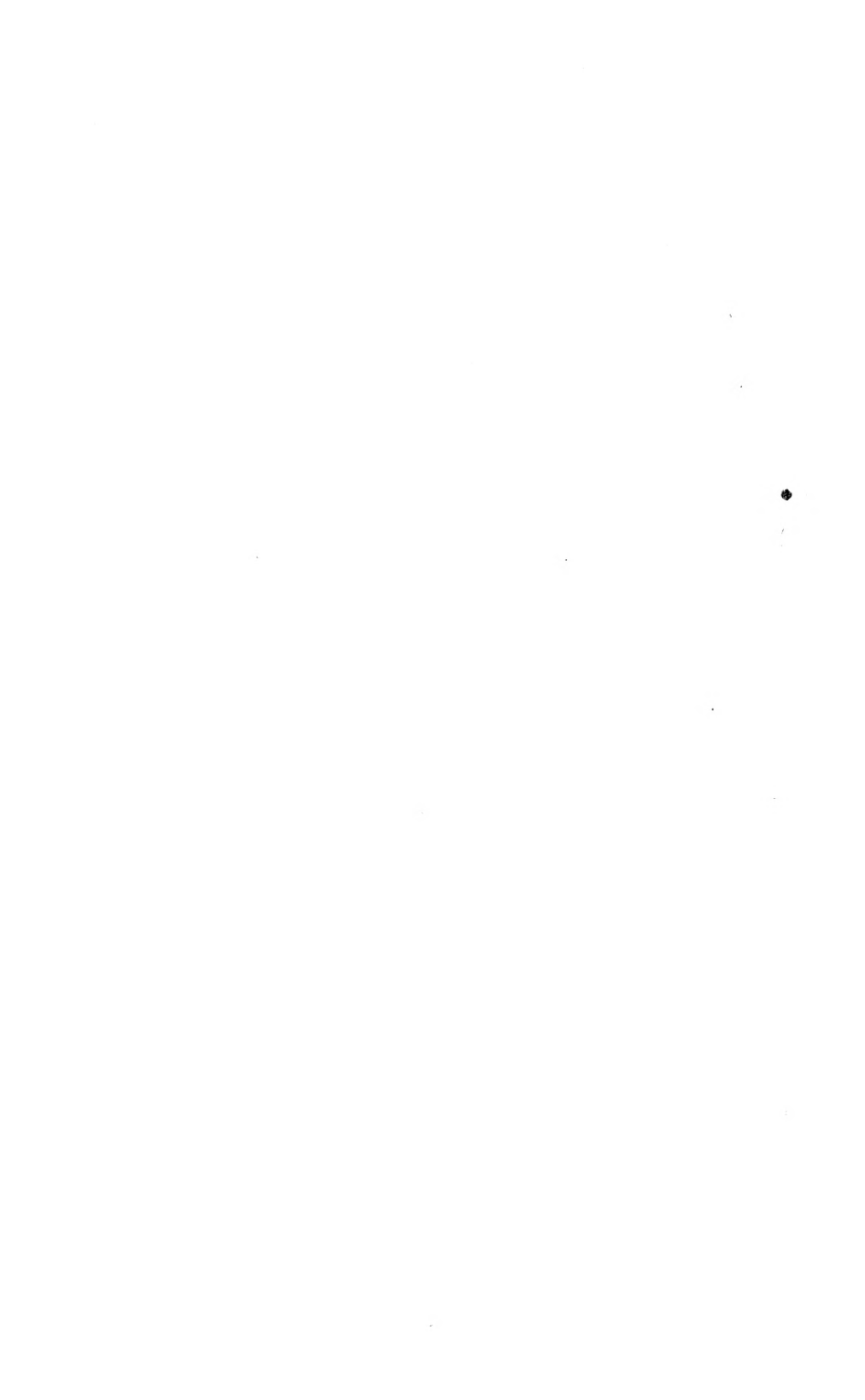
“(b) When any member of the industry has filed any revision, such member shall not file a higher price within forty-eight (48) hours.

“(c) 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.

“(d) 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.”

Re-number old Sections 9, 10, 11, 12, 13, 14, 16, 17, 18, and 21, of Article IV to read, respectively, 8, 9, 10, 11, 12, 13, 15, 16, 17, and 18. Re-letter old Subsection 16 (d) of Article IV to read 15 (c).

Approved Code No. 105C—Amendment No. 1.  
Registry No. 1404-36.



Approved Code No. 78—Amendment No. 2

**AMENDMENT TO CODE OF FAIR COMPETITION**

**FOR THE**

**NOTTINGHAM LACE CURTAIN INDUSTRY**

**As Approved on May 11, 1935**

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**ORDER**

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
NOTTINGHAM LACE CURTAIN 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 Nottingham Lace Curtain 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 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 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.

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

Approval recommended:

**M. D. VINCENT,**  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*May 11, 1935.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Hearing on the Amendment to the Code of Fair Competition for the Nottingham Lace Curtain Industry, held in Room 2066 of the Department of Commerce Building, on April 9, 1935. The Amendment which is attached was presented by the Code Authority.

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

This amendment provides for properly labeling all products of the Industry in accordance with such regulations as are issued by the Code Authority for the Nottingham Lace Curtain Industry and approved by the National Industrial Recovery Board.

### 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 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 standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid Amendment on behalf of the Industry as a whole.

(d) The Amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The Amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For the above reasons this Amendment has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

MAY 11, 1935.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE NOTTINGHAM LACE CURTAIN INDUSTRY

A new Article XIV is to be added to read as follows:

Section 1. Subject to the rules and regulations heretofore or hereafter prescribed by the N. I. R. B. all bundles and/or packages of any material made in whole or in part on Nottingham Lace Curtain Machines shall bear an N. R. A. label to symbolize the conditions under which such operations were performed.

Section 2. Each label shall bear a registration number especially assigned to each member of the Industry by the Code Authority and remain attached to such bundle when delivered to the customer of such member; the labels to be uniform in every way, except as to the numbers as noted above, for every member of the industry.

Section 3. The charges made by the Code Authority for said labels shall at all times be subject to supervision and order of the N. I. R. B. and shall be not more than an amount necessary to cover the cost thereof.

Approved Code No. 78—Amendment No. 2.  
Registry No. 226—1-04.



AMENDMENT TO CODE OF FAIR COMPETITION  
FOR THE  
PYROTECHNIC MANUFACTURING INDUSTRY  
As Approved on May 11, 1935

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
PYROTECHNIC 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 Pyrotechnic Manufacturing 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.,  
*May 11, 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 Pyrotechnic Manufacturing Industry, which Code was approved on December 7, 1933.

The purpose of this Amendment is to permit the formulation of voluntary agreements providing for the payment of liquidated damages by any party thereto upon violation by him of any provision of the Code. To become effective, the agreements must receive the consent of the National Recovery Administration.

A Notice of Opportunity to be Heard upon the said Amendment was published January 12, 1935, and expired on February 2, 1935, in accordance with the provisions of the National Industrial Recovery Act. No objections were 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 Board 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.*

MAY 11, 1935.

**AMENDMENT TO CODE OF FAIR COMPETITION FOR  
THE PYROTECHNIC MANUFACTURING INDUSTRY**

Amend Article VII by the Addition of the Following Section:

**SECTION 3.** Any member of the industry may enter into an agreement with any other member or members of the industry providing for the payment of liquidated damages by any party thereto upon violation by him of any provision of the Code, provided, however, that such agreement shall become effective and binding on the parties thereto only after the execution thereof shall have received the consent of the National Recovery Administration.

Approved Code No. 148—Amendment No. 3.  
Registry No. 611-02.

**AMENDMENT TO CODE OF FAIR COMPETITION**

FOR THE

**RAILWAY CAR BUILDING INDUSTRY**

As Approved on May 11, 1935

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**ORDER**

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
RAILWAY CAR BUILDING 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 Railway Car Building 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.

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

Approval recommended:

BARTON W. MURRAY,  
*Division Administrator.*

WASHINGTON, D. C.,  
*May 11, 1935.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: Under the Code of Fair Competition for the Railway Car Building Industry as approved on February 16, 1934, the Code Authority for said Industry has submitted the amendment which is included and attached.

The amendment to Section 1 of Article VII, by substituting the word "one" for the word "two", (so that the provision will read "In each case wherein one or more employers shall be invited to submit proposals \* \* \*") is designed to cure the confusion which has resulted from the present provision, since an invitee did not know whether or not there were others invited to bid.

The additions to Article IX prohibit the making of allowances in quotations for materials to be furnished by the customer (except those in his bona fide inventory) or where the source of supply is specified by the customer (except in the case of specialties). These provisions are designed to save the members of the Industry from losses which they have heretofore frequently incurred by using defective materials furnished by customers which resulted in the rejection of their finished products.

Hearing on the amendment was held March 1, 1935 at the Department of Commerce Building in Washington, D. C., and opportunity to be heard was duly noticed to all interested parties. One objection was received, but was withdrawn at the hearing.

### 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 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 (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 aforesaid amendment has been presented in accordance with the provisions of Section 2 of Article XII of the Code.

(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.*

MAY 11, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR  
THE RAILWAY CAR BUILDING INDUSTRY

(1) Article VII, Section 1: Change word "two" in first line to "one", making it read: "in each case wherein one or more employers shall be invited to submit proposals \* \* \*"

(2) Article IX: Add the two following paragraphs:

(c) The making of an allowance from the base price for any of the products of the Industry quoted the customer for or on account of any materials (other than materials then in the bona fide inventory of the customer) furnished by the customer or if the purchase thereof is directed by the customer to be made by the employer from a source of supply designated by the customer, provided that allowances may be made for specialties (and/or parts therefor) furnished by the customer or the purchase of which is directed by the customer to be made from a source of supply designated by the customer.

(d) The making of quotations for processing or the processing of materials for completed articles requiring new materials for their completion, all or a substantial part of the material for which (other than specialties and/or parts therefor) the customer either furnishes or directs the employer to purchase from a source of supply designated by the customer.

Approved Code No. 285—Amendment No. 3.  
Registry No. 1414-05.



**AMENDMENT TO CODE OF FAIR COMPETITION**

FOR THE

**TRUCKING INDUSTRY**

As Approved on May 11, 1935

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
TRUCKING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a modification to the Code of Fair Competition for the Trucking Industry, and an opportunity to be heard having been duly afforded all interested parties and the annexed report on said modification, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6589, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said modification and the Code as constituted after being modified comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said modification be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended.

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

Approval recommended:

L. H. PEEBLES,  
*Division Administrator.*

WASHINGTON, D. C.,  
*May 11, 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 V, Section B, Subsection 4 of the Code of Fair Competition for the Trucking Industry.

The Code of Fair Competition for the Trucking Industry was approved on February 10, 1934. Article V, Section B provides for minimum wages for the various employees engaged in the Industry. This proposed amendment was submitted to the Administration by the National Code Authority for the said Industry. After approval, this amendment will set up minimum weekly rates of pay for rate clerks and dispatchers and will thereafter be a part of the Code and enforceable as such.

This amendment proposes to set up minimum wage scales for rate clerks and dispatchers of (a) \$18.00 per week in any city of 500,000 population or over, or in the immediate trade area thereof; (b) \$17.40 per week in any city of 250,000 or over and less than 500,000 population, or in the immediate trade area thereof; (c) \$16.80 per week in cities or places of less than 250,000 population.

Under the provisions of Article V, Section A, Subsection 1 of the Trucking Code, no employee engaged in clerical or office work except rate clerks and dispatchers is permitted to work in excess of forty (40) hours in any one week. All other employees excepting drivers and helpers (including rate clerks and dispatchers) may not work in excess of forty-eight (48) hours per week averaged over a three week period.

Article V, Section B, Subsection 4, as now written, provides that office employees shall not be paid less than at the rate of (a) \$15.00 per week in any city of 500,000 population or over, or in the immediate trade area thereof; (b) \$14.50 per week in any city between 250,000 and 500,000 population, or in the immediate trade area thereof; (c) \$14.00 per week in cities or places of less than 250,000 population.

It can be seen that in the hour provisions a differentiation is made between the maximum hours allowed for rate clerks and dispatchers and those allowed other office employees. The former are allowed to work forty-eight (48) hours a week averaged over a three week period and the latter are restricted to forty (40) hours a week. However, in the wage provisions no such differentiation is made and all office employees are to be paid at the rate specified above. This is inequitable since under this arrangement rate clerks and dispatchers would be paid the same weekly wage for a forty-eight (48) hour week that other office employees are paid for a forty (40) hour week.

Rate clerks and dispatchers are as skilled as any other type of office employee and should receive at least the same rate of pay. This amendment is drawn to achieve this result. The weekly wage scales set up in the proposed amendment have been arrived at by

dividing the weekly wage of office employees in each class by forty and by multiplying the result by forty-eight.

#### FINDINGS

The Deputy Administrator, in his final report to the National Industrial Recovery Board on this 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) This amendment will eliminate an inequitable differential relative to minimum wages as applied to clerical employees in the Trucking Industry.

(b) This amendment will correct an oversight in code drafting that should have been contained in the Trucking Code from the beginning.

(c) This amendment providing minimum wages for rate clerks and dispatchers is fair to industry members and beneficial to labor.

(d) 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 obstruction 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 producing 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 employment, by improving standards of labor, and by otherwise rehabilitating industry.

(e) 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.

(f) The Code Authority, which submitted the application for amendment of the Code, is authorized by said Code to submit amendments which upon approval by the National Recovery Administration, will become binding on the Industry.

(g) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(h) 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.

(i) Those engaged in any 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.*

MAY 11, 1935.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE TRUCKING INDUSTRY

Article V, Section B, Subsection 4 is hereby amended by adding the following clause thereto:

“; provided, however, that no rate clerk or dispatcher shall be paid less than at the rate of (a) \$18.00 per week in any city of 500,000 population or over, or in the immediate trade area thereof; (b) \$17.40 per week in any city of 250,000 or over and less than 500,000 population, or in the immediate trade area thereof; (c) \$16.80 per week in cities or places of less than 250,000 population.”

As thus amended, Article V, Section B, Subsection 4 reads as follows:

“4. No office employees shall be paid less than at the rate of (a) \$15.00 per week in any city of 500,000 population or over, or in the immediate trade area thereof; (b) \$14.50 per week in any city between 250,000 and 500,000 population, or in the immediate trade area thereof; (c) \$14.00 per week in cities or places of less than 250,000 population; provided, however, that no rate clerk or dispatcher shall be paid less than at the rate of (a) \$18.00 per week in any city of 500,000 population or over, or in the immediate trade area thereof; (b) \$17.40 per week in any city of 250,000 or over and less than 500,000 population, or in the immediate trade area thereof; (c) \$16.80 per week in cities or places of less than 250,000 population.”

Approved Code No. 278—Amendment No. 5.  
Registry No. 1411-61.

**AMENDMENT TO CODE OF FAIR COMPETITION**  
**FOR THE**  
**BLOUSE AND SKIRT MANUFACTURING**  
**INDUSTRIES**

As Approved on May 14, 1935

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**ORDER**

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE**  
**BLOUSE AND SKIRT MANUFACTURING INDUSTRIES**

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 Blouse and Skirt Manufacturing Industries, and hearings having been duly held thereon and the annexed report on said amendments, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, 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:

M. D. VINCENT,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*May 14, 1935.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: A public hearing was called on April 10, 1935, to discuss amendments to the Code of Fair Competition for the Blouse and Skirt Manufacturing Industries, on which date the amendments herein contained were properly heard.

There have been no material changes in the amendments as first submitted, merely one minor change which was agreed to at the hearing.

Article V, Section 1 is amended to add a new paragraph, (f), which states in effect that the Code Authority shall not be partners. Article V, Section 1 (a) is amended by adding three sentences, which provide for the election of alternate members of the Code Authority. Article VII is amended by adding a new section, (m), and re-lettering the present section (m) to (n), which provides in effect that no member of the industry may sell merchandise to anyone except wholesale or retail distributors.

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 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 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 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 will not have been deprived of the right to be heard prior to the effective date of these amendments.

For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

MAY 14, 1935.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE BLOUSE AND SKIRT MANUFACTURING INDUS- TRIES

Article V, Section 1 (a), of the Code of Fair Competition for the Blouse and Skirt Manufacturing Industries is hereby amended by adding thereto the following three sentences:

In addition thereto, there may be a specific alternate member for each of the members of the Code Authority. Each alternate member shall be selected in the same fashion as is the member for whom he is an alternate. Each alternate member shall act and vote only in the absence of the member for whom he is an alternate.

Article V, Section 1, of the Code of Fair Competition for the Blouse and Skirt Manufacturing Industries shall be amended by adding thereto a new paragraph, to be designated as (f), reading 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.

Article VII, of the Code of Fair Competition of the Blouse and Skirt Manufacturing Industries, shall be amended by adding thereto a new section (m) and relettering the present section (m) to section (n). The new section (m) will read as follows:

No members of the Blouse and Skirt Manufacturing Industries normally selling to the trade for resale, may sell merchandise to anyone except to wholesale or retail distributors. This shall not prevent, however, bona fide sales by members to their own employees of merchandise which is for the personal use of such employees, or to retail buyers at not less than the regular wholesale prices, provided the buyers are employed in the department in which the merchandise of the member of the industry is usually sold. Nor shall this prevent members of the industry from selling at retail provided such sales are made through a separate retail or mail order establishment operated by them, and notice of such operations has been given to the Code Authority.

Approved Code No. 194—Amendment No. 4.  
Registry No. 210-01.



**AMENDMENT TO SUPPLEMENTARY CODE OF FAIR  
COMPETITION**

FOR THE

**HACK SAW BLADE MANUFACTURING  
INDUSTRY**

As Approved on May 17, 1935

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**ORDER**

APPROVING AMENDMENT OF SUPPLEMENTARY CODE OF FAIR COM-  
PETITION FOR THE HACK SAW BLADE 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 Hack Saw Blade 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 amended to include an approval of said Supplementary Code in its entirety as amended; provided, however, that the provisions of Article V, Sections 4 and 5, insofar as they prescribe a waiting period between the filing with the Code Authority and the effective date of revised price lists or revised terms and conditions of sale be and they are hereby 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.,  
May 17, 1935.

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the amendment to the Supplementary Code of Fair Competition for the Hack Saw Blade Manufacturing Industry, a Division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, to incorporate a provision whereby members of the Hack Saw Blade Manufacturing Industry are permitted to enter into agreements providing for the payment of liquidated damages upon violations of the Code by parties to the agreement. This amendment has been submitted in accordance with the provisions of Article VII, Section 5, and the Notice of Opportunity to be Heard was published on April 23, 1935 for a period of twenty (20) days.

### FINDINGS

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

It is found 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 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 Supplementary 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 2 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 permit monopolies or monopolistic practices.

(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.

Respectfully,

W. A. HARRIMAN,  
*Administrative Officer.*

For the National Industrial Recovery Board.

MAY 17, 1935.

AMENDMENT TO SUPPLEMENTARY CODE OF FAIR  
COMPETITION FOR THE HACK SAW BLADE MANU-  
FACTURING INDUSTRY

A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND  
METAL FINISHING AND METAL COATING INDUSTRY

Amend the Supplementary Code by adding to Article VII a new paragraph, to be called Paragraph 7 to read as follows:

7. Any member of the Industry may enter into an agreement with any other member or members of the Industry, providing for the payment of liquidated damages by any party thereto, upon violation by him of any provision of the Supplementary Code, provided, however, that such agreement shall become effective and binding on the parties thereto only after the execution thereof shall have received the consent of the National Recovery Administration.

Approved Code No. 84H—Amendment No. 2.  
Registry No. 1114-26.

Approved Code No. 500—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION  
FOR THE  
PROCESSED OR REFINED FISH OIL INDUSTRY

As Approved on May 17, 1935

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
PROCESSED OR REFINED FISH OIL 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 Processed or Refined Fish Oil Industry, and opportunity to be heard having been afforded all members of the processed or refined fish oil industry 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, 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:

ARMIN W. RILEY,  
*Division Administrator.*

WASHINGTON, D. C.,  
*May 17, 1935.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on amendments to Article VII, Title C of the Code of Fair Competition for the Processed or Refined Fish Oil Industry, No. 500, by the substitution of new provisions for the present Sections 1 and 2, the addition of a new Section 3 and change of designation of the present Section 3 to Section 4. This code was approved by the Administrator on August 8, 1934.

Pursuant to Executive Order No. 6678, dated April 14, 1934, the Code Authority for the Processed or Refined Fish Oil Industry, in accordance with Article VII, Title B, Section 1, paragraph (i) of said code, having found it necessary in order to support the administration of said code and to maintain the standards of fair competition established by said code and to effectuate the policies of the Act, has made application for amendments to said code incorporating model budget and basis of contribution provisions.

The Acting 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 looking to the elimination of 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 the increasing of 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 (Article VII, Title B, Section 1, paragraph (i)) 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.

In accordance with Executive Order No. 6678, dated April 14, 1934, the amendments to said code have been approved.

Respectfully,

W. A. HARRIMAN,  
*Administrative Officer.*

For the National Industrial Recovery Board.

MAY 17, 1935.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE PROCESSED OR REFINED FISH OIL INDUSTRY

*Amendments to Article VII, Title C.*—Delete Sections 1 and 2, and in lieu thereof substitute the following:

SECTION 1. It being found necessary in order to support the administration of this code and to maintain the standards of fair competition established hereunder and to effectuate the policies 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 this code.

(b) To submit to the National Industrial Recovery Board for its 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; said budget to be such as had been submitted by the Code Authority to a meeting of the members of the industry for approval or revision, the same, upon submittal to the National Industrial Recovery Board, to disclose revision or non-revision by said meeting, as the case may be, 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 empower the accountants selected by the Code Authority under the provisions of Title A, Section 3, paragraph (a) of this Article to determine and obtain equitable contribution as above set forth by all members of the industry and to remit the same forthwith to the Code Authority; to the end that equitable contribution as above set forth shall be made by all members of the industry, the Code Authority may (if necessary, and upon receipt from said accountants of the facts in any particular case) institute legal proceedings therefor in its own name.

(d) The determination and collection of code administration expenses as to each member of the industry shall be held by said accountants in strict confidence except as to the National Industrial Recovery Board and except as may be required for the institution of legal proceedings in accordance with the provisions of paragraph (c) of this Section and Article. Said accountants shall be subjected to adequate bond and before assuming any function under the expense provisions of this code.

SECTION 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 expense 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.

Add new Section 3 as follows:

SECTION 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.

Present Section 3 of the code is changed to Section 4.

Approved Code No. 500—Amendment No. 1.  
Registry No. 612-01.



AMENDMENT TO CODE OF FAIR COMPETITION  
FOR THE  
SCIENTIFIC APPARATUS INDUSTRY

As Approved on May 17, 1935

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
SCIENTIFIC APPARATUS INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for the approval of an amendment to a Code of Fair Competition for the Scientific Apparatus 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, 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 Article VI, Section 1 (b) of said Code be, and it is hereby, amended by adding to the list of sections of the Scientific Apparatus Industry, the following words:

“ Steam and Fluid Specialty ”

and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended; said amendment to become effective immediately, provided, however, that any member of the Industry shall have the right to file objections within twenty (20) days from effective date, at the expiration of which time this Order may be revised, amended or cancelled.

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

Approval recommended:

BARTON W. MURRAY,  
*Division Administrator.*

WASHINGTON, D. C.,  
*May 17, 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 Scientific Apparatus Industry. In accordance with the requirements of the National Recovery Administration, due opportunity to be heard was afforded to all interested persons, and no objections were received. This Amendment is designed to give legal effect to the designation of a sub-divisional Section of the Industry, under the provisions of Article VI, Section 1 (c) of the Code of Fair Competition of the Scientific Apparatus Industry.

### 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 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, the Board has approved this Amendment.

Respectfully,

W. A. HARRIMAN,  
*Administrative Officer.*

For the National Industrial Recovery Board.

MAY 17, 1935.

**AMENDMENT TO CODE OF FAIR COMPETITION FOR THE  
SCIENTIFIC APPARATUS INDUSTRY**

Amend Article VI, Section 1(b) by adding to the list of sections of the Scientific Apparatus Industry the following words:

Steam and Fluid Specialty.

Approved Code No. 114—Amendment No. 2.  
Registry No. 1330-1-01.



Approved Code No. 199—Amendment No. 4

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

CORK INDUSTRY

As Approved on May 20, 1935

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE CORK  
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 Cork 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, 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 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 National Industrial Recovery Board issues a subsequent order to that effect.

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

Approval recommended:

ROBERT N. CAMPBELL,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*May 20, 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 amendment to the Code of Fair Competition for the Cork Industry, submitted by the Code Authority for said Industry.

The purpose of the amendment as submitted is to insert in the Code of Fair Competition for said Industry a provision authorizing the Code Authority to incorporate in a manner satisfactory to and subject to the approval of the National Industrial Recovery Board.

### 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:

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 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 otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7, and sub-section (b) of Section 10 thereof.

(c) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.



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

For these reasons, therefore, said amendment has been approved.

Respectfully,

W. A. HARRIMAN,  
*Administrative Officer.*

For the National Industrial Recovery Board.

MAY 20, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR  
THE CORK INDUSTRY

Insert as new Section 8 of Article VI the following:

SECTION 8. The Code Authority for this Industry may incorporate under the laws of any State of the United States, or the District of Columbia, such corporation to be not for profit, and to be known as the "Cork 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 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, and any amendments thereof, shall be subject to the approval of the National Industrial Recovery Board.

Approved Code No. 199—Amendment No. 4.  
Registry No. 308-1-01.

Approved Code No. 332—Amendment No. 2

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

LADIES' HANDBAG INDUSTRY

As Approved on May 23, 1935

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE LADIES'  
HANDBAG 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 amendment to a Code of Fair Competition for the Ladies' Handbag 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 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:

M. D. VINCENT,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*May 23, 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 Ladies' Handbag Industry and on the Notice of Hearing, dated December 19, in accordance with the provisions of Title I of the National Industrial Recovery Act.

### GENERAL STATEMENT

The Ladies' Handbag Industry, through its Code Authority, has availed itself of the provisions of Article IX of the Code of Fair Competition for the Ladies' Handbag Industry, approved by you on March 14, 1934.

### RÉSUMÉ OF AMENDMENT

This Amendment calls for a new Section 16 of Article VIII which establishes a uniform method of handling repairs on Ladies' Handbags.

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

(b) The Code as amended complies in all respects with the pertinent provision of said title of said act, including without limitation subsection (a) of section 3, subsection (a) of section 7 and subsection (b) of section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

Respectfully,

W. A. HARRIMAN,  
*Administrative Officer.*

For the National Industrial Recovery Board.

MAY 23, 1935.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE LADIES' HANDBAG INDUSTRY

A new Article VIII, Section 16 to read as follows:

No member of the Industry shall pay for or rebate forwarding charges incidental to the return of used handbags, or repair used handbags without making a charge for same based upon the cost of labor and materials required for making such repair. This provision shall not apply however to repairs attributable to defective workmanship or materials. Actual forwarding or transportation charges shall be separately itemized on invoice.

Approved Code No. 332—Amendment No. 2.  
Registry No. 236-1-01.

Approved Code No. 401—Amendment No. 2

**AMENDMENT TO CODE OF FAIR COMPETITION**

FOR THE

**COPPER INDUSTRY**

As Approved on May 24, 1935

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**ORDER**

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
COPPER INDUSTRY**

WHEREAS, Amendment No. 1 approved April 26, 1935 by Administrative Order No. 401-15 contains a typographical error and an Amendment correcting such error has been prepared and the annexed report on said Amendment contains findings with respect thereto which have 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 adopt and incorporate by reference said annexed report and the attached original copy of said Amendment 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.,  
*May 24, 1935.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: Amendment No. 1 to the Code of Fair Competition for the Copper Industry approved April 26, 1935, by Administrative Order No. 401-15, contained a typographical error in that the relative Annual Productive Capacity of the Kennecott Copper Corporation read "366,000 tons per annum" in place of "366,500 tons per annum". An Amendment correcting this error has therefore been prepared.

### 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 policy 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 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.

Respectfully,

W. A. HARRIMAN,  
*Administrative Officer.*

For the National Industrial Recovery Board.

MAY 24, 1935.



## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE COPPER INDUSTRY

Delete Sub-section (2), Section 6, of new Article VII and substitute therefor the following:

Until such time as the Code Authority may determine that such member has failed to comply with the provisions of this Code and such determination has been approved for the purpose by the Administrator, the monthly sales quota for each primary producer of the industry listed below and the relative annual productive capacities of such members, arrived at solely for the purpose of establishing sales quotas, shall be as follows:

	Tons per annum	Monthly sales quotas
Kenecott Copper Corporation.....	366,500	<i>Percent</i>
Anaconda Copper Mining Company.....	225,000	1.67
Phelps Dodge Corporation.....	236,000	1.67
Calumet & Hecla Consolidated Copper Company.....	50,000	2.20
Miami Copper Company.....	36,000	2.30
Magma Copper Company.....	25,000	2.50
United Verde Extension Mining Company.....	24,000	2.50
Consolidated Coppermines Co.....	21,000	2.70
Copper Range Company.....	17,500	3.00

Amended Code No. 401—Amendment No. 2.  
Registry No. 1209—1-02.



AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

UMBRELLA FRAME AND UMBRELLA HARDWARE MANUFACTURING INDUSTRY

As Approved on May 24, 1935

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE UMBRELLA FRAME AND UMBRELLA HARDWARE 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 Umbrella Frame and Umbrella Hardware 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 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:

JOHN W. UPP,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*May 24, 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 Umbrella Frame and Umbrella Hardware Manufacturing Industry to incorporate a provision whereby members of the Umbrella Frame and Umbrella Hardware Manufacturing Industry are prohibited from offering to sell commodities at prices other than those shown on the latest price schedule so filed. The Amendment has been submitted in accordance with the provisions of Section 6 (e) of Article VI of the Code, and a Notice of Opportunity to be Heard was published on April 27, 1935 for a period of twenty (20) days.

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 proceedings in this matter:

It is found that:

### FINDINGS

(a) The Amendment to 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 the 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 as proposed will tend to eliminate certain practices which are unjustifiable and not in accordance with the purposes of the National Industrial Recovery Act; specifically, to prohibit the offering to sell on terms by a member of the Industry to a

customer which are inconsistent with the prices filed by him pursuant to the provisions of Section 1 of Article VII of the Code.

(e) The Amendment will not change the fundamental economic condition of the Industry, will not obstruct any sound economic practice in the Industry and will further the economic progress of any member of the Industry and others directly or indirectly concerned.

(f) The Amendment and the Code as amended are not designed to permit monopolies or monopolistic practices.

(g) 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.

Respectfully,

W. A. HARRIMAN,  
*Administrative Officer.*

For the National Industrial Recovery Board.

MAY 24, 1935.

**AMENDMENT TO CODE OF FAIR COMPETITION FOR  
THE UMBRELLA FRAME AND UMBRELLA HARDWARE  
MANUFACTURING INDUSTRY**

Insert the words " or offer to sell " in the last sentence of Article VII, Section 1, so that the amended Section will read as follows:

" Members of the Industry shall not sell or offer to sell commodities at prices other than those shown on the latest price schedule so filed."

Approved Code No. 386—Amendment No. 1.  
Registry No. 1114-30.

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

COTTON GARMENT INDUSTRY

As Approved on May 25, 1935

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
COTTON GARMENT 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 Cotton Garment Industry, and hearings having been duly held thereon and the annexed report on said amendments containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, 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, upon the following conditions: (1) that the By-Laws of the Association of Cotton Undergarment and Sleeping Garment Manufacturers be amended within fifteen (15) days of the date of this Order by the deletion of the words "of good standing and reputation" as set forth in the first line of Article III, Section 1; and (2) that the Constitution and By-Laws of the National Oiled Cotton Garment Manufacturers Association be amended within fifteen (15) days of the date of this Order by the deletion of the words "conduct, prejudicial to the best interests of the Association" and that said Constitution and By-Laws be further amended to provide that expulsion from membership because of violation of the Code, as provided for in the same Section, be conditioned upon a

finding by the National Recovery Administration or by a court of competent jurisdiction that the Code has been violated.

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

Approval recommended:

M. D. VINCENT,  
*Acting Division Administrator*.

WASHINGTON, D. C.,  
*May 25, 1935*



## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: The Code Authority of the Cotton Garment Industry, on behalf of the members of the Industry, has submitted an application for amendments of the Code of Fair Competition for such Industry.

Pursuant to said application a Notice of Opportunity to be Heard was published on March 2, 1935 to afford the members of the Industry an opportunity to file any objections to the approval of said amendments. No objections were received pursuant to this Notice.

The amendments submitted herewith provide for the establishment of five (5) Divisional Code Authorities to be known as the Divisional Code Authority for the Shirt and Pajama, the House Dress, the Heavy Outerwear, the Work Clothes, and the Nurses, Service and Undergarment Divisions respectively.

Each such Divisional Code Authority shall be the Agency to cooperate with the Code Authority and with the National Industrial Recovery Board in administering the fair trade practice provisions of the Code.

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 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 amendments on behalf of the industry as a whole.

(d) The amendments and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendments and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons these amendments have been approved.

Respectfully,

W. A. HARRIMAN,  
*Administrative Officer.*

For the National Industrial Recovery Board.

MAY 25, 1935.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE COTTON GARMENT INDUSTRY

### I.

Amend Article IX, Section C by inserting after the words "the Code Authority" the words "or any Subdivisional Code Authority".

### II.

Amend Article IX, Section D by inserting after the words "Code Authority", wherever they occur in such Section, the words "or any Subdivisional Code Authority".

### III.

Amend Article IX, Section L by inserting after the words "Code Authority", wherever they occur, the words "or any Subdivisional Code Authority".

### IV.

Amend Article IX, by adding a new section to be known as Section N, to read as follows:

(1) There shall be constituted five Subdivisional Code Authorities to be known as the Divisional Code Authority for the Shirt and Pajama, the House Dress, the Heavy Outerwear, the Work Clothes, and the Nurses, Service and Undergarment Divisions, respectively. Each such Divisional Code Authority shall consist of such number of members selected by a fair method of representation as the National Industrial Recovery Board may approve upon the recommendation of the Associations concerned, and such additional members to represent non-Association members of the Industry as may be selected by a fair method of selection approved by the National Industrial Recovery Board, provided however, that each Subdivisional Code Authority shall contain one non-Association representative for every ten (10) Association representatives or fraction thereof.

(2) In addition to the non-Association representation provided for hereinabove, the Divisional Code Authorities shall be constituted as follows:

a. The Divisional Code Authority for the Shirt and Pajama Industry shall consist of representatives of the National Association of Shirt Manufacturers, the National Pajama Manufacturers Council, Inc., the Association of Collar Manufacturers, the National Association of Boys' Blouse and Shirt Manufacturers, Shirt Institute,

Inc., and the National Association of Men's Shirts and Boys' Blouse Contractors.

b. The Divisional Code Authority for the House Dress Industry shall consist of representatives of the National Association of House Dress Manufacturers, Inc.

c. The Divisional Code Authority for the Heavy Outerwear Industry shall consist of representatives of the National Association of Sheep Lined and Leather Garment Manufacturers and of such manufacturers in the National Work Clothes Manufacturers Association as manufacture mackinaws, windbreakers, and suedine and melton jackets, hunting and sporting garments.

d. The Divisional Code Authority for the Work Clothes Industry shall consist of representatives of the National Work Shirt Manufacturers Association, Inc., The National Work Clothes Manufacturers Association (except those manufacturers who are members of that association engaged exclusively in the manufacture of mackinaws, windbreakers, and suedine and melton jackets and hunting and sporting garments), the Union Made Garment Manufacturers Association of America, the Associated Pants Manufacturers of America, and the National Oiled Cotton Garment Manufacturers Association.

e. The Divisional Code Authority for the Nurses, Service and Undergarments Industry shall consist of representatives of the National Association of Nurses' and Maids' Aprons and Uniforms, the Associated Manufacturers of Washable Service Apparel, Inc., and the Association of Cotton Undergarment and Sleeping Garment Manufacturers.

(3) Each such Divisional Code Authority shall be the agency to cooperate with the Code Authority and the National Industrial Recovery Board in the administration of the Fair Trade Practice provisions of the Code, and shall have the following powers and duties:

a. To make investigations to the extent permitted by the National Industrial Recovery Act and the Constitution of the United States, and to conduct hearings to ascertain whether the members of the respective subdivisinal industries are complying with the Fair Trade Practice provisions of the Code.

b. To employ personnel for the discharge of its functions and to make other expenditures to the extent permitted by the budget approved for the Code Authority for this Industry.

c. To adopt, with the approval of the National Industrial Recovery Board, by-Laws and rules and regulations for its procedure and for the administration and enforcement of the Fair Trade Practice provisions of the Code.

d. To submit to the National Industrial Recovery Board recommendations for the amendment of the Fair Trade Practice provisions of the Code insofar as they affect members of the subdivisinal industry.

Such recommendations, when approved by the National Industrial Recovery Board shall become a part of the Code and shall be binding upon all members of the subdivisinal industry.

(4) The National Industrial Recovery Board at its discretion may appoint not more than three additional members, without vote, to

represent the National Recovery Administration on each such Subdivisional Code Authority.

V.

Amend Article XIX by deleting Sections 3 and 4 and by renumbering the following sections accordingly.

Approved Code No. 11S—Amendment No. 11.

Registry No. 217-1-06.

See Paragraph 2 of order approving this Amendment.



AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

MOTOR VEHICLE RETAILING TRADE

As Approved on May 27, 1935

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
MOTOR VEHICLE RETAILING TRADE

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to Article IV, Title B, Section 4, of the Code of Fair Competition for the Motor Vehicle Retailing Trade, 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 of said Code be and it is hereby approved, and that the previous order of 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.*

Order recommended:

BARTON W. MURRAY,  
*Division Administrator.*

WASHINGTON, D. C.,  
*May 27, 1935.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: The National Control Committee, on behalf of the Emergency National Committee has submitted an amendment to Article IV, Title B, Section (4) of the Code of Fair Competition for the Motor Vehicle Retailing Trade. A public hearing was held in Washington, D. C., on April 10, 1935. This public hearing was conducted in accordance with the provisions of Title I of the National Industrial Recovery Act and all persons were given full opportunity to be heard.

The purpose and effect of the amendment is as follows:

To provide a method whereby new motor vehicles can be sold and offered for sale at less than the delivered prices described in the Motor Vehicle Retailing Trade Code when the production of such motor vehicles has been or is about to be discontinued.

### 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 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 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 this amendment.

Respectfully,

For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

MAY 27, 1935.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE MOTOR VEHICLE RETAILING TRADE

Delete Section 4, Title B, Article IV, and Substitute therefor the following:

Upon written application of a dealer or dealers filed with the State Advisory Committee (and a copy thereof being mailed concurrently to the National Control Committee) and with the approval of the manufacturer concerned, and the approval of the State Advisory Committee, the National Control Committee, acting as the impartial agency, may authorize a dealer or dealers of a Code State handling any particular make of motor vehicle to sell and offer for sale new motor vehicles of that particular make, the production of which has been or is about to be discontinued, at less than the delivered price as described in Section 1, subsections (a), (b), (c) and (d) of Title B of this Article, and may prescribe the maximum reduction to be permitted, which maximum reduction may be increased from time to time upon the application of any dealer or dealers and upon a finding by the National Control Committee that the maximum reduction previously authorized is inadequate. In the event that the National Control Committee refuses approval or takes no action within fourteen (14) days after the filing of the application by a dealer or dealers, said or dealers shall have the right to appeal to the National Industrial Recovery Board, whose decision shall be final.

Approved Code No. 46—Amendment No. 6.  
Registry No. 1403-32.

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## SUPPLEMENTS

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Approved Code No. 308—Supplement No. 11

**SUPPLEMENTARY CODE OF FAIR COMPETITION**  
**FOR THE**  
**SPONGE PREPARING AND WHOLESALING OR**  
**WHOLESALING INDUSTRY**

As Approved on April 27, 1935

**ORDER**

**APPROVING SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE**  
**SPONGE PREPARING AND WHOLESALING OR WHOLESALING INDUSTRY**

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 sponge preparing and wholesaling or wholesaling division of the fishery 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.,  
*April 27, 1935.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Supplementary Code of Fair Competition for the Sponge Preparing and Wholesaling or Wholesaling Industry (a Division of the Fishery Industry), as revised after Public Hearing conducted in Washington, D. C., on December 17 and 21, 1934, in accordance with the provisions of the National Industrial Recovery Act. The code is sponsored by the Sponge Institute and the Florida Sponge Packers Association, trade associations with their principal offices in Washington, D. C., and Tarpon Springs, Florida, respectively, and by a code committee elected by ballot of the industry, to which committee, with the acquiescence of the incumbent members and the National Recovery Administration, certain members were added looking to true representation.

### I. DESCRIPTION OF THE INDUSTRY

The sponge preparing and wholesaling or wholesaling industry includes the washing, cutting, clipping, trimming, drying, sorting, bleaching, baling, packing, tagging, wrapping, packaging and kindred manipulation of sponges, and the wholesaling thereof, except by cleaning supply, paint or hardware dealers, or druggists.

The raw supplies for the industry are obtained from fishing vessels operating out of Florida ports and through importations from Cuba and the Bahama Islands. Most of the sponges obtained from domestic producers are purchased through the Tarpon Springs Sponge Exchange at Tarpon Springs, Florida, where the fishermen take their sponges for sale at auction.

After the sponges are purchased from the fishermen, they are taken to the packing houses, where they are washed, trimmed, cut, dried, baled and shipped to the wholesale dealers who are located in the larger cities of the United States. There the sponges may be further cleaned, bleached, wrapped, tagged and packaged before shipping to the jobbers and retail dealers. New York City is the principal import market. In 1933 about 76 per cent of the quantity of sponges imported entered the United States through New York. A large part of the imported sponges is sold in the original package.

There are 57 preparing and wholesaling or wholesaling establishments in the industry covered by the code. These employ between 600 and 750 wage earners. The aggregate volume of sales amounts to from \$3,000,000 to \$3,500,000 and the invested capital is approximately \$1,500,000.

### 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 during 5 weeks in any year such employees may be permitted to work 44 hours per week, or 9 hours per day, provided they receive time and one-third the normal rate of pay for all hours worked in excess of 40 per week or 8 per day. No other employee shall be permitted to work in excess of 40 hours per week, or 8 hours per day, or 6 days in any 7, with the exception of executive, supervisory and administrative employees who receive \$35.00 per week or more; outside salesmen who spend 80 per cent of their time away from the premises of their employer; stationary engineers and stationary firemen, chauffeurs, and deliverymen, provided they shall not be permitted to work in excess of 48 hours in any week; employees engaged in emergency maintenance and emergency repair work, provided they are paid at least time and one-third the normal rate for hours worked in excess of the maximum established for them; and for not more than 16 weeks in any year employees skilled in bleaching and packing sponges may be permitted to work 48 hours per week, provided they are paid time and one-third the normal rate for hours worked in excess of 40 per week or 8 per day.

With respect to wages the industry proposes that no clerical, accounting or other office employee shall be paid less than at the rate of \$16.00 per week, except that office boys may be employed at a rate of not less than \$14.00 per week. Office boys are limited to 5 percent of all office employees but at least one may be employed. No employee engaged solely in the light work of tagging, packaging, or wrapping shall be paid less than at the rate of \$14.00 per week for those who work by the week or 35 cents per hour for those who work by the hour. No other employee shall be paid less than at the rate of \$16.00 per week for those who work by the week or 40 cents per hour for those who work by the hour.

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 participation in code and false information.

### IV. FINDINGS

The Acting 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 pos-

sible 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 code as approved complies in all respects with the pertinent provisions of Title I of the National Industrial Recovery Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(d) The applicant groups are truly representative of the industry. No inequitable restrictions on admission to membership therein are imposed by said groups.

(e) The code is not designed to and will not permit monopolies or monopolistic practices.

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

(g) Those engaged in other steps of the economic process whose services and welfare are effected by the code, have not been deprived of the right to be heard prior to approval of said code.

For these reasons, therefore, this divisional code has been approved.  
For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

APRIL 27, 1935.



# SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE SPONGE PREPARING AND WHOLESALING 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 sponge preparing and wholesaling 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 sponge preparing and wholesaling 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 sponge preparing and wholesaling or wholesaling division of the fishery industry. As used herein:

(a) The term "sponge preparing and wholesaling or wholesaling industry" or "sponge industry" means the preparing and wholesaling or wholesaling of sponges. Said term does not include the wholesaling of sponges by cleaning supply, paint or hardware dealers, or druggists.

(b) The term "preparing" means washing, cutting, clipping, trimming, drying, sorting, bleaching, baling, packing, tagging, wrapping, packaging, and kindred operations.

(c) The terms "wholesale" and "wholesaling" mean the distribution of sponges, in the natural or any prepared state, to retail outlets 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 sponges between or among distributors. Said terms do not include any primary sale, in the natural or any prepared state, of sponges taken from the water, or taken from the water and prepared, by persons engaged by their own manual labor individually, as partners, or on a "lay" basis; and with or without the cooperation in the work of one or more employees compensated on a time or piece rate basis).

(d) The term "member of the sponge industry" means any individual, partnership, association, corporation, or other form of enterprise engaged in the sponge industry, either as an employer or on his or its own behalf.

(e) The term "sponge" means the sheepswool sponge (*Hippospongia canaliculata gossypina*) and other species of *Hippospongia*, *Euspongia*, *Spongia*; it shall include also analogous genera used for commercial purposes.

(f) The term "Executive Committee" means a 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.

(g) 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.

### ARTICLE III—HOURS OF LABOR

SECTION 1. The labor hour provisions contained in Article III of said national code shall not apply to the sponge industry, and in lieu thereof the following shall apply:

(a) 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 during five (5) weeks in any year any such employee may be permitted to work not to exceed forty-four (44) hours in any week, or nine (9) hours in any day; *Provided however*, that time and one-third the normal rate shall be paid for all hours worked in excess of forty (40) in any week or eight (8) in any day.

(b) No other 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), with the following exceptions:

(1) Executive, supervisory, and administrative employees, provided they receive \$35.00 per week or more.

(2) Outside salesmen who spend at least eighty percent (80%) of their time away from the premises of their employer.

(3) Stationary engineers and stationary firemen, chauffeurs, and deliverymen; *Provided however*, that they shall not be permitted to work in excess of forty-eight (48) hours in any week.

(4) 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.

(5) For not more than sixteen (16) weeks in any year, employees skilled in bleaching and packing may be permitted to work not to exceed forty-eight (48) hours in any week; *Provided however*, that they shall be paid at least time and one-third the normal rate for hours worked in excess of forty (40) in any week or eight (8) in any day.

(c) Each employer shall make a monthly report to the Executive Committee having jurisdiction, stating the number of hours worked in excess of the maximum under the provisions of Section 1, paragraph (b), subparagraphs (4) and (5) of this Article.

(d) No employer shall knowingly permit any employee to work for any time which, when added to the time spent at work for another member or members of the sponge industry or otherwise, exceeds the maximum herein permitted for his occupation.

## ARTICLE IV—WAGES

SECTION 1. The labor wage provisions contained in Article IV of said national code shall not apply to the sponge industry, and in lieu thereof the following shall apply:

(a) No clerical, accounting or other office employee shall be paid less than at the rate of \$16.00 per week, except that office boys may be employed at a rate of not less than \$14.00 per week. Office boys in any establishment shall not exceed five per cent (5%) of all office employees therein, but at least one may be employed.

(b) No employee engaged solely in the light work of tagging, packaging, or wrapping shall be paid less than at the rate of \$14.00 per week for those who work by the week or 35¢ per hour for those who work by the hour.

(c) No other employee shall be paid less than at the rate of \$16.00 per week for those who work by the week or 40¢ per hour for those who work by the hour.

(d) 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 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 having jurisdiction a list of all such persons employed by him, showing the wages paid to, and the maximum hours of work for, each such employee.

(e) Female employees performing the same duties as male employees shall receive the same rates of pay.

(f) In order to maintain fair differentials between employees, and 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 full time weekly wages be reduced. Each 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 the provisions of this paragraph.

(g) This divisional code establishes minimum rates of pay, and the same shall apply whether the employee be actually compensated on a time rate, piece work, or other basis.

(h) 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, 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 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, except Section 8 of said Article V, are specifically incorporated herein by reference and shall apply to the sponge industry, and in addition thereto the following shall apply:

(a) No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. Each 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. Standards for safety and health shall be submitted by the Executive Committees to the National Industrial Recovery Board within three (3) months after the effective date of this divisional code.

## ARTICLE VI—UNFAIR METHODS OF COMPETITION

SECTION 1. The unfair methods of competition provisions contained in Article VI of said national code shall not apply to the sponge industry, and in lieu thereof the following shall apply:

(a) The following practices constitute unfair methods of competition and it shall be a violation of this divisional code for any member of the sponge industry:

(1) *Participation in Code.*—To claim participation in this divisional code or said national code without complying with the provisions of this divisional code.

(2) *False Information.*—To report falsely to either Executive Committee on any information required for the administration of this divisional code.

## ARTICLE VII—INFORMATION, BOOKS AND RECORDS

SECTION 1.—The provisions contained in Article VII of said national code, except those contained in Section 3, shall apply to the sponge industry.

## ARTICLE VIII—ADMINISTRATION

## TITLE A. SUPERVISORY BODIES

SECTION 1. The provisions contained in Article VIII of said national code shall apply to the sponge industry, except as modified in this Article.

## TITLE B. EXECUTIVE COMMITTEES, SELECTION

SECTION 1. There shall be elected annually by and from the members of the sponge industry within the State of Florida an Executive Committee consisting of five (5) members to administer this divisional code within the confines of said state, subject to rules and regulations pertaining to code administration issued by the National

Industrial Recovery Board; *Provided however*, that one (1) member of said Executive Committee shall be the President of the Florida Sponge Packers Association. The first election shall be called by the Florida Sponge Packers Association within fifteen (15) days after the effective date of this divisional code (if it has not been earlier held), and the Executive Committee elected thereat shall serve until a date not later than one (1) year from the effective date of this divisional code, or for any less period commensurate with the life of the Act. Subsequent elections shall be called by said Executive Committee. Each member of the sponge industry within the State of Florida shall be entitled to one (1) vote in the election of each member of said Executive Committee, to be cast in person, by proxy or by mail.

SECTION 2. There shall be elected annually by and from the members of the sponge industry in places other than the State of Florida an Executive Committee consisting of five (5) members to administer this divisional code in such places, subject to rules and regulations pertaining to code administration issued by the National Industrial Recovery Board: *Provided however*, that one (1) member of said Executive Committee shall be the President of the Sponge Institute. The first election shall be called by the Sponge Institute within fifteen (15) days after the effective date of this divisional code (if it has not been earlier held), and the Executive Committee elected thereat shall serve until a date not later than one (1) year from the effective date of this divisional code, or for any less period commensurate with the life of the Act. Subsequent elections shall be called by said Executive Committee. Each member of the sponge industry in such places shall be entitled to one (1) vote in the election of each member of said Executive Committee, to be cast in person, by proxy or by mail.

SECTION 3. Notice of any Executive Committee election to be held under this divisional code shall be dispatched to each member of the sponge industry entitled to vote thereat at least twenty (20) days in advance of the date of the proposed election.

SECTION 4. In addition to membership as above provided, there may be one (1) to three (3) members on each Executive Committee to be appointed by the National Industrial Recovery Board, to serve for such periods respectively as the National Industrial Recovery Board may designate. Administration members shall serve without vote and without expense to the sponge industry.

SECTION 5. Each 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 COMMITTEES, POWERS AND DUTIES

SECTION 1. Subject to rules and regulations pertaining to code administration issued by the National Industrial Recovery Board, each Executive Committee within its jurisdiction shall supervise the effectuation of the purposes of this divisional code pursuant to the provisions of Article VIII of said national code, and within its jurisdiction is authorized further:

(a) To use an Executive Secretary, and such associations and other agencies as it sees fit, for the carrying out of any of its activi-

ties hereunder; *Provided however*, that nothing herein shall relieve either Executive Committee of its duties and responsibilities under this divisional code, and that the Executive Secretary and such associations and other agencies shall at all times be subject to and shall comply with the provisions thereof.

(b) To make such surveys and investigations as may be necessary to ascertain conditions in the sponge industry and to formulate plans for the effective distribution of the products of the sponge industry, which plans shall be designed to promote stable marketing conditions and standards of quality. This paragraph supersedes Article VIII, Title D, Section 3, paragraph (b) of said national code, the provisions of which shall not apply to the sponge industry.

(c) To cooperate with the National Industrial Recovery Board in regulating the use of any N. R. A. insignia solely by those members of the sponge 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.

(d) To obtain from members of the sponge industry such information and reports as are required for the administration of this divisional code. If either Executive Committee or the National Industrial Recovery Board shall determine that substantial doubt exists as to the accuracy of any information or report supplied or submitted by any member of the sponge industry, so much of the pertinent books, records and papers of such member as may be required for the verification of such information or report may be examined by an impartial agent agreed upon by the Executive Committee having jurisdiction and such member, or, in the absence of agreement between them, 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 either Executive Committee 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 divisional code. This paragraph supersedes Article VIII, Title D, Section 3, paragraph (c) of said national code, the provisions of which shall not apply to the sponge industry.

SECTION 2. The Executive Committee having jurisdiction over the territory outside the State of Florida shall cause to be formulated methods of cost finding and accounting capable of use by all members of the sponge industry within said territory. When such cost finding and accounting methods 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 sponge industry within said territory. Thereafter, each member of the sponge industry within said territory shall utilize such methods to the extent found practicable. Nothing herein contained shall be construed to permit either Executive Committee, or any agent thereof, or any member of the sponge 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 3. The Executive Committee having jurisdiction within the State of Florida shall within sixty (60) days after the effective

date of this divisional code appoint three (3) members of the sponge industry within the State of Florida to meet in committee with three (3) sponge fishermen and a representative of the Federal Government to discuss matters looking to the inclusion in this divisional code of provisions regulating the purchase of sponges from fishermen, and to make recommendations thereon to each Executive Committee and to the National Industrial Recovery Board. If the sponge fishermen fail within sixty (60) days after the effective date of this divisional code to elect representatives to meet as aforesaid with said members of the sponge industry, the Labor Advisory Board of the National Recovery Administration shall appoint such representatives. The representative of the Federal Government designated as a member of the committee provided for in this Section shall be appointed by the National Industrial Recovery Board, to serve for such period as the National Industrial Recovery Board may designate; said representative shall serve without expense to the sponge industry.

SECTION 4. The provisions of Article VIII, Title D, Section 3; paragraph (a) and of Article VIII, Title D, Section 4 of said national code shall not apply to the sponge industry.

SECTION 5. If the National Industrial Recovery Board shall determine, at any time, that any action of either Executive 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 pending final action following opportunity for investigation of the merits of the original action and further consideration by the Executive Committee or agency thereof sponsoring same, which final action 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 the action in its original or any modified form. This Section supersedes Article VIII, Title H, Section 1 of said national code.

#### TITLE D. EXPENSES

SECTION 1. If the assessments provided for in Article VIII, Title E, Section 1 of said national code shall fail to provide sufficient funds for the proper administration of this divisional code, each member of the sponge industry shall bear his proportionate share of any additional expense, if the National Industrial Recovery Board shall approve an assessment for the same.

SECTION 2. It being found necessary in order to support the administration of this divisional code and to maintain the standards of fair competition established thereunder and to effectuate the policy of the Act, each Executive Committee is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of said national code (in accordance with its terms) and this divisional code.

(b) To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as the National Industrial Recovery Board may deem necessary, (1) an itemized budget of its estimated expenses for the administration of

this divisional code and of its contribution to the code administration expense of the National Code Authority, and (2) an equitable basis (consistent with said national code) upon which the funds necessary to support such budget shall be contributed by members of the sponge 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 sponge industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

SECTION 3. Each member of the sponge industry shall pay his or its equitable contribution to the expense of the administration of said national code and this divisional code as in said codes provided, subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only those members of the sponge industry 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) shall be entitled to participate in the selection of members of the Executive Committees or to receive the benefit of any of their voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

SECTION 4. The Executive Committees shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in their approved budgets, and shall in no event exceed the total amount contained in their approved budgets, 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.

#### ARTICLE IX—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 condition imposed by him upon approval thereof. The other provisions contained in Articles IX and X of said national code shall apply to the sponge industry whether or not in said Articles of said national code specific reference is made to this divisional code.

#### ARTICLE X—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. 11.  
Registry No. 908-01.



Approved Code No. 244A—Subdivision No. 2

**SUPPLEMENTARY CODE OF FAIR COMPETITION**

FOR THE

**HEAVY CONSTRUCTION AND RAILROAD  
CONTRACTORS INDUSTRY**

As Approved on April 29, 1935

BY

**PRESIDENT ROOSEVELT**

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**EXECUTIVE ORDER**

**SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE HEAVY CON-  
STRUCTION AND RAILROAD CONTRACTORS INDUSTRY**

**A SUBDIVISION OF THE GENERAL CONTRACTORS DIVISION OF THE CONSTRUCTION INDUSTRY**

An application having been duly made, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, and pursuant to and in full compliance with the provisions of Section 5 of Article VIII of Chapter I, approved January 31, 1934, and pursuant to and in full compliance with the provisions of Section 2 of Article I of Chapter II, approved February 17, 1934, of the Code of Fair Competition for the Construction Industry, for approval of Subchapter II-B of Chapter II of said Code, which Subchapter is applicable to the Heavy Construction and Railroad Contractors Subdivision of the General Contractors Division of the Construction Industry, and hearings having been held thereon, and the National Industrial Recovery Board having rendered its report containing an analysis of said Subchapter II-B and of said Code of Fair Competition as amended by the addition thereto of said Subchapter II-B, together with its recommendations and findings with respect thereto, and the National Industrial Recovery Board having found that the said Subchapter II-B and the said Code of Fair Competition, as amended by the addition thereto of said Subchapter II-B, 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 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 Subchapter II-B be and it is hereby approved, and that the previous approval of said Code of Fair Competition for the Construction Industry is hereby amended to include an approval of said Code in its entirety as supplemented by said Subchapter II-B:

PROVIDED, HOWEVER, that the operation of Section 6, *Mutual Agreements*, of Article III, may be reviewed by the National Industrial Recovery Board within sixty (60) days after the effective date of this Subchapter II-B and if upon a finding that the said Section 6 unfairly interferes in any respect, with the process or freedom of collective bargaining, said Section 6 be immediately stayed pending my further order.

FRANKLIN D. ROOSEVELT.

Approval recommended:

NATIONAL INDUSTRIAL RECOVERY BOARD,

By L. C. MARSHALL, *Executive Secretary*.

THE WHITE HOUSE,

*April 29, 1935.*

## LETTER OF TRANSMITTAL

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Heavy Construction and Railroad Contracting Subdivision, Subchapter II-B of the General Contractors Division, described as Chapter II and approved by you on February 17, 1934, of the Code of Fair Competition for the Construction Industry. This Subchapter as submitted by the Associated General Contractors of America, Inc., has been revised subsequent to public hearing conducted in Washington on May 21, 1934, in accordance with the provisions of the National Industrial Recovery Act.

### THE INDUSTRY

The Industry, as defined in the proposed Subchapter II-B, includes the work of a general contractor who by formal contract or otherwise directs and/or superintends and/or coordinates, and/or executes substantially in its entirety the work of constructing some forty-two specified types of construction projects and operations and excluding only building construction, highway construction, and projects constructed principally by means of marine plant. Workmen under two hundred classifications are employed at work which may be generally classified as skilled, semi-skilled, and unskilled.

### PROVISIONS FOR HOURS AND WAGES

The limitations as to hours of employment provided in Subdivision B of Section 2 of Article III of Chapter I, apply to members of this Subdivision with the following exceptions:

(a) Watchmen, who shall not be permitted to work in excess of fifty-six (56) hours in any one (1) week, except there shall be no limitation upon the hours of watchmen when housed on the work, provided, however, that no watchmen shall be permitted to work more than six (6) days in any one (1) week.

(b) Job and/or field clerks and camp and quarter-boat service employees, who shall not be limited as to hours, but shall not be permitted to work in excess of six (6) days per week.

(c) Employees engaged in supervisory work receiving less than thirty-five dollars (\$35.00) per week, who shall not be permitted to work in excess of the maximum hours prescribed for the employees supervised, plus a tolerance of fifteen (15) per cent.

The wage provisions of the approved Basic Code for the Construction Industry apply to members of this Subdivision. Additional provisions governing methods of payment of wages, deductions, and regulations for members performing manual work, reclassification of employees, safety and health measures and provision for submission of mutual agreements for arriving at wages above the minimum are contained in this Subchapter.

## ECONOMIC EFFECT OF THE CODE

Statistics prepared by the Research and Planning Division indicate the following fluctuations in work contracted for in this Subdivision: 1929, \$663,937,600; 1930, \$1,150,952,300; 1931, \$692,537,000; 1932, \$283,318,900 and 1933, \$373,580,500. The actual work done per year varies somewhat less than these figures indicate. Estimates of the amount of heavy construction performed by general contractors vary from 60 to 80 percent of the total.

It is impossible to calculate the number of persons employed in this branch of construction. It is estimated that there were, in 1929, 211,000 man-years of employment which declined in 1932 to about 89,700, rising to some 118,200 in 1933. The forty cent minimum rate established in Chapter I of the Construction Code is estimated to affect about sixty percent of the workers in this Subdivision, and it is estimated to increase hourly wage rates from five to forty percent for unskilled work in different localities.

The increasing efficiency of mechanical equipment in construction work and the corresponding increase in labor efficiency has displaced so many employees that it is difficult to estimate the effect of the hours provisions of the construction code in this Subdivision. Equipment charges represent approximately 23.8 percent of the total value of construction performed, while labor charges represent 28.6 percent, material and supplies involved 29.9 percent, and general overhead and profit 17.7 percent.

It will be noted that the general purpose of a Code for this Subdivision is to facilitate the administration of the Basic Code of Fair Competition for the Construction Industry.

The Deputy Administrator in his final report to the National Industrial Recovery Board on said Heavy Construction and Railroad Contractors Subchapter of the General Contractors Chapter of the Code of Fair Competition for the Construction Industry having found as herein set forth and on the basis of all the proceedings in this matter:

The Board finds that:

(a) Said Heavy Construction and Railroad Contractors Subchapter of the General Contractors Chapter of the Code of Fair Competition for the Construction Industry 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 Heavy Construction and Railroad Contractors Subchapter of the General Contractors Chapter of the Code of Fair Competition for the Construction Industry 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.

(c) Said Heavy Construction and Railroad Contractors Subchapter of the General Contractors Chapter of the Code of Fair Competition for the Construction Industry is not designed to and will not permit monopolies or monopolistic practices.

(d) Said Heavy Construction and Railroad Contractors Subchapter of the General Contractors Chapter of the Code of Fair Competition for the Construction Industry 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 Heavy Construction and Railroad Contractors Subchapter of the General Contractors Chapter of the Code of Fair Competition for the Construction Industry.

For these reasons, therefore, the National Industrial Recovery Board recommends approval of said Heavy Construction and Railroad Contractors Subchapter of the General Contractors Chapter of the Code of Fair Competition for the Construction Industry; with the proviso contained in the Executive Order for further review and possible stay of Section 6 of Article III, which pertains to Mutual Agreements.

For the National Industrial Recovery Board:

L. C. MARSHALL,  
*Executive Secretary.*

APRIL 27, 1935.

## SUB-CHAPTER II-B

# SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE HEAVY CONSTRUCTION AND RAILROAD CON- TRACTORS INDUSTRY

### A SUBDIVISION OF THE GENERAL CONTRACTORS DIVISION OF THE CONSTRUCTION INDUSTRY

#### ARTICLE I—APPLICATION

The provisions of this Chapter shall apply to the Heavy Construction and Railroad Contractors Subdivision of the General Contractors Division of the Construction Industry (as defined herein) excluding operations therein undertaken before the effective date hereof.

#### ARTICLE II—DEFINITIONS

SECTION 1. *Heavy Construction and Railroad Contractor.*—The term “Heavy Construction and Railroad Contractor” or “member of this Subdivision” as used herein is hereby defined to mean a General Contractor as defined in Section 1, Article I, Chapter II of the Code of Fair Competition for the Construction Industry, and includes without limitation, any individual, partnership, association, trust, trustee, trustee in bankruptcy, receiver, corporation or agency which undertakes, whether by formal contract or otherwise to direct, superintend, coordinate or execute, directly or through others, the work of constructing, substantially in its entirety, any fixed structure and other improvements, or modification thereof or an addition or repair thereto, including any structure or operation which is an incidental part of a contract therefor, including without limitation, except as specified hereinafter, heavy construction and railroad projects, such as railroad construction projects, heavy construction and railroad bridges, heavy construction sewers and watermains, grade separations involving a railroad, foundations, pile driving, piers, abutments, retaining walls, viaducts, tunnels, subways, track elevation, elevated highways, drainage projects, sanitation projects, aqueducts, irrigation projects, flood control projects, reclamation projects, reservoirs, water supply projects, water power development, hydroelectric development, transmission lines, pipelines, locks, dams, dikes, levees, revetments, channels, channel cut-offs, intakes, dredging projects, jetties, break-waters, docks, harbors, industrial sites (excluding paving operations), excavation and disposal by contract of overburden and the loading by contract of all materials from which the overburden has been removed; including the operation, maintenance and repair of all land and floating plant, equipment, vehicles, and other facilities used in connection with and serving the

aforementioned work and services; and excluding only buildings as defined in Chapter II-A, and Highway Construction as defined in Chapter II-C, and excluding the following operations with respect to new projects, maintenance projects or improvement projects (including the use and operation of tugs and launches employed as tenders in connection therewith), namely, dredging, submarine rock removal, land reclamation by dredging, marine and subaqueous work in rivers, harbors and waterways, when done principally by marine plant and the crews thereof.

SECTION 2. The term "Heavy Construction and Railroad Contractors' Subdivision" or "this Subdivision" as used herein shall include the work above described when performed by a Heavy Construction and Railroad Contractor as defined herein.

SECTION 3. *Divisional Code Authority.*—The term "Divisional Code Authority" for the purposes of this Chapter shall mean the Code Authority established under Section 1 of Sub-division A of Article II of Chapter II for the General Contractors Division of the Construction Industry.

SECTION 4. *Classification.*—Any operations within the definition of Article II of Chapter I of this Code, which are not provided for in any approved Divisional or Subdivisional Chapter of this Code (including Chapters and Sub-Chapters subsequently approved when effective) shall, when performed by a member of this Subdivision with his own forces be included in and be a part of the activities of this Subdivision. Nothing herein shall be construed as limiting the provisions of Chapter I, Article IV A, Section 2 (f) as amended. This is without prejudice as to any rights of members of this Subdivision in connection with any Chapter or Sub-chapter of this Code now or hereafter approved.

SECTION 5. *Subcontractor.*—(a) The term "Subcontractor" as used herein shall mean anyone other than an employee who enters into a contract for the performance of any work of this Subdivision with a Heavy Construction and Railroad Contractor who has already contracted or otherwise arranged for its performance.

(b) A Subcontractor undertaking to perform any of the functions or any part of the functions of a Heavy Construction and Railroad Contractor as herein defined shall be construed as a Heavy Construction and Railroad Contractor and be subject to all of the provisions of this Code. However, nothing herein shall be construed as exempting such Subcontractor from complying with the more stringent requirements of another Chapter or Subchapter of this Code to which he may be subject.

SECTION 6. *Association.*—The term "Association" as used herein shall mean the Associated General Contractors of America.

SECTION 7. *This Code.*—The term "this Code" for the purposes of this Subchapter means and includes Chapter I, Chapter II, and Chapter II-B of the Code of Fair Competition for the Construction Industry. Chapter I and II shall apply except as herein specifically provided. In their application herein the provisions of Chapter II shall prevail over conflicting provisions of Chapter I and the provisions of Chapter II-B shall prevail over conflicting provisions of Chapter I and Chapter II.

## ARTICLE III—HOURS, WAGES AND CONDITIONS OF EMPLOYMENT

SECTION 1. *Hours.*—The limitations as to hours of employment provided in Subdivision B of Section 2 of Article III of Chapter I of this Code shall not apply to the following:

(a) Watchmen, who shall not be permitted to work in excess of fifty-six (56) hours in any one (1) week, except there shall be no limitation upon the hours of watchmen when housed on the work, provided, however, that no watchmen shall be permitted to work more than six (6) days in any one (1) week.

(b) Job and/or field clerks and camp and quarterboat service employees, who shall not be limited as to hours, but shall not be permitted to work in excess of six (6) days per week.

(c) Employees engaged in supervisory work receiving less than thirty-five dollars (\$35.00) per week, who shall not be permitted to work in excess of the maximum hours prescribed for the employees supervised, plus a tolerance of fifteen (15) per cent.

(d) This Section does not restrict the exemptions as to hours of employment conferred in Subsections 3 (a), 3 (b), and 3 (c) of Subdivision B of Section 2 of Article III of Chapter I of this Code, except that Subsection 3 (a) herein described shall not apply to supervisory employees earning less than thirty-five dollars (\$35.00) per week.

SECTION 2. *Wages.*—The minimum wages to be paid to employees working the hours permitted by Paragraphs (a), (b), and (c) of Section 1 hereof, for the hours worked, shall be not less than the hourly rate prescribed in the first paragraph of Subdivision A of Section 2 of Article III of Chapter I of this Code.

SECTION 3. *Payment of Wages.*—All members of this Subdivision shall make payment of all wages due in lawful currency or by negotiable check therefore, payable on demand at par. If wages are paid by check, the employer shall provide reasonably accessible facilities for cashing checks at face value without expense to the employee. Employers shall also provide such identification as is necessary to utilize such facilities.

SECTION 4. *Time of Payment and Deductions.*—Except as otherwise provided in Section 2 hereof, wages shall be due and payable at least semimonthly. Wages shall be exempt from any payment for pensions, insurance or sick benefits except such as is voluntarily paid or required by law. Employers or their agents shall not accept, directly or indirectly, rebates on such wages or give anything of value or extend any favors to any person for the purpose of influencing rates of wages or working conditions of their employees.

SECTION 5. *General.*—(a) *Members performing manual work.*—To the extent permitted by the Act members of this Subdivision when personally performing manual work or engaged in mechanical operations shall not when so performing or so engaged exceed the maxima as to hours and days herein provided for employees doing the same work.

(b) *Evasion.*—No employee now employed at a wage rate in excess of the minimum shall be reclassified or discharged and re-employed at a lower wage rate for the purpose of evading the provisions of this Code.



(c) *Dismissal for complaints.*—No employee shall be dismissed or demoted by reason of making a complaint or giving evidence with respect to an alleged violation of this Code.

(d) *Handicapped persons.*—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 certificates. Each employer shall file monthly with the Administrative Committee a list of all such persons employed by him within this Subdivision, showing the wages paid to and the maximum hours of work for each such employee.

(e) *Safety and Health.*—Each member of this Subdivision shall provide for the safety and health of his employees at the place and during the hours of their employment.

Standards for safety and health, including minimum standards, for sanitation, construction, size, operation and food, for labor camps, shall be developed by a Committee composed of three members of this Subdivision to be appointed by the Administrative Committee and financed by funds available to it and submitted to the National Industrial Recovery Board by the Administrative Committee for approval within three (3) months after the effective date of this Subchapter. After approval, such standards shall become the minimum standards of safety and health for all members of this Subdivision and shall thereafter be a part of this Code and enforceable as such.

Where State laws provide more stringent restrictions, such laws shall be observed.

(f) *Posting.*—On and after the effective date of this Code all employers shall post and keep posted in conspicuous places accessible to all employees, official copies of all provisions of this Code which affect hours of employment, rates of pay and all other labor provisions.

SECTION 6. *Mutual Agreements.*—Any association or group of members of this Subdivision proposing to establish an agreement with their employees with respect to hours of labor, rates of pay, or other conditions of employment governing the performance of work in this Subdivision, under and pursuant to Section 1, Article III, of Chapter I of this Code or the Act, shall send to the Divisional Code Authority at the time notice of hearing is published or sent to the employers to be subject to the agreement and, preliminary to the application for hearing or approval to the National Recovery Administration, an accurate description of the specifically defined region or locality proposed to be embraced by such agreement, the types of operations and occupations to be affected thereby, and in addition thereto the plan for hearing and form for method of notice thereof; and at the time of any application to the National Recovery Administration for hearing thereon or approval thereof shall also send to the Divisional Code Authority a copy of the agreement or proposed agreement and application for hearing thereon or approval thereof filed or to be filed with the National Recovery Administration, together with a copy of any report containing supplementary information filed in connection therewith.

Any mutual agreement described in Section 1, Article III, Chapter I, as approved by the President, shall contain certain specific provisions as follows:

(a) The terms of this mutual agreement are limited to and binding only upon members of this Subdivision on operations and work in the specifically defined region or locality in which the agreement applies.

(b) The terms of this mutual agreement shall not be binding upon the employers and employees of any other Division or Subdivision of the Industry.

(c) The occupations, types of operations, or employees of this Subdivision affected by this mutual agreement shall not be deemed or construed to be the occupations, types of operations, or employees of any other Subdivision described in Chapter II, and the terms and conditions pertaining to the foregoing in this mutual agreement are to be effective only with reference to the performance within the specifically defined region or locality of the types of operations defined in this agreement.

(d) This mutual agreement shall in no way prejudice the right of other subdivisions to establish in the same area or another area mutual agreements of their own making pertaining to occupations, employees and types of operations of other subdivisions described in Chapter II.

(e) The terms of this mutual agreement shall exclude any operations undertaken in accordance with bona fide bids made prior to the effective date of this agreement and contracts entered into prior to such effective date.<sup>1</sup>

#### ARTICLE IV—ADMINISTRATION

SECTION 1. *The Administrative Committee.*—An Administrative Committee for the Heavy Construction and Railroad Contractors Subdivision is hereby constituted to administer this Code within this Subdivision. Said Committee, hereinafter referred to as “the Administrative Committee”, shall consist of fourteen (14) members, all of whom shall be members of this Subdivision. Eight (8) of said members shall be members of the Association and shall be appointed annually by the Divisional Code Authority from such nominations as may be made by the members of the Divisional Code Authority who are Heavy Construction and Railroad Contractors. Each member so appointed shall serve until his successor is appointed, which appointment shall be made in like manner. The six (6) remaining members of the Administrative Committee shall be appointed annually by the Divisional Code Authority from nominations made by the members thereof who are Heavy Construction and Railroad Contractors or by the eight (8) Association members of the Administrative Committee, from and to represent members of this Subdivision who are not members of the Association. Any such member shall be approved by the National Industrial Recovery Board before his appointment shall become effective. Each of said six (6) members shall serve until his successor has been selected,

<sup>1</sup> See paragraph 3 of order approving this Code.

qualified and appointed as above, or has been selected by the non-members of the Association, pursuant to a method of selection satisfactory to and approved by the National Industrial Recovery Board, provided such successor has been approved by the National Industrial Recovery Board. If three (3) of said six (6) members shall become members of the Association during the period of their term of office as members of the Administrative Committee, no other of said members of the Administrative Committee may join the Association without being disqualified, from the date upon which he becomes a member of the Association, from further membership in the Administrative Committee as a representative of members of this Subdivision who are not members of the Association. Any member of the Subdivision appointed to the Administrative Committee to represent the members of this Subdivision who are not members of the Association, or selected or appointed successor to any such member of the Administrative Committee, shall be subject to approval by the National Industrial Recovery Board.

**SECTION 2. Powers and Duties.**—The Administrative Committee shall have, in addition to such powers and duties as are set forth in Section 2 of Subdivision B of Article II of Chapter II and as may be delegated to it by the Divisional Code Authority, the following powers and duties:

(a) To establish regions and appoint local committees for the various regions as it deems necessary for the administration of this Code giving due consideration to the scope, character, and territory of the work to be performed. Representative groups of Heavy Construction and Railroad Contractors may apply to the Administrative Committee for the establishment of regional areas and may make recommendations as to the number and personnel of the local committee.

(b) To establish and/or change the jurisdiction or personnel of any administrative agency established by it for this Subdivision.

(c) Its members or its authorized representatives may attend meetings of any administrative agency established by it for this Subdivision.

(d) To require the registration in a manner not inconsistent with any manner prescribed by the Divisional Code Authority of all construction work applicable to this Subdivision and as defined and described in Section 2 (b), Article II-A, Chapter II, in cooperation with the Construction Code Authority and the Divisional Code Authority.

(e) To defray expenses in establishing and administering this Code from the equitable apportionment it receives from the Divisional Code Authority from the funds derived as authorized in Section 2 (b), Article II-A, Chapter II.

(f) To prescribe rules of fair competitive bidding practices for the members of this Subdivision and such rules, when approved by the Code Authorities of Chapters I and II and the National Industrial Recovery Board, shall apply to all members of this Subdivision of the Industry.

(g) To prescribe regulations requiring that members of this Subdivision of the Industry shall not submit a competitive bid, as defined in Section 1 (a), Article VII, Chapter I of this Code, to an owner or

any other person corresponding to an awarding authority as defined in such Article unless such owner or other person agrees to comply with the regulations provided therein governing an awarding authority.

(h) Regulations, methods and rules formulated in accordance with the foregoing paragraph (g) shall be filed with the National Industrial Recovery Board and shall become effective upon approval by the National Industrial Recovery Board. Failure of the National Industrial Recovery Board to disapprove any such regulation, method or rule within thirty (30) days after receipt thereof shall be deemed approval of such regulation, method or rule as of the date of the expiration of such period. Any such regulations, methods or rules shall be effective upon approval for the period specified therein or until approval is withdrawn by the National Industrial Recovery Board because of inequitable, unfair or unjust operation thereof.

SECTION 3. *Regional Administrative Committees or Agencies in the Subdivision.*—Regional Committees, agencies or representatives may be vested with and may have such of the powers and duties of the Administrative Committee as it delegates to the Regional Committee, agency or representative for the proper discharge of its functions in the particular region. All rules and regulations of Regional Committees must have the approval of the Administrative Committee and must not be inconsistent with the rules and regulations of the Divisional Code Authority.

#### ARTICLE V—AUTHORIZED EXEMPTIONS

Whenever any work within the definition contained in Subchapter II-B, Article II, Section 1, is exempted by competent Governmental authority or agencies (whether Federal, State, or political subdivisions thereof) acting in accordance with law, from any or all of the provisions of Chapters I and II and Subchapter II-B and/or is being or may be performed by any non-member of the Construction Industry so exempted from, or otherwise not subject to, provisions of this Code, then the same exemptions or exceptions from the same provisions of Chapters I and II and Subchapter II-B shall apply and govern as to any and all members of this Subdivision with reference to such work. Such exemptions or exceptions shall not be construed to permit a member of the Industry to so reduce wages or lengthen hours as to result in wages lower or hours longer than those observed by such non-members of the Industry. Nothing herein shall be construed as waiving the obligation of members of this Subdivision from registering construction work, furnishing statistics, and paying authorized assessments.

#### ARTICLE VI—APPEALS

SECTION 1. *Local Adjustments.*—Controversies or complaints within this Subdivision shall be fully determined and adjusted so far as practical locally by the Regional Committee, agency, or representative appointed or delegated by the Administrative Committee.

SECTION 2. *Appeal to Administrative Committee.*—Any party directly affected shall have the right to appeal to the Administrative Committee established herein and of a prompt hearing and decision.

SECTION 3. *Appeal to Divisional Code Authority.*—Any party directly affected shall have the right of appeal to the Divisional Code Authority and in turn to the Construction Appeals Board for the Construction Industry and of a prompt hearing and decision.

SECTION 4. *Power of Authority.*—In the event of controversies affecting this Subdivision with another subdivision of General Contractors the Administrative Committee shall refer the controversies to the Divisional Code Authority which has original jurisdiction over controversies affecting more than one subdivision of General Contractors.

## ARTICLE VII—COMPETITIVE BIDDING PRACTICES

SECTION 1. *Bidding to Subdivision Members.*—Negotiations of any kind, conducted solely between members of this Subdivision for the performance of construction operations defined in this Subchapter and not affecting operations of other divisions or subdivisions under this Code, shall not be construed as “competitive bidding” nor subject to any of the provisions of Article VII, Chapter I of this Code.

SECTION 2. *Alternates.*—Alternate proposals for construction operations defined in this Subchapter II-B shall be exempt from the provisions of Section 3 (a) and 4, Article VII, Chapter I, and Sections 1 (a) and 1 (b), Article IV, Chapter II, when such alternate proposals are not prohibited by the awarding authority and are made by a member of this Subdivision of the Industry as a result of his own initiative, ingenuity and/or engineering, proposing methods, design, and/or construction procedure differing from that called for by the plans and specifications.

SECTION 3. *Checking Bids.*—The members of this Subdivision shall be exempt from the provisions of Section 14, Article VII, Chapter I, or any voluntary or mandatory actions of the Code Authorities in connection therewith. The Administrative Committee of this Subdivision may provide satisfactory rules or methods for checking bids of the bidders and estimates of the awarding authority for any region or class of construction. Such rules or methods shall be subject to the provisions of paragraph (c) of Section 2 of Subdivision B of Article II of Chapter II of this Code.

## ARTICLE VIII—PROVISIONS AND DEFINITIONS OF CHAPTER I AND CHAPTER II

*Reference to Provisions of Chapter I and Chapter II.* Provisions and definitions of Chapter I and Chapter II of this Code including any amendments thereto, or amendment thereof, except as herein specifically provided, are specifically incorporated herein with the same force and effect as if set forth herein in full, subject to the provisions of Section 6 of Article II hereof.

## ARTICLE IX—AMENDMENT

SECTION 1. Subject to the provisions of Section 2 (c) of Article IV-B of Chapter I of this Code, the Subdivisional provisions of this Subchapter II-B, except as to provisions required by the Act, may

be amended on the basis of experience or changes in circumstances, such amendments to be based upon application to the National Industrial Recovery Board and such notices and hearings as it shall specify.

SECTION 2. Any amendment proposed by members of this Subdivision or any Committee or group of such members shall be submitted to the Administrative Committee of Chapter II-A, and Chapter II-C, and to the Divisional Code Authority and to the Construction Code Authority at least ten (10) days before application is made to the National Recovery Administration for a hearing upon such amendment.

#### ARTICLE X—EFFECTIVE DATE

This subchapter II-B shall become effective on the tenth (10th) day after its approval by the President.

Approved Code No. 244A—Subdivision No. 2.  
Registry No. 1616-140.

**SUPPLEMENTARY CODE OF FAIR COMPETITION**

**FOR THE**

**NORTHWEST AND ALASKA FISH AND SHELLFISH  
PREPARING AND WHOLESALING OR WHOLE-  
SALING INDUSTRY**

**As Approved on May 10, 1935**

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**ORDER**

**APPROVING SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE  
NORTHWEST AND ALASKA FISH AND SHELLFISH PREPARING AND  
WHOLESALING OR WHOLESALING INDUSTRY**

**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 Northwest and Alaska fish and shellfish preparing and wholesaling or wholesaling division of the fishery 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.,**  
*May 10, 1935.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Supplementary Code of Fair Competition for the Northwest and Alaska Fish and Shellfish Preparing and Wholesaling or Wholesaling Industry (a Division of the Fishery Industry), as revised after Public Hearing conducted in Seattle, Washington, on May 8th and 9th, 1934, in accordance with the provisions of the National Industrial Recovery Act. The Code is sponsored by the Northwest Wholesale Fish Dealers Association for the industry in the Territory of Alaska and the States of Montana, Idaho, Wyoming and Washington, except the downstream right bank of so much of the Columbia River as forms the boundary between the States of Oregon and Washington. This association conducted an election on June 5, 1934, of the industry in said area; thereat a code committee of nine members was elected for the purpose of carrying the proposed code to completion and of assenting to it in final form. The code is sponsored as well by the Commercial Fisheries Association of Oregon for the industry in the State of Oregon and on the down-stream right bank of so much of the Columbia River as forms the boundary between the States of Oregon and Washington. This association conducted an election of its membership May 28, 1934; thereat a code committee of one was elected for the purpose of carrying the proposed code to completion and of assenting to it in final form. It also called a meeting on June 10, 1934, of the members of the industry in the area last mentioned; thereat said members accepted the code and elected a truly representative committee which confirmed the appointment of the committee of one aforesaid.

### I. DESCRIPTION OF THE INDUSTRY

The Northwest and Alaska fish and shellfish preparing and wholesaling or wholesaling industry includes the packing in ice, freezing by other than public freezers, filleting, cutting, salting, mild-curing, smoking, drying, cooking, kippering, canning, extracting oil from, manufacturing meal or fertilizer from, or otherwise manipulating fish, fish eggs, shellfish, or parts thereof, and the wholesaling thereof, in the States of Washington, Oregon, Montana, Idaho and Wyoming, and the Territory of Alaska, except in so far as the same may be subject to any fresh oyster, Alaska herring, or trout farming code in original or amended form, and except the preparing and wholesaling or wholesaling of canned salmon, canned clams and canned oysters. There are certain other exceptions included in the code but they need not be mentioned here.

The raw supplies for the industry are obtained from fishermen operating in the waters contiguous to the States of Oregon and



Washington and the Territory of Alaska. The chief species handled include halibut, salmon, cod, flounders, fresh herring, perch, red snapper, sablefish, sea bass, skates, smelt, sturgeon, devil fish, crabs and shrimp. 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. The processing includes filleting, smoking, drying, salting and mild-curing.

There are about 250 fish and shellfish preparing and wholesaling or wholesaling establishments in the industry covered by this code. These establishments employ about 3,500 wage earners. The aggregate annual sales by members of the industry covered by this code are in the neighborhood of \$8,000,000.

## II. LABOR PROVISIONS

The industry proposes that employment of clerical, accounting and other office employees be restricted to 44 hours in any week, 8 hours in any day, and 6 days in any 7. Employees engaged in picking and packing crab meat or in picking shrimp meat are to be subject to the same restrictions, except that in order to prevent spoilage or deterioration of such products they may work not to exceed 48 hours per week, provided they be paid at least time and one-third the normal rate for all hours worked in excess of 8 per day, and provided that when working to prevent spoilage or deterioration they be not permitted to work in excess of 10 hours per day. No other employee is to be permitted to work in excess of 48 hours in any week or 8 hours in any day, with the exception of executive, supervisory and technical employees who receive \$35.00 or more per week; employees engaged in emergency maintenance or emergency repair work, provided they are paid at least time and one-third the normal rate for hours worked in excess of 40 per week and 8 per day; employees engaged in handling fresh or frozen fish or in smoking or mild-curing fish in order to prevent spoilage or deterioration of such products, provided they are paid at least time and one-third the normal rate for all hours worked in excess of 8 per day; outside salesmen; watchmen, provided they are not permitted to work in excess of 56 hours per week, or 13 days in any 14; stationary engineers and firemen, chauffeurs and deliverymen, provided they are not permitted to work in excess of 48 hours in any week; and employees engaged in the operation of boats and vessels in going to obtain or load products of the industry, in the loading of said products into the boat or vessel, and in returning again to shore. Any employee whose maximum daily labor hours are limited to 8 by the Code may be permitted to work 10 hours per day 90 days per year, at the normal rate.

With respect to wages the industry proposes that no clerical, accounting or other office employee shall be paid less than at the rate of \$18.00 per week, except that office boys may be employed at the rate of not less than \$16.00 per week, if they do not exceed 5 per cent of all office employees in any plant. At least one office boy may be employed at the \$16.00 rate. No employee in the fresh, freezing, smoking, salting or mild-curing functional branches of the in-

dustry engaged in gluing boxes, making boxes, washing products or utensils, icing fish, stenciling, janitor work, wrapping or packaging is to be paid less than at the rate of 40 cents per hour, but not more than 25 per cent of non-office employees per plant shall be considered to be so engaged. No watchman is to be paid less than at the rate of \$18.00 per week. No employee engaged in picking crab meat in the Territory of Alaska is to be paid less than at the rate of 3 cents per pound or 35 cents per hour, the rate yielding the higher return to apply. In the States of Oregon and Washington the rate for picking crab meat is to be 5 cents per pound or 40 cents per hour, the rate yielding the higher return to apply.

No employee engaged in picking shimp meat in the Territory of Alaska is to be paid less than at the rate of 8 cents per pound or less than at the rate of 30 cents per hour, except learners who are to be paid not less than at the rate of 24 cents per hour. In the States of Oregon and Washington shimp meat pickers are to be paid not less than at the rate of 10 cents per pound or not less than at the rate of 30 cents per hour. There are other special rates for specific functions within named branches of the industry outlined in the Code.

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 inaccurate references to competitors, trademarks, misrepresentation of products or prices, incorrect invoices, false information, purchases from fishermen, brokerage and commission payments, registration with Executive Committee, credit terms, shipments on consignment, destructive price cutting, emergency basis for prices, agreement on prices and participation in code.

### IV. FINDINGS

The Acting 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, fishery and agricultural products through increasing purchasing power, by re-

ducing 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 Title I of the National Industrial Recovery Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(d) The applicant groups are truly representative of the industry. No inequitable restrictions on admission to membership therein are imposed by said groups.

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

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

(g) Those engaged in other steps of the economic process whose services and welfare are affected by the Code, have not been deprived of the right to be heard prior to approval of said code.

For these reasons, therefore, this divisional code has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

MAY 10, 1935.

# SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE NORTHWEST AND ALASKA FISH AND SHELLFISH PREPARING AND WHOLESALING 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 Northwest and Alaska fish and shellfish preparing and wholesaling 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 Northwest and Alaska fish and shellfish preparing and wholesaling 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 Northwest and Alaska fish and shellfish preparing and wholesaling 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 terms "Northwest and Alaska fish and shellfish preparing and wholesaling or wholesaling industry" and "Northwest industry" mean the preparing and wholesaling or wholesaling of fish, fish eggs and shellfish (except the preparing and wholesaling or wholesaling of canned salmon, canned clams and canned oysters) in the Northwest Area, except in so far as the same may be subject to any fresh oyster, Alaska herring, or trout farming code in original or amended form. With respect to the distribution of canned fish, canned fish eggs and canned shellfish not covered by said exceptions, said terms shall include only the primary sale; with respect to the distribution of dried, salted and smoked fish, said terms shall not include any sale effected by a person or enterprise whose principal line of business is that of a wholesale grocer. Said terms include specifically the packing in ice and the freezing of fish, by other than public freezers, and the mild-curing of salmon, for the account of others.

(c) The term "member of the Northwest industry" means any individual, partnership, association, corporation or other form of

enterprise engaged in the Northwest industry, either as an employer or on his or its own behalf.

(d) The term "Northwest Area" includes the States of Washington, Oregon, Montana, Idaho, and Wyoming, and the Territory of Alaska.

(e) The term "preparing" means packing in ice, freezing by other than public freezers, filleting, cutting, salting, mild-curing, smoking, drying, cooking, kippering, canning, extracting oil from, manufacturing meal or fertilizer from, or otherwise manipulating fish, fish eggs, shellfish, or parts thereof.

(f) The terms "wholesale" and "wholesaling" mean the distribution of fish, fish eggs and shellfish (or parts thereof), in the natural or any prepared state, 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 affecting the distribution, hereinafter in this paragraph referred to as the distributor; and include sales of such fish, fish eggs and shellfish (or parts thereof) between or among distributors. Said terms specifically include such functions as truckers, brokers and commission merchants perform in the distribution of such fish, fish eggs and shellfish (or parts thereof) to the retail outlets aforesaid, to each other, or to any distributor aforesaid. Said terms also specifically include such functions as cooperatives (whose preparing is done by other than those who by their own manual labor take the fish and shellfish from the water) perform in the distribution of such fish, fish eggs and shellfish (or parts thereof) to the retail outlets aforesaid, to each other, or to any distributor aforesaid. Said terms do not include any primary sale, in the natural or any prepared state, of fish or shellfish taken from the water, or taken from the water and prepared, by persons engaged by their own manual labor (individually, as partners, or on a "lay" basis; and with or without the cooperation in the work of one or more employees compensated on a time or piece rate basis), except when such primary sale is made by a person or enterprise acting as the representative of the seller in the capacity of a commission merchant, a broker, or a cooperative whose preparing is done by other than those who by their own manual labor take the fish and shellfish from the water; but the exclusion from said terms of such primary sales as are covered by this sentence shall not be construed to exclude from said terms any sale of fish or shellfish (or parts thereof) in a meal or oil state.

(g) The term "Executive Committee" means a 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.

(h) The term "Associations" means:

Northwest Wholesale Fish Dealers Association

Commercial Fisheries Association of Oregon

and such other associations as may hereafter be organized within the Northwest Area composed of members of the Northwest industry.

(i) The term "Association" means any one of the above associations.

(j) The term "broker" means an independent sales agent who performs the services of negotiating the sale of fish, fish eggs or 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.

(k) The term "commission merchant" means a sales agent who performs the services of negotiating the sale of fish, fish eggs or 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.

(l) Population for the purposes of this divisional code shall be determined by reference to the latest Federal Census.

(m) The term "price terms" means prices, discounts, rebates, allowances, and all other terms or conditions of sale.

(n) The term "trucker" means any person or enterprise which buys fish, fish eggs or shellfish, in the natural or any prepared state, from producers, from other members of the Northwest industry, or from members of any other wholesaling division of the fishery industry, and sells and delivers same from his or its motor vehicle as a usual place of business.

### ARTICLE III—HOURS OF LABOR

SECTION 1. The labor hour provisions contained in Article III of said national code shall not apply to the Northwest industry, and in lieu thereof the following shall apply:

(a) No clerical, accounting or other office employee shall be permitted to work in excess of forty-four (44) hours in any week, eight (8) hours in any day, or six (6) days in any seven (7).

(b) No employee engaged in the picking and packing of crab meat or in the picking of shrimp meat shall be permitted to work in excess of forty-four (44) hours in any week or eight (8) hours in any day or six (6) days in any seven (7), except that any such employee may work not to exceed forty-eight (48) hours per week in order to prevent spoilage or deterioration of such products if said employee be paid at least time and one-third his normal rate for all hours worked in excess of eight (8) per day; *Provided however*, that within said limitation of days no such employee working to prevent spoilage or deterioration shall be permitted to work more than ten (10) hours in any day.

(c) No other employee shall be permitted to work in excess of forty-eight (48) hours in any week or eight (8) hours in any day, with the following exceptions:

(1) Executive, supervisory and technical employees, provided they receive thirty-five dollars (\$35.00) or more per week;

(2) Employees engaged in emergency maintenance or 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;

(3) Employees engaged in the handling of fresh or frozen fish or in the smoking or mild-curing of fish in order to prevent spoilage or deterioration of such product; provided that at least time and one-third the normal rate of each employee so engaged shall be paid such employee for all hours worked in excess of eight (8) in any day, except as provided in Section 2 of this Article;

(4) Outside salesmen;

(5) Watchmen, provided they shall not be permitted to work in excess of fifty-six (56) hours in any week, or thirteen (13) days in any fourteen (14);

(6) Stationary engineers and firemen, chauffeurs and deliverymen; *Provided however*, that they shall not be permitted to work in excess of forty-eight (48) hours in any week;

(7) Employees engaged in the operation of boats or vessels in going to obtain or load products of the Northwest industry and in the loading of said products into the boat or vessel, and in returning again to shore.

SECTION 2. Any employee whose maximum daily labor hours are fixed at eight (8) by Section 1, paragraph (c) of this Article may work not to exceed ten (10) hours per day ninety (90) days per year.

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 member or members of the Northwest industry or otherwise, exceeds the maximum herein permitted for his occupation.

SECTION 4. Each employer shall make a monthly report to the Executive Committee having jurisdiction, stating the number of hours worked at time and one-third rates under the provisions of Section 1, paragraph (b) and Section 1, paragraph (c), subparagraphs (2) and (3) of this Article.

#### ARTICLE IV—WAGES

SECTION 1. The labor wage provisions contained in Article IV of said national code shall not apply to the Northwest industry, and in lieu thereof the following shall apply:

(a) No clerical, accounting or other office employee shall be paid less than at the rate of eighteen dollars (\$18.00) per week, except that office boys may be employed at the rate of not less than sixteen dollars (\$16.00) per week. Office boys in any plant shall not exceed five per cent (5%) of all office employees therein, but at least one may be employed.

(b) No employee in the fresh, freezing, smoking, salting or mild-curing functional branches of the Northwest industry engaged in gluing boxes, making boxes, washing products or utensils, icing fish, stenciling, janitor work, wrapping or packaging shall be paid less than at the rate of forty cents (40¢) per hour, but not more than twenty-five per cent (25%) of non-office employees per plant shall be considered to be so engaged. The provisions of this paragraph shall not be construed to apply to the packing of crabs in the Territory of Alaska, or to work at the dock in the crab and shrimp commodity branches of the Northwest industry in the Territory of Alaska.

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

(d) No employee engaged in the picking of crab meat in the Territory of Alaska shall be paid less than at the rate of three cents (3¢) per pound of crab meat picked or less than at the rate of thirty-five cents (35¢) per hour. Whichever of said time and piece rates as yields to each employee the higher return per hour shall apply to him as a minimum wage.

(e) No employee engaged in the picking of crab meat in the States of Oregon and Washington shall be paid less than at the rate of five cents (5¢) per pound of crab meat picked or less than at the rate of forty cents (40¢) per hour. Whichever of said time and piece rates as yields to each employee the higher return per hour shall apply to him as a minimum wage.

(f) No employee engaged in the picking of shrimp meat in the Territory of Alaska shall be paid less than at the rate of eight cents (8¢) per pound of shrimp meat picked or less than at the rate of thirty cents (30¢) per hour, except that no employee so engaged who has had less than two (2) weeks' experience in the work shall be paid less than at the rate of twenty-four cents (24¢) per hour. Whichever of said time and piece rates as yields to each employee the higher return per hour shall apply to him as a minimum wage. Not more than twenty per cent (20%) of the non-office employees in any plant shall be considered to have had less than two (2) weeks' experience in picking shrimp meat.

(g) No employee engaged in the picking of shrimp meat in the States of Oregon and Washington shall be paid less than at the rate of ten cents (10¢) per pound of shrimp meat picked or less than at the rate of thirty cents (30¢) per hour, except that no employee so engaged who has had less than two (2) weeks' experience in the work shall be paid less than at the rate of twenty-four cents (24¢) per hour. Whichever of said time and piece rates as yields to each employee the higher return per hour shall apply to him as a minimum wage. Not more than twenty per cent (20%) of the non-office employees in any plant shall be considered to have had less than two (2) weeks' experience in picking shrimp meat.

(h) No employee engaged in the packing of crabs in the Territory of Alaska shall be paid less than at the rate of thirty-eight cents (38¢) per hour.

(i) No employee in the crab or shrimp commodity branches of the Northwest industry engaged in the Territory of Alaska in work at the dock shall be paid less than at the rate of fifty cents (50¢) per hour if employed by the hour, or less than at the rate of ninety dollars (\$90.00) per month if employed by the month.

(j) No employee engaged in the handling of products of the Northwest industry in places of less than 2,000 population in the States of Oregon and Washington shall be paid less than at the rate of forty cents (40¢) per hour. The provisions of this paragraph shall not be construed to apply to the picking of crab meat or to the picking of shrimp meat.

(k) No other employee shall be paid less than at the rate of fifty cents (50¢) per hour.



SECTION 2. For all hours worked on Sunday or legal holidays by any employee other than a watchman, at least time and one-third the normal rate shall be paid.

SECTION 3. 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 more than the minimum rates of pay then prevailing; but in no case shall full time weekly wages be reduced as a result of the adoption of this divisional code. Within sixty (60) days after the effective date of this divisional code, the Executive Committees shall submit to the National Industrial Recovery Board a statement of the readjustments made pursuant to the provisions of this Section.

SECTION 4. This divisional code guarantees a minimum rate of pay, regardless of whether the employee is compensated on the basis of time rate or piece work performance.

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 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 monthly with the Executive Committee having jurisdiction 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 Northwest industry, and in addition thereto the following shall apply:

(a) 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 or Territorial 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, open to the inspection of the National Industrial Recovery Board. Wages of no employee shall be withheld beyond the customary time for payment of wages to co-employees except upon service of legal process or other papers lawfully requiring same. Wages shall be paid at least twice a month, in cash, or by negotiable check payable on demand.

(b) 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 Executive Committees shall submit to the National Industrial Recovery Board within thirty (30) days after the effective date of this divisional code lists of such operations or occupations.

(c) 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 Executive Committees to the National Industrial Recovery Board within three (3) months after the effective date of this divisional code.

## 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 Northwest industry, and it shall be a violation of this divisional code for any member of the Northwest industry:

(a) *References to Competitors.*—To impute falsely to any competitor dishonorable business conduct, inability to perform contracts or questionable credit standing.

(b) *Trademarks, etc.*—To imitate the trademark, trade name, package, wrapper, or label of a competitor to such a degree as to deceive or have a tendency to deceive customers.

(c) *Misrepresentation.*—To fail to comply with the following prohibition:

(1) No member of the Northwest industry shall misrepresent the grade, quality, quantity or value of his own or a competitor's product or make false or misleading guarantees: *Provided however*, that this provision shall not be construed to alter the standard weighing method of allowing new mild-cured salmon (not fully matured as to cure) to regain that natural shrinkage which has occurred in the first brine.

(d) *Incorrect Invoices.*—To invoice products of the Northwest industry without giving in the invoice all information necessary to a complete understanding of the transaction, including trade designation, price, quantity, and grade as established pursuant to the provisions of Article VIII, Title C, Section 1, paragraph (d) hereof.

(e) *False Information.*—To report falsely to either Executive Committee on any information required for the administration of this divisional code.

(f) *Purchases from Fishermen.*—To purchase fish, fish eggs or shellfish from fishermen without paying for same on delivery or without furnishing to said fishermen a written acknowledgment of purchase containing all information necessary to a complete understanding of the transaction (including price and quantity) and specifying payment on demand.

(g) *Brokerage and Commission Payments.*—To pay or allow any brokerage, brokerage fee or selling commission to a buyer or to any agent or employee of a buyer.

(h) *Registration with Executive Committee.*—To fail to register with the Executive Committee having jurisdiction over the territory at least three (3) days before date of purchase therefrom, the names of the streams in the State of Oregon from which it is intended to purchase fish from fishermen.

(i) *Credit Terms.*—To sell products of the Northwest industry on credit without specifying or without having specified credit terms,

the same to conform with the custom of the seller but in no event to call for payment of any part of the sales price at a date later than the twentieth of the month following the month in which the sale is made. The provisions of this paragraph shall not apply to salmon eggs, or to car-load shipments of products of the Northwest industry.

(j) *Shipments on Consignment.*—To consign to commission merchants products of the Northwest industry for sale on commission in the States of Washington, Oregon, California, New Mexico, Utah, Colorado, Arizona, Nevada, Montana, Idaho, Wyoming, North Dakota, South Dakota, Nebraska, or the Territory of Alaska, or to ship any product of the Northwest industry to other persons or enterprises in said states or territory without having (beforehand) a specific and bona fide order therefor: *Provided however*, that consignments of salted, dried and mild-cured fish from the Territory of Alaska for sale on commission in the State of Washington may be made; and *Provided further*, that the provisions of this paragraph shall not be construed to prohibit the consignment of products of the Northwest industry to commission merchants who provide adequate facilities to maintain the products in a commercially non-perishable condition, subject to the owner's control of the goods and selling price.

(k) *Destructive Price Cutting.*—To engage wilfully in destructive price cutting. Any member of the Northwest industry or of any other industry or the customers of either may at any time complain to the Executive Committee having jurisdiction that any price constitutes unfair competition as destructive price cutting, imperiling small enterprise, or tending toward monopoly or the impairment of code wages or working conditions.

(l) *Emergency Basis for Prices.*—To sell below the stated minimum price of any given product of the Northwest industry when an emergency exists as to any such product in accordance with the following provisions:

(1) If the National Industrial Recovery Board, after investigation, shall at any time find both (a) that an emergency has arisen within the Northwest 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 Northwest industry for a limited period is necessary to mitigate the conditions constituting such emergency, and to effectuate the purposes of the Act, either 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 Northwest 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.

(m) *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 Northwest 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; *Provided however*, that the provisions of this paragraph shall not be construed to restrict any right conferred upon producers of aquatic products by an Act of Congress (c. 742, Section 1, 48 Stat.) approved June 25, 1934, entitled "An Act authorizing associations of producers of aquatic products."

(n) *Participation in Code*.—To claim participation in this divisional code or said national code without complying with the provisions of this divisional code.

#### TITLE B. COORDINATION WITH OTHER CODES

SECTION 1. The Northwest industry, recognizing the value of uniform basic trade practice provisions for all food and grocery manufacturing codes, pledges cooperation in securing the amendment of any trade practice provisions in this divisional code which may be in conflict with the trade practice provisions approved by the President or suggested by the National Industrial Recovery Board 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 Northwest industry.

#### ARTICLE VIII—ADMINISTRATION

##### TITLE A. SUPERVISORY BODIES

SECTION 1. The provisions contained in Article VIII of said national code shall apply to the Northwest industry, except as modified in this Article.

##### TITLE B. EXECUTIVE COMMITTEES, SELECTION

SECTION 1. There shall be elected annually by and from the members of the Northwest industry (in the State of Oregon and on the down-stream right bank of so much of the Columbia River as forms the boundary between the States of Oregon and Washington) an Executive Committee consisting of five (5) members to administer this divisional code within said region. The first election of said Executive Committee shall be called by the Commercial Fisheries Association of Oregon within fifteen (15) days after the effective date of this divisional code, if it has not for convenience been earlier held, and the Executive Committee elected thereat shall serve until a date not later than one year from the effective date of this divi-

sional code, or any less period commensurate with the life of the Act. Subsequent elections shall be called by said Executive Committee. Each member of the Northwest industry within said region shall have one (1) vote in the election of each member of said Executive Committee, to be cast in person, by proxy or by mail.

SECTION 2. There shall be elected annually by and from the members of the Northwest industry (in the Territory of Alaska and the States of Montana, Idaho, Wyoming and Washington, except the down-stream right bank of so much of the Columbia River as forms the boundary between the States of Oregon and Washington) an Executive Committee consisting of seven (7) members to administer this divisional code within said region. The first election of said Executive Committee shall be called by the Northwest Wholesale Fish Dealers Association within fifteen (15) days after the effective date of this divisional code, if it has not for convenience been earlier held, and the Executive Committee elected thereat shall serve until a date not later than one year from the effective date of this divisional code, or any less period commensurate with the life of the Act. Subsequent elections shall be called by said Executive Committee. Each member of the Northwest industry within said region shall have one (1) vote in the election of each member of said Executive Committee, to be cast in person, by proxy or by mail.

SECTION 3. In addition to membership as above provided, there may be one (1) to three (3) members on each of said Executive Committees to be appointed by the National Industrial Recovery Board, to serve for such periods respectively as it may designate, without vote and without expense to the Northwest industry.

SECTION 4. The Executive Committees 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 COMMITTEES, POWERS AND DUTIES

SECTION 1. Each Executive Committee within its jurisdiction shall supervise the effectuation of the purposes of this divisional code pursuant to the provisions of Article VIII of said national code, and within its jurisdiction is authorized further:

(a) To make such investigations of the marketing of products of the Northwest industry as may be necessary in order to promote the effective distribution of such products and to establish stable marketing conditions. Such investigations may include a study of the prevailing costs of production of products of the Northwest industry and of the current methods of producing, handling and distributing such products.

(b) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein, but nothing herein shall relieve either Executive Committee of its duties or responsibilities under this divisional code and said trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(c) To appoint representatives to a coordinating body to be known as the Pacific Fishery Council for the purpose of coordinating this divisional code with other fishery codes in the Pacific Coast area.

(d) 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 Northwest industry, wherever such classifications and standards are deemed feasible. The findings and recommendations of this committee shall, within sixty (60) days after the effective date of this divisional code, 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 Northwest industry.

(e) To act as mediator between or among members or groups of members of the Northwest industry, upon request of any interested member or group.

(f) To afford an opportunity for a hearing within five (5) days, upon receipt of a complaint under Article VI, Title A, Section 1, paragraph (k) hereof, to the member of the Northwest industry against whom such complaint is made. The Executive Committee having jurisdiction 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.

(g) To recommend review or reconsideration of any determinations effected under Article VI, Title A, Section 1, paragraph (1), subparagraph (2) hereof, or the National Industrial Recovery Board may cause the same to be reviewed or reconsidered and appropriate action taken.

(h) To cause to be formulated methods of cost finding and accounting capable of use by all members of the Northwest 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 Northwest industry. Thereafter, each member of the Northwest industry shall utilize such methods to the extent found practicable. Nothing herein contained shall be construed to permit either Executive Committee, any agent thereof, or any member of the Northwest 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.

(i) To establish a credit bureau for the purpose of exchanging credit information among the members of the Northwest industry. All members of the Northwest industry, within thirty (30) days after the effective date of this divisional code and from time to time thereafter at such intervals as the Executive Committee having jurisdiction shall prescribe, shall furnish to said Executive Committee a description of each credit account which has been delinquent for a period of thirty (30) days or more, and shall

continue to furnish to said Executive Committee such information related thereto as said Executive Committee shall prescribe.

#### TITLE D. EXECUTIVE COMMITTEES, 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, each Executive Committee is authorized to delegate its powers under this divisional code as follows:

(a) Local or subdivisional committees may be established and shall be selected by the members of the Northwest industry within their respective subdivisions in the manner prescribed by the Executive Committees.

(b) Local or subdivisional committees shall have the same privileges and be subject to the same limitations as the Executive Committees have and are subject to in Article VIII, Title B, Sections 3 and 4 hereof.

#### TITLE E. EXPENSES

SECTION 1. If the assessments provided for in Article VIII, Title E, Section 1 of said national code shall fail to provide sufficient funds for the proper administration of this divisional code, each member of the Northwest industry shall bear his proportionate share of any additional expense, if the National Industrial Recovery Board shall approve an assessment for the same.

SECTION 2. It being found necessary in order to support the administration of this divisional code and to maintain the standards of fair competition established thereunder and to effectuate the policies of the Act, each Executive Committee is authorized:

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

(b) To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as the National Industrial Recovery Board may deem necessary, (1) an itemized budget of its estimated expenses for the administration of this divisional code and of its contribution to the code administration expense of the National Code Authority, and (2) an equitable basis (consistent with said national code) upon which the funds necessary to support such budget shall be contributed by members of the Northwest 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 Northwest industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

SECTION 3. Each member of the Northwest industry shall pay his or its equitable contribution to the expense of the administration of said national code and of this divisional code as in said codes provided, subject to rules and regulations pertaining thereto issued by

the National Industrial Recovery Board. Only those members of the Northwest industry 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) shall be entitled to participate in the selection of members of the Executive Committees or to receive the benefits of any of their voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

SECTION 4. The Executive Committees shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in their approved budgets, and shall in no event exceed the total amount contained in their approved budgets, 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.

#### ARTICLE IX—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 Northwest industry whether or not in said Articles of said national code specific reference is made to this divisional code.

#### ARTICLE X—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. 12.  
Registry No. 117-34.



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**EXECUTIVE ORDERS**

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## EXECUTIVE ORDER

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### APPOINTMENT CHARLES EDISON AS A MEMBER OF THE NATIONAL INDUSTRIAL RECOVERY BOARD

By virtue of the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and to effectuate the purposes of said Act, I hereby appoint Charles Edison as a member of the National Industrial Recovery Board to fill the vacancy caused by the retirement of A. D. Whiteside, resigned; and I hereby direct that said Charles Edison be given leave of absence without pay from his position as State Director for the National Emergency Council for the State of New Jersey during the period of his service as a member of said National Industrial Recovery Board.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,  
*April 29, 1935.*

[7025]

STATE OF CALIFORNIA

IN SENATE

January 10, 1907.

REPORT OF THE

COMMISSIONERS OF THE LAND OFFICE

FOR THE YEAR 1906.

THE UNIVERSITY OF CALIFORNIA

1907.

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**ADMINISTRATIVE ORDERS**

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## ADMINISTRATIVE ORDER NO. 356-12

### CODE OF FAIR COMPETITION FOR THE FULLER'S EARTH PRODUCING AND MARKETING INDUSTRY—OPERATIONS OR OCCUPATIONS DEEMED HAZARDOUS OR DETRIMENTAL TO THE HEALTH OF PERSONS UNDER EIGHTEEN YEARS OF AGE

The Code Authority for the Fuller's Earth Producing and Marketing Industry, in accordance with Section 1 of Article V of the Code of Fair Competition for the Fuller's Earth Producing and Marketing Industry, as amended, 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, as amended, which are as follows:

1. Work in or about mines or pits, including all surface work.
2. In the transportation or use of explosives or explosive substances.
3. All dredging work or hydraulic mining.
4. All work on screens or crushers.
5. In oiling, cleaning, or wiping machinery in motion.
6. In applying belts to a pulley in motion or assisting therein.
7. In proximity to any unguarded belt or gearing.
8. Work of employees engaged as firemen.
9. Switching and work on and about railroad equipment.
10. Clean-up on barges or cars under clamshell buckets.
11. As drivers of trucks or other motor vehicles, or as helpers or delivery boys on motor vehicles.

Pursuant to Section 1 of Article V, as amended, 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, as amended, and order 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.,  
*April 22, 1935.*

## ADMINISTRATIVE ORDER NO. 522-9

### ORDER, CODE OF FAIR COMPETITION FOR THE AUTOMOTIVE CHEMICAL SPECIALTIES MANUFACTURING INDUSTRY—APPROVING LIST OF OCCUPATIONS UNSUITED TO PERSONS UNDER EIGHTEEN YEARS OF AGE

The Code Authority for the Automotive Chemical Specialties Manufacturing Industry, pursuant to Section 1 of Article V of the Code of Fair Competition for said Industry, having submitted a list of occupations or operations unsuited to persons under eighteen (18) years of age, and the Deputy Administrator in charge thereof having rendered a report recommending the approval of such a list to wit:

#### I. MECHANICAL AND HEALTH RISKS

1. In oiling, cleaning or wiping machinery or shafting in motion.
2. In applying belts to pulleys in motion or assisting therein.
3. In occupations involving exposure to free silica dust, asbestos dust, or other dusts in injurious quantities.
4. In occupation involving exposure to the following substances if present in industry:
  - (a) Nitro or amido derivatives of benzol or tuluol.
  - (b) Arsenic or its compounds.
  - (c) Benzol.
  - (d) Carbon Bisulphide.
  - (e) Chlorine.
  - (f) Cresote.
  - (g) Hydrofluoric acid or its compounds.
  - (h) Hydrocyanic acid or its compounds.
  - (i) Hydrogen sulphide.
  - (j) Lead or its compounds.
  - (k) Mercury or its compounds.
  - (l) Mesothorium or its radioactive derivatives.
  - (m) Nitrous gases.
  - (n) White or yellow phosphorus.
  - (o) Radium or its radioactive derivatives.
  - (p) Tetrachlorethane, and
  - (q) Other substances having similar injurious properties.
5. In occupations involving excessive exposure to the following substances if present in industry:
  - (a) Antimony or its compounds.
  - (b) Carbon dioxide.
  - (c) Carbon monoxide.
  - (d) Carbon tetrachloride.
  - (e) Chromic acids, chromates, or bichromates.
  - (f) Corrosive substances.
  - (g) Methanol.



- (h) Petroleum or its low-boiling distillates such as gasoline, naphtha, or benzine.
- (i) Tar.
- (j) Trichlorethylene.
- (k) Turpentine, and
- (l) Other substances having similar injurious properties.

## II. GENERAL OUTSIDE AND MAINTENANCE HAZARDS

6. As drivers of trucks or other motor vehicles or as helpers or delivery boys on such vehicles.

7. In, or assisting in, the operation of gas, oil, or steam engines used as prime movers.

8. In the operation, custody, or repair of elevators, cranes, derricks or other hoisting apparatus, except in the operations of (1) dumb-waiters as defined by the American Standards Association, or (2) of elevators equipped only for automatic operation.

9. Firing of steam or water boilers (except boilers of not more than (15) pounds pressure used solely for heating purposes.

10. Lifting of heavy weights (80 lbs. maximum).

NOW, THEREFORE, pursuant to authority vested in it by Executive Order No. 6859, dated September 27, 1934, by said Section and Article of said Code, and otherwise, the National Industrial Recovery Board hereby adopts said report and recommendation, approves said list as reasonable and well designed to effectuate the policies of Title I of the National Industrial Recovery Act, and orders that copies of this Order and of said list be immediately brought to the attention of all members of the Industry through mailing or otherwise, and that they be included also on all posters covering labor provisions at the time of issuance or of revision of such posters.

This Order shall become effective thirty (30) days after the date hereof.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By JOSEPH F. BATTLE, *Division Administrator.*

Approval recommended:

EARLE W. DAHLBERG,  
*Deputy Administrator.*

WASHINGTON, D. C.,  
*April 23, 1935.*

## ADMINISTRATIVE ORDER NO. X-141

### APPOINTING FOREST PRODUCTS ADMINISTRATOR AND DEFINING HIS DUTIES AND AUTHORITY

Pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, the National Industrial Recovery Board, pending its further order, hereby appoints Colonel C. B. Crawford, as Forest Products Administrator (hereinafter referred to as the Administrator), and hereby authorizes said Administrator, subject to the general supervision of, and review by, said Board, but in its name and by its authority, and except as hereinafter otherwise provided, to direct and coordinate all administrative activities of the National Recovery Administration in connection with the Code of Fair Competition for the Lumber and Timber Products Industries, as amended, and such other codes for allied products as said Board may from time to time designate, and to exercise all the powers and functions heretofore vested in said Board relating to the administration of said Code or Codes.

The Administrator is authorized to exercise his authority hereunder, or any part thereof, through agencies which may be approved by him established outside of Washington, D. C. Reports of the exercise of such powers by such agencies, however, together with all original documents in connection therewith, shall be transmitted immediately by said agencies to the Administrator and reported by him to the National Industrial Recovery Board as hereinafter provided. In the exercise of such powers by said agencies the Administrator shall retain the right to direct, review, modify or disapprove the same or any thereof.

The Deputy Administrators assigned to said Code or Codes and their respective staffs are hereby assigned to the direction and supervision of the Administrator.

The Consumers', Industrial and Labor Advisory Boards, the Legal Division and the Research and Planning Division are each directed to appoint a member to an Advisory Committee which shall be available at all times to the Administrator and shall advise him concerning all proposed administrative determinations. In addition, the Research and Planning Division is directed to provide adequate personnel to aid the Administrator in statistical and economic matters incidental to his powers and functions thereunder.

The facilities of the Review Division of the National Recovery Administration shall be made available to the Administrator both prior and subsequent to his administrative determinations. Without limitation upon the powers herein delegated to the Administrator or upon the reserved powers of supervision and review by the National Industrial Recovery Board, all administrative determinations by the Administrator, together with the recommendations of his Advisory

Committee and the comments of the Review Division thereon, shall be reported forthwith to the National Industrial Recovery Board through its Administrative Officer.

The Administrator shall not exercise, nor shall this order be construed to limit, any of the powers or functions heretofore delegated to the Compliance and Enforcement Director.

Except as otherwise provided in rules and regulations heretofore or hereafter approved or prescribed by the President of the National Industrial Recovery Board, nothing herein shall be construed to limit the application of such rules and regulations to said Code or Codes or the administration thereof. Nor shall this order be construed to alter or affect the practices and procedure of the National Recovery Administration in matters relating to the custody of documents, the appointment of personnel and similar matters; all such requirements of the Administrator shall be supplied in conformity with such practices.

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

WASHINGTON, D. C.,  
*April 23, 1935.*

## ADMINISTRATIVE ORDER NO. 466-25

### CODE OF FAIR COMPETITION FOR THE RETAIL TOBACCO TRADE— APPROVAL OF ALLOWANCE FOR COSTS OF RETAIL DISTRIBUTION

WHEREAS, Article VI, Part II, Section 2, of the Code of Fair Competition for the Retail Tobacco Trade provides that an allowance for the costs of retail distribution, or any part thereof, may be fixed by the National Industrial Recovery Board upon the recommendation of the Code Authority for said trade;

WHEREAS, the Code Authority for the Retail Tobacco Trade has recommended the allowance for the costs of retail distribution hereinafter provided;

WHEREAS, hearings have been held thereon and the Deputy Administrator has reported and it appears to the satisfaction of the National Industrial Recovery Board that said allowance, insofar as cigarettes are concerned, 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 Orders of the President, including Executive Order Number 6859, by Code of Fair Competition for the Retail Tobacco Trade, and otherwise, it is hereby ordered that, pending further order of the Board canceling or amending this order, the allowance for costs of the retail distribution of cigarettes is as follows:

1. Cigarettes on which the manufacturer's list price is less than five dollars per thousand shall be sold at retail at not less than the manufacturer's list price plus five and one-quarter percent ( $5\frac{1}{4}\%$ ).

2. Cigarettes on which the manufacturer's list price is five dollars or more per thousand shall be sold at retail at not less than the manufacturer's list price plus six and one-half percent ( $6\frac{1}{2}\%$ ).

3. (a) Minimum retail unit prices shall be computed by dividing the number of units per thousand cigarettes into the manufacturer's list price per thousand plus the percentages set forth in Sections 1 or 2 above, as the case may be. In computing minimum retail unit prices a fraction of a cent in the price shall be treated as a full cent.

(b) In case of any sale to a consumer located at the time of such sale in a state imposing a stamp tax on cigarettes or the sale thereof, the amount of said stamp tax, if not paid by the consumer, shall, whether the seller be located within or without such state, be added to the minimum unit price.

(c) In those cases where the minimum unit price is not less than twenty cents and not more than one dollar, a discount of not more than five percent ( $5\%$ ) may be allowed. In those cases where the minimum unit price is over one dollar, a discount of not more than eight percent ( $8\%$ ) may be allowed. Any fraction of a cent resulting in the minimum unit price after the computation of any said discount shall be treated as a full cent.

4. In computing the minimum retail price of more than one unit, in cases where the minimum unit price is less than twenty cents, the full minimum unit price (inclusive of any stamp tax aforesaid) shall be multiplied by the number of units sold; if the resulting total be one dollar or less, a discount of not more than five percent (5%) may be allowed; if it be greater than one dollar, a discount of not more than eight percent (8%) may be allowed. Any fraction of a cent resulting in the minimum price after the computation of any said discount shall be treated as a full cent.

5. In the case of sales of a combination of two or more different articles of merchandise, the price of each article shall be plainly indicated.

6. Any change by a manufacturer in discount from his list price occurring after the date hereof shall translated into an equivalent change of his list price, and all the calculations above referred to shall be based on such equivalent list price.

7. The foregoing minimum retail prices shall be subject to the limitations and exceptions contained in Article VI, Part II, Sections 3, 4 and 5 of said code; provided, that not more than one pad of matches shall be given with each unit of cigarettes sold.

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

Approval recommended:

ARMIN W. RILEY,

*Division Administrator.*

WASHINGTON, D. C.,

*April 23, 1935.*

ADMINISTRATIVE ORDER NO. 23-32

PROVISIONAL EXEMPTION RELEVANT TO HOURS OF MACHINE OPERATION

CODE OF FAIR COMPETITION FOR THE UNDERWEAR AND ALLIED PRODUCTS MANUFACTURING INDUSTRY—GRANTING EXEMPTION, UNDER CERTAIN CONDITIONS, TO WARP KNIT FABRICS GROUP FROM PROVISIONS OF PART III, SECTION 2.

WHEREAS, an application has been made by the Warp Knit Fabrics Group of the Underwear and Allied Products Manufacturing Industry for an exemption for a limited period beginning immediately from the provisions of Part III, Section 2 of the Code for said Industry, to the extent that said Group be permitted to operate its Warp Knitting Machines for three (3) shifts of eight (8) hours each per day, and forty (40) hours each per week; and

WHEREAS, the Code Authority has recommended that said application be granted; and

WHEREAS, upon summary investigation by the Deputy Administrator, an emergency was found to exist, and two emergency exemptions were granted by letters, the first for a period of ten (10) days beginning April 3, 1935 and the second, which modified the conditions contained in the first emergency exemption, for a period of ten (10) days beginning April 13, 1935; and

WHEREAS, the Deputy Administrator has reported and it appears to the satisfaction of the National Industrial Recovery Board that said exemption 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 No. 6859, dated September 27, 1934, and otherwise, does hereby incorporate by reference said report, and does hereby order that said applicant is exempt, for the period beginning April 3, 1935 and ending May 11, 1935, from the provisions of Part III, Section 2 of the Code of Fair Competition for the Underwear and Allied Products Manufacturing Industry, to the extent that said applicant be permitted to operate its Warp Knitting Machines for three (3) shifts of eight (8) hours each per day, and forty (40) hours each per week; subject, however, to the following conditions:

1. That the foregoing permission shall not be used for increasing normal inventory. The normal inventory for each individual manufacturer of Warp Knit Fabrics shall be determined by the Committee hereinafter constituted, subject to review of the Research and Planning Division of the National Recovery Administration. Said Committee shall use as a basis for such determination the inventories maintained by the manufacturers of Warp Knit Fabrics during the year 1934.

2. That the foregoing permission shall be in effect as to individual manufacturers of Warp Knit Fabrics only when and so long as all available capacity is in use at the maximum permitted by the Code.

3. That no extra shift shall be permitted in either tricot or milanese division until all machines in said division are operating two (2) full shifts.

4. That employees hired for the extra shift shall be temporary.

5. That no regular employee may be released or discharged until said temporary employees have been released, provided that a regular employee may be discharged for good cause and that no regular employee shall be changed from his regular shift except with his consent.

6. That manufacturers of Warp Knit Fabrics desiring to avail themselves of the foregoing permission shall register, in advance, with the Code Authority certifying that the conditions hereinabove enumerated have been and are being complied with.

7. (a) There shall be immediately set up a Fact Finding Committee consisting of the Chairman of the Warp Knit Fabrics Group, two (2) representatives of manufacturers of Warp Knit Fabrics, and two (2) representatives of Labor. Of the two (2) representatives of Labor one (1) shall be selected from the State of New York, and one (1) from the State of Pennsylvania. In addition to the foregoing membership, the Research and Planning Division shall designate one (1) member of their Division who shall act as Administration Member without vote, of said Committee;

7. (b) Said Committee shall gather the facts with reference to orders and production in the Warp Knit Fabrics Branch of the Underwear and Allied Products Industry, and shall report to the National Recovery Administration as to whether or not the permission granted above shall be continued or modified, or terminated in any or all respects.

8. The Code Authority shall submit to the National Recovery Administration a report covering the following points:

(a) The number of members of the Industry engaged in the manufacture of Warp Knit Fabrics, together with the number of machines operated by each such member of the Industry.

(b) Supporting statistical data showing the need for a third shift in this branch of the Industry.

(c) A certified report on the vote of the Warp Knit Fabrics Group, showing the number of concerns, as well as the number of machines, voting in favor of the recommendation.

9. A copy of this Order shall be posted in a conspicuous place in the plants of each member of said Warp Knit Fabrics Group, in accordance with the provisions of Executive Order No. 6590-B and Administrative Order No. X-82.

This Order may be revoked at any time upon proper showing of cause therefor.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By M. D. VINCENT, *Acting Division Administrator.*

Approval recommended:

BURTON E. OPPENHEIM,  
*Deputy Administrator.*

WASHINGTON, D. C.,  
*April 23, 1935.*

ADMINISTRATIVE ORDER NO. 467-57

CODE OF FAIR COMPETITION FOR THE CIGAR MANUFACTURING INDUSTRY—APPROVING POSTPONEMENT OF REVIEW OF THE PROVISIONS OF THE CODE RELATING TO HOURS OF LABOR AND RATES OF PAY

WHEREAS, the Code of Fair Competition for the Cigar Manufacturing Industry provides in Article V, Section 14 that at the expiration of nine (9) months from the effective date of the Code, the industry shall petition the President or the National Recovery Administration to review the provisions of the Code relating to hours of labor and rates of pay;

WHEREAS, said code was approved by the President on June 19, 1934, and said nine (9) months' period has elapsed since the effective date, the same in this instance being the date of approval;

WHEREAS, the Code Authority for the Cigar Manufacturing Industry has requested a postponement of the review aforesaid until June 1, 1935, in order to permit time for the settlement of certain problems now before the Code Authority;

WHEREAS, the Deputy Administrator has reported, and it appears to the satisfaction of the National Industrial Recovery Board that the postponement 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 ordered hereby that the Code Authority for the Cigar Manufacturing Industry be and hereby it is allowed until June 1, 1935, to petition for a review of the provisions of the Code relating to hours of labor and rates of pay.

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

Approval recommended:

ARMIN W. RILEY,  
*Division Administrator.*

WASHINGTON, D. C.,  
*April 25, 1935.*



ADMINISTRATIVE ORDER NO. 496-7

HAZARDOUS OCCUPATIONS, APPROVING A LIST OF

NATIONAL RECOVERY ADMINISTRATION,  
DISTRIBUTING TRADES DIVISION,  
Washington, D. C., April 25, 1935.

Mr. J. M. GEORGE,  
*Secretary, Industry of Collective Manufacturing for  
Door-to-Door Distribution Code Authority,  
Winona, Minnesota.*

DEAR MR. GEORGE: The following list of occupations and/or operations, unsuited to minors under eighteen (18) years of age and which shall be prohibited to them, has been reviewed by the Administration and is hereby approved for the Industry of Collective Manufacturing for Door-to-Door Distribution.

I. MECHANICAL AND HEALTH RISKS

1. In occupations involving exposure to extreme heat, cold, humidity, or dampness, or to sudden, frequent, or extreme variations thereof.

2. In occupations involving exposure to free silica dust, asbestos dust, or other dusts in injurious quantities.

3. In occupations involving exposure to the following substances if present in the industry:

- (a) Nitro or amido derivatives of benzol or toluol.
- (b) Arsenic or its compounds.
- (c) Benzol.
- (d) Carbon Bisulphide.
- (e) Chlorine.
- (f) Creosote.
- (g) Hydrocyanic acid or its compounds.
- (h) Hydrofluoric acid or its compounds.
- (i) Hydrogen sulphide.
- (j) Lead or its compounds.
- (k) Mercury or its compounds.
- (l) Mesothorium or its radioactive derivatives.
- (m) Nitrous gases.
- (n) White or yellow phosphorous.
- (o) Radium or its radioactive derivatives.
- (p) Tetrachlorethane, and
- (q) Other substances having similar injurious properties.

4. In occupations involving excessive exposure to the following substances if present in the industry:

- (a) Antimony or its compounds.
- (b) Carbon dioxide.

- (c) Carbon monoxide.
- (d) Carbon tetrachloride.
- (e) Chromic acids, chromates, or bichromates.
- (f) Corrosive substances.
- (g) Methanol.
- (h) Petroleum, or its low-boiling distillates such as gasoline, naphtha, or benzine.
- (i) Tar.
- (j) Trichlorethylene.
- (k) Turpentine, and
- (l) Other substances having similar injurious properties.

In or assisting in the operation of—

- 5. Power-driven mixing machines.
- 6. Power-driven machinery for punching or forming metal.
- 7. Power-driven machinery having a heavy rolling or pressing action.
- 8. Power-driven machinery for grinding spices and other materials.
- 9. Power-driven machinery for the pressing, chipping and plodding of soap.
- 10. Power-driven machinery for the chopping of vanilla beans and other substances.
- 11. Power-driven printing machinery, presses and cutters.
- 12. Power-driven machinery for the cutting, planing and fabricating of articles, from wood or timber.
- 13. Power-driven laundry machinery.

## II. GENERAL OUTSIDE AND MAINTENANCE RISKS

- 14. In oiling, cleaning or wiping machinery or shafting in motion.
- 15. In applying belts to pulleys in motion or assisting therein.
- 16. As drivers of trucks or other motor vehicles or as helpers or delivery boys on such vehicles.
- 17. In, or assisting in, the operation of gas, oil, or steam engines used as prime movers.
- 18. In the operation, custody, 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.
- 19. Firing of steam or water boilers (except boilers of not more than (15) pounds pressure used solely for heating purposes.)
- 20. Lifting of heavy weights (100) lbs. maximum.
- 21. In blacksmithing.

Very truly yours,

HARRY C. CARR,  
*Division Administrator.*

ADMINISTRATIVE ORDER NO. 226-57

MATTRESS COVER DIVISION, LABEL PROVISIONS STAYED FOR MEMBERS  
OF THE

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CODE OF FAIR COMPETITION FOR THE LIGHT SEWING INDUSTRY  
EXCEPT GARMENTS—STAYING PROVISIONS OF ARTICLE XI INSO-  
FAR AS THE MEMBERS OF THE MATTRESS COVER DIVISION ARE  
CONCERNED

WHEREAS, Article XI of the Code of Fair Competition for the Light Sewing Industry Except Garments provides that all members of the Mattress Cover Division of the Industry shall affix to all their products official labels issued by the Divisional Committee bearing thereon the NRA insignia, and such provision has been made effective; and

WHEREAS, the Secretary of said Divisional Committee has resigned, and the members thereof have indicated that they are unwilling to administer and enforce the provisions of the Code, and to provide appropriate machinery to issue labels; 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 1 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 Article XI of the Code of Fair Competition for the Light Sewing Industry Except Garments be, and it is hereby, stayed as to all members of the Mattress Cover Division subject thereto from this date until June 16, 1935.

This Order is subject to revocation at any time.

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

Approval recommended:

M. D. VINCENT,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*April 25, 1935.*

ADMINISTRATIVE ORDER NO. 280-262

ORDER, CODE OF FAIR COMPETITION FOR THE RETAIL SOLID FUEL INDUSTRY—STAYING LOWEST REASONABLE COST DETERMINATIONS FOR ALL TRADE AREAS IN ALL DIVISIONS WHERE ESTABLISHED, PENDING REVIEW OF PRIOR DECLARATIONS OF EMERGENCY THEREIN AND DETERMINATIONS MADE ON THE BASIS OF SUCH

WHEREAS, the National Industrial Recovery Board by Administrative Orders has heretofore and at different times approved certain determinations of lowest reasonable costs for particular Trade Areas in certain Divisions wherein emergencies had been declared to then exist, as provided for in Article V, Section 4 of this Code; and,

WHEREAS, certain Divisional Code Authorities, upon the basis of changed conditions, have requested suspension of such lowest reasonable cost determinations as have heretofore been approved for Trade Areas within their respective Divisions; and

WHEREAS, the Deputy Administrator has reported and it appears that such changed conditions may apply generally throughout the Industry, making it desirable to review all prior declarations of emergency and such lowest cost determinations as have heretofore been approved:

NOW, THEREFORE, pursuant to authority vested in it and in order to effectuate the purposes of Title I of the National Industrial Recovery Act, it is hereby ordered that all such lowest cost determinations as have heretofore been approved for all of the aforesaid Trade Areas in those Divisions wherein emergencies had been declared to exist shall be stayed for the period beginning May 1, 1935 and ending May 31, 1935, during which period the several Code Authorities in those Divisions shall review their prior declarations of emergency and also such lowest cost determinations as have heretofore been approved, and, on the basis of such reviews shall submit to the National Recovery Administration on or before May 20, 1935 reports containing factual data to support or deny the present existence of emergency and necessity to continue, discontinue or modify existing lowest cost determinations. On the basis of such reports and/or such other pertinent data as may be presented, the National Industrial Recovery Board will further review the aforesaid lowest cost determinations and by its further orders shall approve, disapprove or modify the same.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By SPECIAL COMMITTEE ON LOWEST COST DETERMINATIONS FOR THE RETAIL SOLID FUEL INDUSTRY.

By F. A. HECHT, *Chairman*.

WASHINGTON, D. C.,  
*April 25, 1935.*

ADMINISTRATIVE ORDER NO. 321-21

CODE OF FAIR COMPETITION FOR THE ROCK AND SLAG WOOL MANUFACTURING INDUSTRY—APPROVING A GREATER NUMBER OF INDUSTRY MEMBERS ON THE CODE AUTHORITY, TO WIT, FIVE INDUSTRY MEMBERS INSTEAD OF THREE

An application having been duly made by the Code Authority of the Rock and Slag Wool Manufacturing Industry for approval of a membership of five (5) Industry Members upon the Code Authority, which formerly consisted of three (3) Industry Members; and it appearing to the National Industrial Recovery Board that a Code Authority of five (5) Industry Members will provide for the general welfare of the Industry by promoting the organization of said Industry, and will assist in the purpose of cooperative action and also in the discharge of the other duties of the Code Authority;

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board by Article VI, Section 1 (a) of the Code, and otherwise, it is hereby ordered that the Code Authority of the Rock and Slag Wool Manufacturing Industry shall consist of five (5) Industry Members, who shall be duly elected by vote of two-thirds ( $\frac{2}{3}$ ) of all members of the Code, as provided in Article VI, Section 1 (b) of the Code.

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

Approval recommended.

W. P. ELLIS,  
*Division Administrator*.

WASHINGTON, D. C.,  
*April 25, 1935.*

ADMINISTRATIVE ORDER NO. 92-23

TRADE PRACTICES AND PARTICIPATION IN CODE ACTIVITIES, STAY OF PROVISIONS RELEVANT TO

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CODE OF FAIR COMPETITION FOR THE FLOOR AND WALL CLAY TILE MANUFACTURING INDUSTRY—GRANTING APPLICATION OF THE CODE AUTHORITY FOR THE FLOOR AND WALL CLAY TILE MANUFACTURING INDUSTRY ON BEHALF OF THE MEMBERS OF THAT INDUSTRY FOR A STAY OF THE WORDS “ASSENTING TO AND” IN THE THIRD LINE OF SUB-SECTION 9, SECTION B OF ARTICLE VI AND OF THE PROVISIONS OF C, D AND E OF ARTICLE X, EXCEPT THE PROVISIONS OF SUB-SECTIONS (4) AND (5) OF SECTION D OF ARTICLE X

WHEREAS, the Code Authority for the Floor and Wall Clay Tile Manufacturing Industry on January 22, 1935, petitioned the National Industrial Recovery Board for a stay of the above-mentioned provisions of the Code of Fair Competition for the Floor and Wall Clay Tile Manufacturing Industry; and

WHEREAS, the Deputy Administrator has found that the number of manufacturers who were willing to make further extension of their agreement set forth in the “Letter of Assent” designated as “Schedule A”, and made part of the Code, was not sufficient to warrant continued Industry approval of said “Schedule A”; 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, pursuant to authority vested in the National Industrial Recovery Board, it is hereby ordered that the operation of the words “assenting to and” in the third line of sub-section 9, Section B of Article VI and of the provisions of Sections C, D and E of Article X, except the provisions of sub-sections (4) and (5) of Section D of Article X, be and they are hereby stayed as to all parties subject thereto until June 16, 1935;

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.,  
*April 26, 1935.*

ADMINISTRATIVE ORDER NO. 46-95

MOTOR VEHICLE RETAILING TRADE, OFFICIAL GUIDES, DELEGATION OF  
AUTHORITY TO APPROVE

Article IV, Title A, Section 4 (c), of the Code of Fair Competition for the Motor Vehicle Retailing Trade as amended provides for the approval of Official Guides by the National Industrial Recovery Board.

The Division Administrator for the Equipment Division is authorized and directed to approve a copy of each issue of the Official Guide in the name of the National Industrial Recovery Board after such copy of the Official Guide has been duly certified by the designated representative of the National Recovery Administration as conforming with the pertinent provisions of the Code as amended and with the conditions which the National Recovery Administration has stipulated as necessary prior to its approval.

By Direction of the National Industrial Recovery Board:

W. A. HARRIMAN, *Administrative Officer.*

APRIL 26, 1935.

ADMINISTRATIVE ORDER NOS. 60-418 AND 142-76

ORDER, CODE OF FAIR COMPETITION RETAIL TRADE AND CODE OF FAIR COMPETITION FOR THE RETAIL JEWELRY TRADE—GRANTING 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;

NOW, THEREFORE, The National Industrial Recovery Board, pursuant to authority vested in it, does hereby order that:

The Deputy Administrator in charge of the said codes and Allison James, Executive Assistant, Distributing Trades Division, or each of them, be and they or each of them 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 the said codes.

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

Approval recommended.

HARRY C. CARR,  
*Division Administrator*.

WASHINGTON, D. C.,  
*April 26, 1935.*



ADMINISTRATIVE ORDER NO. 71-66

SALES BELOW COST, STAY GRANTED RELEVANT TO

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CODE OF FAIR COMPETITION FOR THE PAINT, VARNISH AND  
LACQUER MANUFACTURING INDUSTRY—GRANTING APPLICATION  
FOR A STAY OF THE PROVISIONS OF ARTICLE XXII

WHEREAS, an application has been made by the Paint Industry Recovery Board, 2201 New York Avenue, N.W., Washington, D. C., for a stay of the operation of the provisions of Article XXII of the Code of Fair Competition for the Paint, Varnish and Lacquer 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 of the date hereof as to all parties subject thereto until June 16, 1935. This order shall be revocable in the discretion of 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.,  
*April 27, 1935.*

ADMINISTRATIVE ORDER NO. 342-27

PRICES, EXTENSION OF A STAY RELEVANT TO PUBLICATION OF A  
SCHEDULE OF

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CODE OF FAIR COMPETITION FOR THE SANITARY AND WATERPROOF  
SPECIALTIES INDUSTRY

WHEREAS, on October 19, 1934, Administrative Order No. 342-11, granting a ninety (90) day stay of the provisions of Article VII, Section 3 of the Code of Fair Competition for the Sanitary and Waterproof Specialties Manufacturing Industry was duly signed; and

WHEREAS, on January 22, 1935, Administrative Order No. 342-19 granting an Extension of Stay of Article VII, Section 3 of the Code of Fair Competition for the Sanitary and Waterproof Specialties Manufacturing Industry for a further period of ninety (90) days was duly signed; and

WHEREAS, an application has now been made by the Code Authority for the Sanitary and Waterproof Specialties Manufacturing Industry for a further extension of said stay of the operation of the provisions of Article VII, Section 3 of the Code for this Industry, which section relates to the publication of a schedule of prices and terms of sale on all standard products manufactured by this Industry; and

WHEREAS, the Assistant Deputy Administrator has reported and it appears to the satisfaction of the National Industrial Recovery Board that the extension of said 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 by Executive Order No. 6859 and otherwise, 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 further period to June 16, 1935.

This order is subject to revocation at any time.

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

Approval recommended.

M. D. VINCENT,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*April 27, 1935.*

ADMINISTRATIVE ORDER NOS. 201-41 AND 201D-16

CODE OF FAIR COMPETITION FOR THE WHOLESALING OR DISTRIBUTING TRADE—APPROVING APPLICATION OF THE DIVISIONAL CODE AUTHORITY OF THE BEAUTY AND BARBER EQUIPMENT AND SUPPLIES TRADE FOR PERMISSION TO SECURE REPORTS CONCERNING VOLUME OF BUSINESS FROM MEMBERS OF THE TRADE.

WHEREAS, the Second Section, Sub-paragraph (1) of Paragraph (b), Section 5 of Article VI, provides as follows:

“ With respect to the specific provisions of the Supplemental Codes which govern one or more, but not all, divisions of the Trade, each Divisional Code Authority, subject to the approval or consent of the Administrator:

(1) Shall require from wholesalers or distributors in its Division such reports as are necessary to effectuate the purposes of its supplemental Code; and

WHEREAS, the Divisional Code Authority of the Beauty and Barber Equipment and Supplies Trade, a Division of the Wholesaling or Distributing Trade has requested the National Industrial Recovery Board to approve its application for permission to secure statistical information from members of the Trade concerning the volume of business, and the Deputy Administrator having reported and it appearing that the approval of said application will tend to effectuate the policies of Title I of the 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 order that the said application to secure such statistical information be and it is hereby approved; provided, however, that all reports shall be filed with confidential agency and no individual report shall be disclosed to any other member of the Trade.

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

Approval recommended.

HARRY C. CARR,  
*Division Administrator.*

WASHINGTON, D. C.,  
*April 27, 1935.*

ADMINISTRATIVE ORDER NO. 80-28

CODE OF FAIR COMPETITION FOR THE ASBESTOS INDUSTRY—MERCHANDISING PLAN FOR THE BRAKELINING AND RELATED FRICTION PRODUCTS DIVISION—APPROVAL OF CLASSIFICATION OF CUSTOMERS

An application having been duly made by the Sub-Code Authority for the Brake Lining and Related Friction Products Division of the Asbestos Industry for approval of a Classification of Customers, submitted by it pursuant to the provisions of Article II of the Merchandising Plan of said Division of the Code of Fair Competition for said Industry, and the Deputy Administrator having reported thereon, and it appearing that the Classification of Customers would operate to remove obstructions to the free flow of inter-state and foreign commerce, and will promote cooperative action among trade groups and will tend to eliminate unfair competitive practices, and to otherwise rehabilitate Industry.

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board by Executive Orders of the President, by said Article of said Code and Merchandising Plan, and otherwise, it is hereby ordered that said Classification of Customers be, and it is hereby approved.

NATIONAL INDUSTRIAL RECOVERY BOARD,

By W. P. ELLIS,

*Division Administrator, Basic Materials Division.*

Approval recommended.

BEVERLY OBER, by A. CATER

*Deputy Administrator,*

*Non-Metallic Products Section.*

WASHINGTON, D. C.,

*April 29, 1935.*

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SUB-CODE AUTHORITY BRAKE LINING DIVISION. ASBESTOS CODE CLASSIFICATION OF CUSTOMERS FORMULATED BY THE SUB-CODE AUTHORITY IN ACCORDANCE WITH ARTICLE III OF THE MERCHANDISING PLAN

CLASSIFICATION OF CUSTOMERS

*Preamble*

A. Pursuant to Article II of the Merchandising Plan of the Brake Lining and Related Friction Products Division of the Asbestos Industry, this classification of customers is published for the information and guidance of all members of the Division. Upon approval by the National Industrial Recovery Board, full information con-

cerning the classification shall be disseminated to all members of the Industry and such classification shall thereupon be known and is hereinafter referred to as the standard classification of customers for this Division. The Sub-Code Authority, subject to the approval of the National Industrial Recovery Board, shall keep said standard classification current at all times.

B. After dissemination of information concerning the standard classification as aforesaid, each member shall file in accordance with the Code and the Merchandising Plan a statement of his individual classification of customers, together with definitions or descriptions of the several classes in terms of quantity purchased or functions performed or in any other appropriate terms. In thus formulating his own individual classification of customers, each such member may in his discretion include therein such of the classes included in the standard classification as he finds applicable to his own individual situation. No member shall use any descriptive name included in the standard classification except in accordance with such standard classification, unless he qualifies said name so as to indicate clearly that he is not adhering to the standard classification. Where standard classifications are used, they should be followed by the letters "C. A." Where other than standard classifications are used, they should be followed by the word "Special."

C. The individual classifications thus filed by the several members of the Industry shall be made available in the same manner as lists of price terms duly filed in accordance with the Code and the Merchandising Plan.

D. No member of the Industry shall sell or offer to sell any product of the Division to any customer except in accordance with his own individual classification of customer duly filed and in effect as aforesaid.

E. No member of the Industry shall enter into any agreement, understanding, combination or conspiracy to fix or maintain any particular classification of customers, nor cause or attempt to cause any member of the Industry to change his classification by intimidation, coercion or any other influence inconsistent with the maintenance of the free and open market which it is the purpose of the Merchandising Plan to create.

#### A. CLASSIFICATION OF BUYERS IN THE AUTOMOTIVE FIELD

CLASS 1. Division Member: A Member of the Brake Lining Division, his subsidiaries and affiliates, as defined in Article I of the Merchandising Plan.

CLASS 3. Equipment Manufacturers: A Builder of motor vehicles, brake and/or clutch parts, and/or axles falling into one of the following classes:

CLASS 3-A. A Buyer (other than one in Class 3-C of this classification 3) who purchases Equipment materials for use in production of his units.

CLASS 3-B. A Buyer (other than one in Class 3-C of this classification 3) who purchases Replacement Materials for use in replacement through his organization on equipment of his own manufacture.

CLASS 3-C. A Buyer who purchases friction materials for use on *Replacement Parts* of his own manufacture *not used as standard equipment* by motor vehicle manufacturers.

CLASS 4. Distributor : A buyer who warehouses a Concern's Standard Brand friction materials and sells Standard Brand friction materials to Jobbers.

CLASS 4-A. *Territorial Distributor*: A Distributor who serves a clearly defined territory, and with whom the Concern so classifying him does not compete for jobber business in said territory either direct or through other territorial distributors.

CLASS 4-B. *Local Distributor*: A Distributor other than one in Class 4-A.

CLASS 5. *Jobber*: A jobber (including a wholesaler) is any buyer who,

1. Carries a selected stock merchandise.
2. Buys in wholesale quantities.
3. Warehouses a reserve stock for retailers within a radius of economical distribution and convenient service.
4. Resells in proper units to the retailer. (Whether a Buyer is a Jobber or not does not depend upon the quantity he buys. It is not the character of his buying but the character of his selling which marks him as a jobber. Definition evolved at conferences held by the Department of Commerce in 1923, supplemented by the language of the United States Circuit Court of Appeals in the Mennen Case.)

Subject to the above definition of a jobber, this classification recognizes the following: Buyers of friction materials, either standard or Private Brands as Jobbers:

*Automotive Jobbers*, including *Automotive Accessory Jobbers*, *Parts Jobbers*, *Other Specialty Jobbers*, and *Brake Lining Specialty Jobbers*.

CLASS 6. Chain Stores & Mail Order Houses: Chain Stores and Mail order houses, not jobbers or wholesalers.

Class 6-A. *Chain Stores*: A legal entity operating a chain of stores.

Class 6-B. *Mail Order Houses*: A legal entity publishing a widely distributed catalog.

CLASS 7. Dealers: A recognized merchant in the automotive industry who buys friction materials under Standard or Private Brands and who buys and sells automobile and/or parts and/or accessories, and/or sells labor for the purpose of selling service and/or repair work on automotive units.

CLASS 8. Consumer:

Class 8-A. *Common Carriers*: A common carrier including but not restricted to operating busses or trucks, which buys directly from manufacturers the majority of all classes of service materials it requires.

Class 8-B. *Fleet Operators*: An organization operating a fleet of busses, trucks or other motor vehicles, subdivided into:

- (a) 100 or more busses, or 400 or more motor vehicles.
- (b) 25 to 99 busses, or 100 to 399 motor vehicles.
- (c) 2 to 24 busses, or 15 to 99 motor vehicles.
- (d) 5 to 14 motor vehicles.

Class 8-C. State Governments buying friction materials for use only on equipment owned and operated by them.

Class 8-D. Departments of the United States Government buying friction materials for use only on equipment owned and operated by them.

Class 8-E. Consumers not otherwise defined in Class 8.

CLASS 9. Export Accounts: Any Buyer when buying friction materials which are exported outside the borders of the continental United States.

#### B. CLASSIFICATION OF BUYERS IN THE INDUSTRIAL FIELD

11. Division Members: A Member of the Brake Lining Division, his subsidiaries and affiliates, as defined in Article I of the Merchandising Plan.

12. Equipment Manufacturer: A builder of Industrial Equipment.

13. Jobber, Wholesaler or Distributor: A jobber, wholesaler or distributor is any buyer who:

1. Carries a selected stock of merchandise.

2. Buys in wholesale quantities.

3. Warehouses a reserve stock within a radius of economical distribution and convenient service.

4. Resells in proper units to the retailer. (Whether a Buyer is a Jobber or not does not depend upon the quantity he buys. It is not the character of his buying but the character of his selling which marks him as a jobber. Definition evolved at conferences held by the Department of Commerce in 1923, supplemented by the language of the United States Circuit Court of Appeals in the Mennen Case.)

Subject to the above definition of a Jobber, this classification recognizes the following Buyers of friction materials, either Standard or Private Brands as Jobbers:

*Industrial Jobbers*, including (1) Mill, mine, hardware, and elevator supply houses, (2) Packing Jobbers, (3) Oil Well Supply Jobbers, and (4) Marine Supply Jobbers.

14. Consumers: *Industrial Accounts*: Buyers who purchase friction materials for use on industrial machinery used by them in the conduct of their business.

ADMINISTRATIVE ORDER NO. 462-25

CODE OF FAIR COMPETITION FOR THE WHOLESALE TOBACCO TRADE—  
AMENDING AND CONTINUING TEMPORARILY 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 Number 462-5, 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 the 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 to and including April 30, 1935;

WHEREAS, the Code Authority for the Wholesale Tobacco Trade and individual tobacco wholesalers have proposed amendments to the Code of Fair Competition for the Wholesale Tobacco Trade, and the same were the subject of a public hearing held on March 26, 1935;

WHEREAS, the proposals of said Code authority and said tobacco wholesalers were designed and recommended as a method of alleviating by code amendment the conditions and circumstances giving rise to said emergency;

WHEREAS, the Deputy Administrator has reported, said proposals have received the consideration of the National Industrial Recovery Board and it is deemed advisable to further consider the same in the light of further information to be procured on the subject, and it appears to the satisfaction of the Board that the additional time 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 by Executive Orders of the President, including Executive Order Number 6859, by the Code of Fair Competition for the Wholesale Tobacco Trade, and otherwise, it is hereby ordered that, pending the further order of the Board canceling or amending this order upon completion of a further study of the subject, or otherwise, Administrative Order Number 462-5, dated July 12, 1934, as amended, be and the same hereby is continued to and including the sixteenth day of June, 1935; Provided however, that said Administrative Order be and it is hereby further amended by deleting Paragraphs 1, 2, and 3 thereof and substituting therefor the following:

1. In the case of sales by jobbers to retailers, the minimum price shall be the jobber's net purchase price (after the deduction of all trade and cash discounts) plus three and one-tenth percent (3.1%).



2. In the case of sales by jobbers to sub-jobbers, the minimum price shall be the jobber's net purchase price (after the deduction of all trade and cash discounts) plus one percent (1%).

3. In the case of sales by sub-jobbers to retailers, the minimum price shall be the sub-jobber's net purchase price (after the deduction of all trade and cash discounts) plus two and one-tenth percent (2.1%).

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

Approval recommended.

ARMIN W. RILEY,  
*Division Administrator.*

WASHINGTON, D. C.,  
*April 29, 1935.*

ADMINISTRATIVE ORDER NO. 259-38

HOURS OF LABOR IN THE MANUFACTURE OF STRAW HATS, STAY  
RELEVANT TO

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CODE OF FAIR COMPETITION FOR THE HAT MANUFACTURING  
INDUSTRY—GRANTING APPLICATION OF MEMBERS OF THE HAT  
MANUFACTURING INDUSTRY ENGAGED IN THE MANUFACTURE OF  
STRAW HATS FOR A STAY OF THE PROVISIONS OF ARTICLE II,  
SECTION 1

WHEREAS, an application has been made by members of the Hat Manufacturing Industry engaged in the manufacture of straw hats and other summer headwear for a stay of the provisions of Article II, Section 1 of the Code of Fair Competition for the Hat Manufacturing Industry; and

WHEREAS, the Code Authority has recommended that said stay be granted; and

WHEREAS, after summary investigation and report by the Deputy Administrator an emergency exemption was deemed necessary and granted said applicants by telegram dated March 26, 1935, which exemption was extended by telegram dated April 6, 1935, and modified by telegram dated April 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 Article II, Section 1 of the Code of Fair Competition for the Hat Manufacturing Industry be and they are hereby stayed for the period beginning April 16, 1935 and ending June 1, 1935, both inclusive, as to all members of the Hat Manufacturing Industry engaged in the manufacture of straw hats and other summer headwear, as defined in Article I, Section 1 (a) of said Code, to the extent that employees of such members may be permitted to work not more than forty-eight hours per week without extra overtime pay;

PROVIDED, HOWEVER, that a copy of this Order is posted in a conspicuous place in said applicant's plants in accordance with the provisions of Executive Order No. 6590-B and Administrative Order No. 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.

M. D. VINCENT,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*April 30, 1935.*

## ADMINISTRATIVE ORDER NO. 84 VI-13

### NATIONAL RECOVERY ADMINISTRATION

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ORDER, APPROVING CIRCUMSTANCES UNDER WHICH PRICE GUARANTEES MAY BE MADE FOR THE PERFORATING MANUFACTURING INDUSTRY (A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND METAL FINISHING AND METAL COATING INDUSTRY)

WHEREAS, the Supplementary Code of Fair Competition for the Perforating Manufacturing Industry, approved August 31, 1934, provides in Article VIII, Rule 8, that:

“No member of the Industry shall make or give or offer to make or give guarantees of protection in any form against changes in price beyond a period of thirty (30) days, except for such products and under such circumstances as are defined by the Supplementary Code Authority, subject to the approval of the Administrator” and

WHEREAS, the Supplementary Code Authority by resolution, has adopted circumstances under which guarantees of protection against changes in price beyond a period of thirty (30) days, may be made, and

WHEREAS, the Supplementary Code Authority has defined the product which may be included in a guarantee of protection against changes in price beyond a period of thirty (30) days, and

WHEREAS, it appears that it has been the practice in this Industry for contractors and sub-contractors on large building structures, to place orders for Grilles at the time the said contractors receive their awards and since changes in the course of the building structure may require changes in the Grilles originally ordered, and

WHEREAS, the Supplementary Code Authority has pursuant to said Section, submitted said circumstances covering Grilles for approval and the Deputy Administrator has reported.

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 order that it will be permissible for members of the Industry to accept orders for Grilles for delivery at completion of the building, subject to the following conditions:

“1. Each order so accepted shall cover Grilles for one building project only, the location and owner of which is clearly stated in the order.

“2. Quantities, sizes, styles, materials and finishes shall be clearly stated in the order.

“3. If, during the construction of the building, the specifications covering Grilles are changed, revised prices for the new requirements may be figured on the basis of filed prices in effect at the time the

order was accepted or on the basis of filed prices in effect at the time the changes are made, whichever are lower, except that the manufacturer must be compensated for any unusual expenses which these changes may impose on him. When figuring revised quantities, unit prices applicable to the new quantities shall be used."

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

Approval recommended.

JOHN W. UPP,  
*Acting Division Administrator*.

WASHINGTON, D. C.,  
*April 30, 1935.*

ADMINISTRATIVE ORDER NOS. 60-419, 142-79, AND 182-81

SCRIP, STAY EXTENDED RELEVANT TO

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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 said 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, 142-15, 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 further stayed to February 6, 1935, by Administrative Order No. X-117-1, dated January 4, 1935; and further stayed to May 1, 1935 by Order No. 60-358, 142-57, 182-65 dated February 5, 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 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, until further ordered by the National Industrial Recovery Board, 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,  
*Division Administrator, Distributing Trades Division.*

ARMIN W. RILEY,  
*Division Administrator, Food Division.*

WASHINGTON, D. C.,  
*April 30, 1935.*

ADMINISTRATIVE ORDER NO. 510-11

SALE TERMS STAYED

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CODE OF FAIR COMPETITION FOR THE ASSEMBLED WATCH INDUSTRY—GRANTING STAY OF THE PROVISIONS OF ARTICLE VIII, SECTION 17 (A), (B), (C)

WHEREAS, an application has been made for a stay of operation of the provisions of Article VIII, Section 17, (a), (b), (c) of the Code of Fair Competition for the Assembled Watch Industry, and

WHEREAS, hearings having been held thereon, and the Deputy Administrator has reported and it is found that:

(a) The granting of this stay will promote stabilization of employment in the Industry.

(b) The granting of longer credit terms by this Industry, will be of benefit to the Retail trade.

(c) The granting of the stay will not oppress small enterprises, nor will it operate to discriminate against them.

(d) The granting of the stay is necessary and will tend to further effect 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 provision of said Code be, and it is hereby, stayed as to all parties subject thereto from date of approval hereof, until June 16, 1935 inclusive.

This stay, or any part thereof, 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.*

Order recommended.

JOHN W. UPP,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*May 2, 1935.*

ADMINISTRATIVE ORDER NO. 118-549

TERMS OF SALE, STAY RELEVANT TO

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CODE OF FAIR COMPETITION FOR THE COTTON GARMENT INDUSTRY—GRANTING APPLICATION OF THE COTTON GARMENT CODE AUTHORITY, INCORPORATED, 40 WORTH STREET, NEW YORK, NEW YORK, FOR A STAY OF THE PROVISIONS OF SCHEDULE K, SECTIONS 58 AND 59 OF ARTICLE XIX

WHEREAS, an application has been made by the Cotton Garment Code Authority, Incorporated, 40 Worth Street, New York, New York, on behalf of the National Association of Work Clothes Manufacturers for a stay of the provisions of Schedule K, Sections 58 and 59 of Article XIX 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, 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 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 the date hereof.

This Order is subject to revocation at any time.

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

Approval recommended.

M. D. VINCENT,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*May 2, 1935.*



ADMINISTRATIVE ORDER NOS. 430-14 AND 463-44

JURISDICTIONAL INTERPRETATION FOR "COUGH DROPS"

CODES OF FAIR COMPETITION FOR THE PACKAGE MEDICINE INDUSTRY—APPROVED CODE NO. 430; AND THE CANDY MANUFACTURING INDUSTRY—APPROVED CODE NO. 463

Applicant: Code Authority for the Package Medicine Industry,  
92 Varick Street, New York, New York.

Code Provisions: 1. Section 1 of Article II—Definitions—of the Code of Fair Competition for the Package Medicine Industry defines the scope of the industry and its products as follows:

"The term 'Package Medicine Industry' as used herein shall mean the Industry, each member of which is engaged in the manufacturing and/or in having manufactured for him under his own brand and specifications, and/or in importing in consumer packages for resale, and/or in packaging from bulk materials under his name or brand, dentifrices, mouth washes and medicinal preparations, for the internal or external use of human beings or other animals and primarily offered for sale to the general public usually as a complete formula in packages with directions for use; and such related branches or subdivisions as may from time to time be included under the provisions of this Code by the President of the United States, after such notice and hearing as he may prescribe."; except as modified by Paragraph No. 2 of the Order of Approval, dated May 15, 1934.

2. Sections 2 and 3 of Article II—Definitions—of the Code of Fair Competition for the Candy Manufacturing Industry defines the scope of the industry and its products as follows:

"The term 'Candy Manufacturing Industry' as used herein shall include the business of manufacturing candy and such related branches or subdivisions as may from time to time be included under the provisions of this Code by the President, but shall not include a branch or subdivision of the industry for which a Code of Fair Competition has been or shall hereafter be approved by the President."

"The term 'candy' as used herein shall include all articles defined and/or taxable as candy under the Revenue Act of 1932 and the Regulations adopted by the Commissioner of the Internal Revenue with approval of the Secretary of the Treasury under such Revenue Act, except (1) products included within the definitions of 'Cocoa Products' contained in the Definitions and Standards for Food Products (Service and Regulatory Announcements, Food and Drug No. 2, Fourth Revision, August 1933), and (2) solid chocolate bars with added fruits and/or nuts."

Facts: A certain product commonly known as "Cough Drops" is manufactured as a medicinal preparation for the internal use of human beings, and is offered for sale to the general public as a complete formula in packages with directions for use.

Question: Is the product as heretofore described and commonly known as "Cough Drops", a product within the scope of the said Code of Fair Competition for the Package Medicine Industry?

Ruling: The product as heretofore described and commonly known as "Cough Drops" is a product within the scope of the said Code of Fair Competition for the Package Medicine Industry.

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

Approval recommended.

JOHN B. O'BRIEN, JR.  
*Code Legal Adviser, Package Medicine Industry.*

JOSEPH F. BATTLE, JR.,  
*Division Administrator, Chemical Division.*

IRVING J. LEVY,  
*Assistant Counsel.*

EARLE C. CALHOUN,  
*Code Legal Adviser, Candy Manufacturing Industry.*

ARMIN W. RILEY,  
*Division Administrator, Food Division.*

GEORGE S. BRADY,  
*Assistant Administrative Officer.*

Found not inconsistent with established policies.

E. M. JEFFREY,  
*Asst. Review Officer.*

WASHINGTON, D. C.,  
*May 2, 1935.*

## ADMINISTRATIVE ORDER NO. 239-24

### CODE OF FAIR COMPETITION FOR THE PORCELAIN BREAKFAST FURNITURE ASSEMBLING INDUSTRY—ORDER PROVIDING TEMPORARY ADMINISTRATION FOR CODE OF FAIR COMPETITION FOR THE PORCELAIN BREAKFAST FURNITURE ASSEMBLING INDUSTRY

WHEREAS, a temporary Code Authority for the Porcelain Breakfast Furniture Assembling Industry has resigned as a body and the Code of Fair Competition is without an administrative agency; and

WHEREAS, it has been made to appear to the satisfaction of the National Industrial Recovery Board that it is unable to expect from members of the Porcelain Breakfast Furniture Assembling Industry a satisfactory performance of their duties with respect to the election of a Code Authority, because of a general dissatisfaction in the industry; and,

WHEREAS, it appears to the satisfaction of the National Industrial Recovery Board that the order hereinafter set forth 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 by Executive Order 6859 and reserved to it, by the Code of Fair Competition for the Porcelain Breakfast Furniture Assembling Industry, and otherwise, the National Industrial Recovery Board does order as follows:

THAT, pending a further determination with respect to a permanent method of administration and a satisfactory disposition of said Code, the following:

Francis J. Hass—Labor Advisory Board—National Recovery Administration, Washington, D. C.

Howell Cheney—Industrial Advisory Board—National Recovery Administration, Washington, D. C.

Claire Wilcox—Consumers' Advisory Board—National Recovery Administration, Washington, D. C.

R. V. Rickcord—National Recovery Administration, Washington, D. C.

Robert M. Davis—National Recovery Administration—45 Broadway, New York City,

shall be the members of the Code Authority for the Porcelain Breakfast Furniture Assembling Industry, and shall assume the responsibility of administering said Code in compliance with all the provisions thereof;

PROVIDED, HOWEVER, that except as may hereafter be specifically authorized by order of the National Industrial Recovery Board, said Code Authority shall have and assume no responsibilities for any obligation heretofore contracted by or for the account

of the duly elected Code Authority and the duly appointed temporary Code Authority of the Porcelain Breakfast Furniture Assembling Industry, or the members of either body, nor for the collection of any assessments, heretofore levied by either the duly elected Code Authority or the temporary Code Authority against members of the said industry and remaining unpaid on the date hereof.

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

Approval recommended.

JOHN W. UPP,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*May 2, 1935.*

ADMINISTRATIVE ORDER NO. 156-81

TERMS OF SALE, MECHANICAL RUBBER GOODS DIVISION, STAY  
RELEVANT TO

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ORDER, CODE OF FAIR COMPETITION FOR THE RUBBER MANUFACTURING INDUSTRY—STAYING PROVISIONS OF ARTICLES III AND IV AND SECTION 1 OF ARTICLE V, OF CHAPTER VII.

WHEREAS, J. H. Connors, Chairman, H. N. Young, and C. D. Garretson, Members, A. D. Kunze, Secretary, and Hamilton Abert, Assistant Secretary, of the Mechanical Goods Divisional Code Authority (hereinafter referred to as the respondents) have been duly notified of certain charges as set forth in the Order of the National Industrial Recovery Board bearing date of April 5, 1935, being Order Number 156-75X, and said respondents have been duly afforded an opportunity to be heard and have been heard at a hearing duly had upon said charges,

AND, WHEREAS, D. M. Nelson, of the National Recovery Administration, pursuant to authorization, having conducted such hearing, has reported his findings as follows:

1. That due and proper notice was served upon all respondents herein;

2. That all respondents appeared in person and by counsel and were given full and free opportunity to be heard at said hearing;

3. That the evidence discloses: a participation by respondents, both as an individual code authority and in conjunction with the Rubber Manufacturers Association and the Code Authority for the Rubber Manufacturing Industry, in an active and, for a time, a successful attempt to obtain concerted action among members of the Division, particularly those manufacturing fire hose, to disregard the provisions of Executive Order 6767; active and effective efforts to prevent sales by any member of the Fire Hose Subdivision to jobbers who had bid on municipal purchases at less than manufacturers' filed prices; an improper and unauthorized use of the provision of the code concerning reclassification of customers, and a publicly avowed disregard of an administrative disapproval of that portion of a submitted "Uniform Terms of Sale", relating to calendar quarterly price revision;

4. That the above abuses of authority arise out of the purported administration by respondents of

Article III of Chapter VII

Article IV of Chapter VII

Section 1 of Article V of Chapter VII of the Code of Fair Competition for the Rubber Manufacturing Industry and that parts of said provisions, as hereinafter specified, are contrary to N. R. A. policy;

5. That information concerning the activities and conduct mentioned in Paragraph 3 hereof was conveyed currently, and from time to time, to N. R. A., but that no proceedings by N. R. A. thereupon were instituted prior to the instant proceeding;

NOW, THEREFORE, by virtue of the authority vested in it, by Executive Order Number 6859, approved September 27, 1934, or the provisions of said code, or both, or otherwise, the National Industrial Recovery Board, upon behalf of the President, does hereby approve and adopt the findings above set forth; and

Upon consideration of the testimony adduced at said hearing, does hereby further find that, as of the date hereof, the stay of the operation of certain provisions of said code as hereinafter provided is necessary for the protection of consumers and competitors, and in furtherance of the public interest, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act; and does hereby ORDER:

1. That the operation of the provisions enumerated below of Chapter VII of the Code of Fair Competition for the Rubber Manufacturing Industry be and is hereby stayed as follows:

(a) Section 1 of Article IV of Chapter VII, to the extent that a waiting period is provided for between the time of filing revised price schedules and revised price lists and the effective date thereof, until an order is issued approving an amendment of said Section, in conformity with N. R. A. policy;

(b) The last paragraph of Section 1 of Article III of Chapter VII, which purports to give to the Divisional Code Authority final authority to reclassify customers, until an order is issued approving an amendment of said Section, in conformity with N. R. A. policy;

(c) Section 1 of Article V of Chapter VII and the Uniform Terms of Sale established thereunder (as approved by Administrative Order No. 156-22 dated July 12, 1934) until such time as the Divisional Code Authority shall have clearly and unequivocally directed members of said Division to abide by only such Uniform Terms of Sale as have received specific Administrative approval and the National Industrial Recovery Board shall have issued an order terminating such stay;

(d) All the provisions of Article III and Article IV of Chapter VII until the Divisional Code Authority shall have clearly and unequivocally directed members of the said Division to omit mention, either directly or indirectly, of Executive Order No. 6767 in their respective price schedules and price lists filed pursuant to said Articles III, and IV, and the National Industrial Recovery Board shall have issued an order terminating such stay.

2. That pending further investigation, the question of the removal of the respondents herein from office, or their disqualification from further service, with the Divisional Code Authority, as the case may be, shall be held in abeyance.

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

WASHINGTON, D. C.,  
May 2, 1935.

## ADMINISTRATIVE ORDER NO. 2-34

### HOURS, PARTIAL STAY TO PERMIT EMERGENCY WORK RELEVANT TO —, EXTENDED

ORDER, CODE OF FAIR COMPETITION FOR THE SHIPBUILDING AND SHIPREPAIRING INDUSTRY—GRANTING STAY, UPON APPLICATION FOR EXTENSION OF ADMINISTRATIVE ORDER 2-31, DATED FEBRUARY 19, 1935, GRANTED FOR SIXTY (60) DAYS, TERMINATING APRIL 20, 1935, OF THE MAXIMUM HOUR PROVISIONS OF THE CODE PART 3, PARAGRAPHS (A) AND (B), AS AMENDED, TO PERMIT EMERGENCY WORK.

WHEREAS, Part 3, Paragraphs (a) and (b), of the Code of Fair Competition for the Shipbuilding and Shiprepairing Industry, as amended, reads 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 an extension of the partial stay, Administrative Order 2-31, dated February 19, 1935, granted for sixty (60) days, terminating April 20, 1935, of the maximum hour provisions of the Code, Part 3, Paragraphs (a) and (b), as amended, to permit emergency work, pending the determination of the appeal to the Industrial Appeals Board from Administrative Order 2-32, and pending the subsequent action on the amendment to the Code to permit emergency work; and

WHEREAS, the Deputy Administrator has reported and it appears to the satisfaction of the National Industrial Recovery Board, that the stay as 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 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 it hereby is granted for a period from April 20, 1935, to June 16, 1935, only to the extent of permitting employers to employ employees in excess of the maximum hour provisions of the Code, as amended, 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, as amended, to be worked in any one week, he shall be paid at the rate of at least one and one-half ( $1\frac{1}{2}$ ) 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, as amended, 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 stay shall not be used for the purpose of decreasing employment or for reclassification of employees at lower rates of pay; and

PROVIDED, FURTHER, that employers shall permit employees a rest period of not less than eight (8) hours between the termination of the last hour worked in any day and the beginning of the first hour worked in the succeeding day; provided, however, that if any employee is permitted to work during such rest period, he shall be paid at least time and one-half his regular hourly rate for the time so worked; and

PROVIDED, FURTHER, that in each case when maximum hours specified in the provisions of the Code, as amended, 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, and a copy of such report shall be sent to the Shipbuilding and Shiprepairing Industry Committee; and

PROVIDED, FURTHER, that this Order is expressly subject to cancellation in the event of a subsequent showing of proper cause therefor.

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

Order recommended.

BARTON W. MURRAY,  
*Division Administrator*.

WASHINGTON, D. C.  
May 2, 1935.



ADMINISTRATIVE ORDER NOS. 109-110 and 244-60

CODE OF FAIR COMPETITION FOR THE CRUSHED STONE, SAND AND GRAVEL, AND SLAG INDUSTRIES—SECOND EXTENSION OF EXEMPTION GRANTED IN ADMINISTRATIVE ORDER No. 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 expired on February 7, 1935; and

WHEREAS, by Administrative Order No. 109-80 signed February 6, 1935, the said exemption was extended for a period of ninety (90) days, which period expires on May 8, 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 period from May 8, 1935 to June 16, 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.,  
*May 3, 1935.*

ADMINISTRATIVE ORDER NOS. 4-96, 165-38, 277-42 AND  
509-13

JURISDICTIONAL CONFLICTS, FURTHER STAY OF PART OF THE CODE AND  
FURTHER EXTENSION OF TIME TO REPORT ON

---

ORDER, CODE OF FAIR COMPETITION FOR THE MARINE EQUIPMENT MANUFACTURING INDUSTRY—GRANTING FURTHER EXTENSION OF STAY OF ALL THE PROVISIONS OF THE CODE WITH RESPECT TO THE MEMBERS OF THE GRAY IRON FOUNDRY INDUSTRY, THE NON-FERROUS FOUNDRY INDUSTRY AND THE ELECTRICAL MANUFACTURING INDUSTRY.

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 result 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, which terminated January 24, 1935, and Administrative Order 509-11 further extended the stay for a period of ninety (90) days from January 24, 1935, which stay terminates April 24, 1935; and

WHEREAS, the Code Authorities for the Gray Iron Foundry Industry, the 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 takes no exception to an extension of the stay; 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 Presi-

dent, including Executive Order No. 6859, and by the Administrative Order approving the Code, does hereby order:

That the stay granted in Administrative Order of August 27, 1934, approving said Code, be and it is hereby further extended from April 24, 1935, to June 16, 1935, subject to cancellation on showing of proper cause therefor.

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

Order recommended:

BARTON W. MURRAY,  
*Division Administrator*.

WASHINGTON, D. C.,  
*May 4, 1935.*

ADMINISTRATIVE ORDER NO. 429-20

BROKERAGE AND COMMISSION PROVISIONS, STAY RELEVANT TO

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CODE OF FAIR COMPETITION FOR THE CANNED SALMON INDUSTRY—  
GRANTING APPLICATION FOR A STAY OF THE PROVISIONS OF  
ARTICLE VII, RULE 3

WHEREAS, an application has been made by the Canned Salmon Code Authority for a stay of the operation of the provisions of Article VII, Rule 3 of the Code of Fair Competition for the Canned Salmon 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 Article VII, Rule 3 of said Code be and it is hereby stayed as to all parties subject thereto until June 16, 1935, and in the event the National Industrial Recovery Act is extended by law or otherwise the stay herein granted shall be in full force and effect until October 16, 1935, provided, however, that said stay may be terminated at any earlier date at the will of the National Industrial Recovery Board, and further provided that the said stay shall become effective twenty (20) days from the date of approval of this Order.

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

Approval recommended.

ARMIN W. RILEY,  
*Division Administrator.*

WASHINGTON, D. C.  
*May 6, 1935.*

ADMINISTRATIVE ORDER NO. 433-7

BUDGET AND EXPENDITURE RULES STAYED

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ORDER GRANTING A STAY, CODE OF FAIR COMPETITION FOR THE COTTON PICKERY INDUSTRY—ORDER GRANTING A STAY OF CERTAIN PROVISIONS OF ADMINISTRATIVE ORDER X-136

WHEREAS, the Deputy Administrator has made application on behalf of the Code Authority for the Cotton Pickery Industry for a Stay of the operation of certain provisions of Administrative Order X-136; and

WHEREAS, the Deputy Administrator has reported and it appears to the satisfaction of the National Industrial Recovery Board that a 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, by Executive Order No. 6859, and otherwise, it is hereby ordered, subject to any pertinent rules and regulations, that the operation of Administrative Order X-136 be, and it is hereby, stayed as to the Code Authority of the Cotton Pickery Industry insofar as Paragraph 1 requires said Code Authority to submit an itemized budget to the National Industrial Recovery Board for its approval on or before March 31, 1935, and insofar as Paragraph 2 prohibits said Code Authority from making any expenditures of funds not in accordance with a budget duly approved by the National Industrial Recovery Board, for a period of 30 days from the date hereof.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By HIRAM S. BROWN,  
*Assistant to the Administrative Officer.*

Approval recommended:

H. P. VOSE,  
*Chief, Code Authorities Accounts Section.*

MAY 6, 1935.

ADMINISTRATIVE ORDER NO. 84H-14

BUDGET AND EXPENDITURE RULES STAYED

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ORDER GRANTING A STAY, CODE OF FAIR COMPETITION FOR THE HACK SAW BLADE MFG. INDUSTRY—ORDER GRANTING A STAY OF CERTAIN PROVISIONS OF ADMINISTRATIVE ORDER X-136

WHEREAS, the Deputy Administrator has made application on behalf of the Code Authority for the Hack Saw Blade Mfg. Industry for a Stay of the operation of certain provisions of Administrative Order X-136; and

WHEREAS, the Deputy Administrator has reported and it appears to the satisfaction of the National Industrial Recovery Board that a 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, by Executive Order No. 6859, and otherwise, it is hereby ordered, subject to any pertinent rules and regulations, that the operation of Administrative Order X-136 be, and it is hereby, stayed as to the Code Authority of the Hack Saw Blade Manufacturing Industry insofar as Paragraph 1 requires said Code Authority to submit an itemized budget to the National Industrial Recovery Board for its approval on or before March 31, 1935, and insofar as Paragraph 2 prohibits said Code Authority from making any expenditures of funds not in accordance with a budget duly approved by the National Industrial Recovery Board, for a period of 30 days from the date hereof.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By HIRAM S. BROWN,  
*Assistant to the Administrative Officer.*

Approval recommended.

H. P. VOSE,  
*Chief, Code Authorities Accounts Section.*

MAY 6, 1935.

ADMINISTRATIVE ORDER NO. 84/A7-5

BUDGET AND EXPENDITURE RULES STAYED

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ORDER GRANTING A STAY—CODE OF FAIR COMPETITION FOR THE METAL SAFETY TREAD MFG. INDUSTRY—ORDER GRANTING A STAY OF CERTAIN PROVISIONS OF ADMINISTRATIVE ORDER X-136.

WHEREAS, the Deputy Administrator has made application on behalf of the Code Authority for the Metal Safety Tread Mfg. Industry for a stay of the operation of certain provisions of Administrative Order X-136; and

WHEREAS, the Deputy Administrator has reported and it appears to the satisfaction of the National Industrial Recovery Board that a 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, by Executive Order No. 6859, and otherwise, it is hereby ordered, subject to any pertinent rules and regulations, that the operation of Administrative Order X-136 be, and it is hereby, stayed as to the Code Authority of the Metal Safety Tread Manufacturing Industry insofar as Paragraph 1 requires said Code Authority to submit an itemized budget to the National Industrial Recovery Board for its approval on or before March 31, 1935, and insofar as Paragraph 2 prohibits said Code Authority from making any expenditures of funds not in accordance with a budget duly approved by the National Industrial Recovery Board, for a period of 30 days from the date hereof.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By **HIRAM S. BROWN**,  
*Assistant to the Administrative Officer.*

Approval recommended:

**H. P. VOSE**,  
*Chief, Code Authorities Accounts Section.*

**MAY 6, 1935.**



ADMINISTRATIVE ORDER NO. 120-102

BUDGET AND EXPENDITURE RULES STAYED

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ORDER GRANTING A STAY—CODE OF FAIR COMPETITION FOR THE CELLULOSE WADDING DIVISION OF PAPER AND PULP INDUSTRY—ORDER GRANTING A STAY OF CERTAIN PROVISIONS OF ADMINISTRATIVE ORDER X-136

WHEREAS, the Deputy Administrator has made application on behalf of the Code Authority for the Cellulose Wadding Division of Paper and Pulp Industry for a Stay of the operation of certain provisions of Administrative Order X-136; and

WHEREAS, the Deputy Administrator has reported and it appears to the satisfaction of the National Industrial Recovery Board that a 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, by Executive Order No. 6859, and otherwise, it is hereby ordered, subject to any pertinent rules and regulations, that the operation of Administrative Order X-136 be, and it is hereby, stayed as to the Code Authority of the Cellulose Wadding Division of Paper & Pulp Industry insofar as Paragraph 1 requires said Code Authority to submit an itemized budget to the National Industrial Recovery Board for its approval on or before March 31, 1935, and insofar as Paragraph 2 prohibits said Code Authority from making any expenditures of funds not in accordance with a budget duly approved by the National Industrial Recovery Board, for a period of 30 days from the date hereof.

NATIONAL INDUSTRIAL RECOVERY BOARD,

By HIRAM S. BROWN, *Assistant to the Administrative Officer.*

Approval recommended:

H. P. VOSE,

*Chief, Code Authorities Accounts Section.*

MAY 6, 1935.

ADMINISTRATIVE ORDER NO. 156-82

BUDGET AND EXPENDITURE RULES STAYED

---

ORDER GRANTING A STAY—CODE OF FAIR COMPETITION FOR THE RUBBER MANUFACTURING INDUSTRY—ORDER GRANTING A STAY OF CERTAIN PROVISIONS OF ADMINISTRATIVE ORDER X-136

WHEREAS, the Deputy Administrator has made application on behalf of the Code Authority for the Rubber Manufacturing Industry for a Stay of the operation of certain provisions of Administrative Order X-136; and

WHEREAS, the Deputy Administrator has reported and it appears to the satisfaction of the National Industrial Recovery Board that a 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, by Executive Order No. 6859, and otherwise, it is hereby ordered, subject to any pertinent rules and regulations, that the operation of Administrative Order X-136 be, and it is hereby, stayed as to the Code Authority of the Rubber Manufacturing Industry insofar as Paragraph 1 requires said Code Authority to submit an itemized budget to the National Industrial Recovery Board for its approval on or before March 31, 1935, and insofar as Paragraph 2 prohibits said Code Authority from making any expenditures of funds not in accordance with a budget duly approved by the National Industrial Recovery Board, for a period of 30 days from the date hereof.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By HIRAM S. BROWN,  
*Assistant to the Administrative Officer.*

Approval recommended:

H. P. VOSE,  
*Chief, Code Authorities Accounts Section.*  
*May 6, 1935.*

ADMINISTRATIVE ORDER NO. 432-8

BUDGET AND EXPENDITURE RULES STAYED

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ORDER GRANTING A STAY—CODE OF FAIR COMPETITION FOR THE SPECIALTY ACCOUNTING SUPPLY MFG. INDUSTRY—ORDER GRANTING A STAY OF CERTAIN PROVISIONS OF ADMINISTRATIVE ORDER X-136

WHEREAS, the Deputy Administrator has made application on behalf of the Code Authority for the Specialty Accounting Supply Mfg. Industry for a Stay of the operation of certain provisions of Administrative Order X-136; and

WHEREAS, the Deputy Administrator has reported and it appears to the satisfaction of the National Industrial Recovery Board that a 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, by Executive Order No. 6859, and otherwise, it is hereby ordered, subject to any pertinent rules and regulations, that the operation of Administrative Order X-136 be, and it is hereby, stayed as to the Code Authority of the Specialty Accounting Supply Manufacturing Industry insofar as Paragraph 1 requires said Code Authority to submit an itemized budget to the National Industrial Recovery Board for its approval on or before March 31, 1935, and insofar as Paragraph 2 prohibits said Code Authority from making any expenditures of funds not in accordance with a budget duly approved by the National Industrial Recovery Board, for a period of 30 days from the date hereof.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By **HIRAM S. BROWN**,  
*Assistant to the Administrative Officer.*

Approval recommended.

**H. P. VOSE**,  
*Chief, Code Authorities Accounts Section.*

MAY 6, 1935.

ADMINISTRATIVE ORDER NO. 278-200

INTERPRETATION REGARDING HOURS OF LABOR

---

CODE OF FAIR COMPETITION FOR THE TRUCKING INDUSTRY

Applicant: George E. Strelbel, Vermont, N. R. A. Compliance Officer.

Code Provisions: Sub-section 9 of Section A of Article V of the Trucking Code provides as follows:

"No employer shall knowingly engage any employee already employed by another for any time which, when totaled with the hours of any other employment, exceeds the maximum weekly hours permitted herein."

Question: May a member of the Trucking Industry without violating said provisions of subsection 9 of Section A of Article V knowingly employ an employee also employed in another industry, for any number of hours which, when totaled with the hours worked by such employee in such other industry, exceeds the maximum weekly hours permitted for such employee by the Trucking Code?

Interpretation: A member of the Trucking Industry may not, without violating said provisions of sub-section 9 of Section A of Article V knowingly employ an employee also employed in another industry for any number of hours which, when totaled with the hours worked by such employee in such other industry, exceeds the maximum weekly hours for such employee permitted by the Trucking Code.

Approved.

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

Approval recommended.

CURTIN WINSOR,  
*Code Legal Adviser.*

C. P. CLARK,  
*Deputy Administrator.*

L. H. PEEBLES  
*Division Administrator.*

BLACKWELL SMITH,  
*Chief of the Legal Division.*

Found not inconsistent with established policies.

E. M. JEFFREY,  
*Ass't. Review Officer.*

WASHINGTON, D. C.,  
*May 6, 1935.*

ADMINISTRATIVE ORDER NO. 456-16

OPEN PRICE PROVISIONS, STAYING

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CODE OF FAIR COMPETITION FOR THE ICE CREAM CONE INDUSTRY—  
GRANTING APPLICATION FOR A STAY OF THE PROVISIONS OF  
ARTICLE VII, SECTION 1

WHEREAS, an application has been made by the Code Authority for the Ice Cream Cone Industry for a stay of the provisions of Article VII, Section 1 of the Code of Fair Competition for the Ice Cream Cone 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 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 to and including June 16, 1935, and in the event that the National Industrial Recovery Act is extended by act of Congress, or otherwise, the stay of said provisions shall remain in full force and effect for an additional period of ninety (90) days; provided, however, that the stay herein granted shall be terminated at such time as there may be a subsequent showing of proper cause therefor.

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

Approval recommended:

ARMIN W. RILEY,  
*Division Administrator*.

WASHINGTON, D. C.,  
*May 7, 1935.*

## ADMINISTRATIVE ORDER NO. 509-14

### TERMS OF SALE, PROVISIONAL AND PARTIAL STAY RELEVANT TO

ORDER. CODE OF FAIR COMPETITION FOR THE MARINE EQUIPMENT MANUFACTURING INDUSTRY—GRANTING A STAY FROM ARTICLE XI, SECTION 17, SUBSECTION (A) OF THE CODE TO MEMBERS OF THE INDUSTRY ENGAGED IN THE MANUFACTURE OF MARINE CUSHIONS, FENDERS, AND LIFE PRESERVERS

The Code of Fair Competition for the Marine Equipment Manufacturing Industry in Article XI, provides:

“SECTION 17. To give more favorable discounts and/or terms than the following, except boat oars and paddles:

(a) No more favorable terms than two (2) per cent discount shall be granted a customer on invoices dated from the 1st to the 15th of any month, if payment is mailed or otherwise made by the 25th of the same month; or on invoices dated from the 16th to the end of the month, if payment is mailed or otherwise made by the 10th of the next succeeding month.”

WHEREAS, the Code Authority for the said Industry has requested that an exemption be granted from Subsection (a), Section 17, Article XI to members of said Industry who are engaged in the manufacture of marine cushions, fenders, and life preservers; and

WHEREAS, the Deputy Administrator has reported and it appears to the satisfaction of the National Industrial Recovery Board that the exemption from Article XI, Section 17, Subsection (a) 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 the members of the Marine Equipment Manufacturing Industry, engaged in the manufacture of marine cushions, fenders, and life preservers, be and they are hereby granted a stay, effective from the date hereof until June 16, 1935, of all the provisions of Article XI, Section 17, (a) of the Code of Fair Competition for the Marine Equipment Manufacturing Industry: provided that this order may be revoked at any time on proper showing of cause thereof.

NATIONAL INDUSTRIAL RECOVERY BOARD,

By W. A. HARRIMAN, *Administrative Officer.*

Order recommended:

BARTON W. MURRAY,

*Division Administrator.*

WASHINGTON, D. C.,

*May 7, 1935.*

ADMINISTRATIVE ORDER NO. 239-26

TEMPORARY ADMINISTRATION PROVISION STAYED

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CODE OF FAIR COMPETITION FOR THE PORCELAIN BREAKFAST FURNITURE ASSEMBLING INDUSTRY—ORDER STAYING ORDER NO. 239-24 APPROVED MAY 2, 1935

WHEREAS Order No. 239-24, dated May 2, 1935, and entitled "Order providing temporary administration for Code of Fair Competition for the Porcelain Breakfast Furniture Assembling Industry" has heretofore been approved, and

WHEREAS it now appears to the satisfaction of the National Industrial Recovery Board that further investigation and consideration are essential in order to determine that the said order No. 239-24 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 by Executive Order 6859, or otherwise, the National Industrial Recovery Board does hereby order that the operation of the said Order No. 239-24, be and the same is hereby stayed, pending the further order of the National Industrial Recovery Board, this Order to become effective May 2, 1935.

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

Approval recommended:

JOHN W. UPP,  
*Acting Division Administrator.*

MAY 7, 1935.

## ADMINISTRATIVE ORDER NO. X-142

### APPOINTING A TEXTILE PLANNING COMMITTEE

WHEREAS, the National Industrial Recovery Board by resolution dated February 18, 1935, appointed a temporary coordinating group to deal with and report to the Board on textile problems; and

WHEREAS, on March 26, 1935, the National Industrial Recovery Board approved Administrative Order No. 1-110, which requires that the Board exercise certain functions and appoint an agency to receive and provide for the prompt hearing and determination of any complaints filed charging that any action taken under the authority of said Order is unfair or discriminatory to individuals or groups or otherwise contrary to public interest;

NOW, THEREFORE, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, the National Industrial Recovery Board, pending its further Order, hereby appoints a Textile Planning Committee of four members to consist of Prentiss L. Coonley, Chairman, Leon Henderson, Sidney Hillman and A. D. Whiteside to serve at the pleasure of the Board. The number of members composing the Textile Planning Committee may be changed by further order of the Board.

The Textile Planning Committee is authorized and directed to receive and consider problems arising in the textile industry or relating to the Codes of Fair Competition for the textile industry, either on its own initiative or upon presentation by interested groups, and to make recommendations thereon to the Board.

The Textile Planning Committee is further authorized to act as the duly authorized representative of the Board, in its name, and by its authority, subject to the general supervision of, and review by, said Board, in the exercise of the following functions of the Board set forth in Administrative Order No. 1-110, and to the following extent only:

1. To receive the recommendations of the Research and Planning Committee and the notifications of the Code Authority pursuant to Section 4, Paragraph 2, of said Order, and to notify the Code Authority that any action taken by it in the exercise of its power under said Order is disapproved, or is disapproved unless modified, or is suspended:

2. To act as the agency of the Board to receive and provide for the prompt hearing and determination of any complaints filed charging that any action taken under the authority of this Order is unfair or discriminatory to individuals or groups, or otherwise



contrary to the public interest, pursuant to Section 4, Paragraph 3, of said Order, excepting that the Textile Planning Committee is not authorized to grant or deny exemptions, but shall refer all such applications for exemption to the Division Administrator.

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

MAY 7, 1935.

ADMINISTRATIVE ORDER NO. 44-16

CODE OF FAIR COMPETITION FOR THE BOOT AND SHOE MANUFACTURING INDUSTRY—CREATING A COMMITTEE, AND APPOINTING THE MEMBERS THEREOF, TO UNDERTAKE A SURVEY AND INVESTIGATION OF THE BOOT AND SHOE MANUFACTURING INDUSTRY AND THE FUNCTIONING OF THE CODE OF FAIR COMPETITION FOR SAID INDUSTRY

WHEREAS, the National Industrial Recovery Board is desirous of ascertaining to what extent the Code of Fair Competition for the Boot and Shoe Manufacturing Industry is effectuating the purposes and provisions of the National Industrial Recovery Act; and

WHEREAS, the National Industrial Recovery Board by action taken March 21, 1935, resolved that

“A committee of three should be appointed to study the entire situation.”

NOW, THEREFORE, pursuant to authority vested in it by Executive Orders of the President and otherwise, it is hereby ordered that the following named persons be constituted a committee to make a survey and investigation of the Boot and Shoe Manufacturing Industry and the functioning of the Code of Fair Competition for said Industry and report their findings and recommendations to the National Industrial Recovery Board without delay:

FREDERICK S. DIEBLER, *Chairman,*  
*Evanston, Illinois.*

WALTER R. PEABODY,  
*New Brunswick, New Jersey.*

WILLIAM H. BROWN,  
*Buffalo, New York.*

It is hereby further ordered that said committee shall have the power to hold hearings, call witnesses, make investigations and to take such other acts as may be necessary to fully comply with the duties herein conferred upon such committee.

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

WASHINGTON, D. C.,  
*May 8, 1935.*

ADMINISTRATIVE ORDER NO. 196-56

LOSS LIMITATIONS PROVISIONS, FURTHER STAY OF AN AMENDMENT  
RELEVANT TO

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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, Administrative Order No. 196-49, dated February 5, 1935, further stayed, for a period of thirty (30) 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, Administrative Order No. 196-53, dated March 8, 1935, further stayed, for a period of sixty (60) 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 until September 16, 1935, or such earlier date as of which said Code may cease to be in effect or approval of said

amendment may be withdrawn: 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.,  
*May 8, 1935.*

ADMINISTRATIVE ORDER NO. 546-5

CODE OF FAIR COMPETITION FOR THE PACIFIC COAST DRIED FRUIT INDUSTRY—GRANTING APPLICATION OF THE SUPERVISOR FOR THE CODE AUTHORITY, DWIGHT K. GRADY, No. 1 DRUMM STREET, SAN FRANCISCO, CALIFORNIA, FOR INCLUSION OF A UNIFORM SALES CONTRACT IN SCHEDULE A OF THE ABOVE-CAPTIONED CODE (ARTICLE III, SECTION 2)

WHEREAS, in pursuance of Article VII, Section 2 of the Code of Fair Competition for the Pacific Coast Dried Fruit Industry, an application has been made by the above-named applicant for the inclusion of a uniform sales contract, to-wit "Memorandum of Purchase and Sale", adopted by Northwest Dried Fruit Association and Northwest Dried Fruit Export Association, effective September 1, 1927, to cover sales in the United Kingdom, copy of said "Memorandum of Purchase and Sale" being hereto attached and made a part hereof; and

WHEREAS, the aforesaid "Memorandum of Purchase and Sale" was inadvertently omitted from the list of contracts set out in Schedule A of the above-captioned Code; and

WHEREAS, paragraphs (11), and (12) of said Schedule A describe the same contract, paragraph (11) merely describing a later revision of such contract; and

WHEREAS, the Deputy Administrator has reported, and it appears to the satisfaction of the National Industrial Recovery Board that the application made 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 paragraph (12) be and it is hereby deleted from Schedule A aforementioned, and that the aforesaid "Memorandum of Purchase and Sale" be and it is hereby substituted therefor and is hereby incorporated as part of Schedule A and listed therein as paragraph (12).

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

Order recommended:

ARMIN W. RILEY,  
*Division Administrator.*

WASHINGTON, D. C.,  
*May 9, 1935.*

ADMINISTRATIVE ORDER NO. 257-30

CODE OF FAIR COMPETITION FOR THE PRINTING EQUIPMENT INDUSTRY AND TRADE—EXTENDING THE EFFECTIVE DATE OF THE METHOD OF VALUE DETERMINATION FOR USED MACHINERY APPROVED BY ADMINISTRATIVE ORDER NO. 257-26, DATED APRIL 19, 1935.

WHEREAS, by Administrative Order No. 257-26, dated April 19th, 1935, the Method of Value Determination for Used Machinery submitted by the Code Authority of the Printing Equipment Industry and Trade was approved by the National Industrial Recovery Board on condition that "said Method of Value Determination for Used Machinery shall become effective twenty (20) days from the date of this Order unless good cause to the contrary be shown prior to said effective date and a subsequent order to that effect is issued", and

WHEREAS, sufficient time has not elapsed in which properly to consider the objections filed against said Method of Value Determination for Used Machinery, and

WHEREAS, the Assistant Deputy Administrator has reported, and it appears to the satisfaction of the National Industrial Recovery Board that the extension 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 effective date of the Method of Value Determination for Used Machinery approved by Administrative Order No. 257-26, dated April 19, 1935, be extended to May 18, 1935, on which date the said Method of Value Determination for Used Machinery shall become effective unless good cause to the contrary be shown prior to said extended effective date and a subsequent order to that effect is issued.

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

Approval recommended:

W. W. ROSE,  
*Deputy Administrator.*

BARTON W. MURRAY,  
*Division Administrator.*

WASHINGTON, D. C.,  
*May 9, 1935.*

ADMINISTRATIVE ORDER NO. 84K1-14

PRICE LISTS, STAY OF PROVISIONS RELEVANT TO

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ORDER, SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE ARTISTIC LIGHTING EQUIPMENT MANUFACTURING INDUSTRY— (A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND METAL FINISHING AND METAL COATING INDUSTRY)— GRANTING APPLICATION FOR A STAY OF THE PROVISIONS OF ARTICLE VII

WHEREAS, an application has been made by the Supplementary Code Authority for a Stay of the operation of the provisions of Article VII of the Supplementary Code of Fair Competition for the Artistic Lighting Equipment Manufacturing Industry.

WHEREAS, the Deputy Administrator has reported and it appears satisfactory 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 Supplementary Code be and they are hereby stayed as to all parties subject thereto, for a period from the date of this Order to June 16, 1935.

PROVIDED, HOWEVER, that this Order shall be subject to cancellation or modification at any time by the National Industrial Recovery Board.

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

Order recommended:

JOHN W. UPP,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*May 10, 1935.*

ADMINISTRATIVE ORDER NOS. 64-84 AND 118-576

COMMISSION REVISED AND DELEGATED TO REPORT ON SPECIFIED PROVISIONS AND SPECIFIED PREVIOUS ORDERS STAYED

---

CODE OF FAIR COMPETITION FOR THE COTTON GARMENT INDUSTRY  
AND CODE OF FAIR COMPETITION FOR THE DRESS MANUFACTURING INDUSTRY

WHEREAS, by Order No. 64-71 and 118-370, dated March 29, 1935, the National Industrial Recovery Board provided for a commission for purposes fully set forth in that Order and Stayed the provisions of Order No. 64-63 and 118-296, dated March 4, 1935; and

WHEREAS, the Deputy Administrator has rendered findings of fact and a report in which he has found that the action hereinafter taken 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 does hereby approve said report, adopt the findings of fact contained therein, does find that the action hereinafter taken is necessary and will tend to effectuate the policies of Title I of the National Industrial Recovery Act and does make the following determinations and orders:

(1) That Administrative Order No. 64-71 and 118-370 be and it hereby is rescinded.

(2) That an impartial commission of three (3) persons be forthwith appointed to make a thorough study of the competition between the Dress Manufacturing Industry and the Cotton Garment Industry and of all facts pertinent to a resolution of the problems involved in the overlapping of the definitions in the Codes of Fair Competition for those two industries; such commission shall make such investigations as may be necessary and render its report with all possible expedition to the end that a public hearing may be held by the National Industrial Recovery Board on all the issues involved at some time within the first two weeks of June, 1935.

(3) That all manufacturers of dresses of linen or of chief content of cotton selling at wholesale to the retailer up to and including forty-five dollars (\$45.00) per dozen, who allege undue hardship may file individual applications for exemptions from the Code of Fair Competition for the Dress Manufacturing Industry, setting forth with particularly the facts which they allege constitute undue hardship, including the number, extent and dates of the commitments which they may have made in reliance upon Order No. 64-71 and 118-370.



The Acting Division Administrator shall consider promptly all such applications and the facts in connection therewith, and shall make determinations on the basis of such facts as he may find.

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

Approval recommended:

M. D. VINCENT,  
*Acting Division Administrator*.

WASHINGTON, D. C.,  
*May 10, 1935.*

ADMINISTRATIVE ORDER NO. 1-121

LOOM HOUR PROVISIONS, STAY RELEVANT TO

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CODE OF FAIR COMPETITION FOR THE COTTON TEXTILE INDUSTRY—  
GRANTING APPLICATION FOR A STAY OF THE PROVISIONS OF  
SECTION III, SUBSECTION (C)

WHEREAS, an application has been made by the Cotton Textile Industry Committee, 320 Broadway, New York, New York, for a stay of the operation of the provisions of Section III, Subsection (c) of the Code of Fair Competition for the Cotton Textile 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 twenty-six (26) days from May 22, 1935 to and including June 16, 1935, to the extent of twenty-six (26) jacquard looms in each plant in the Industry as of May 22, 1935 when such looms are engaged in the production of jacquard woven bedspreads, provided that the total number of loom hours per week of all jacquard looms in a plant making jacquard woven bedspreads shall not exceed the total number of loom hours per week permitted by said Section of said Code.

This order is subject to revocation upon proper showing of cause and subsequent order.

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

Approval recommended:

M. D. VINCENT,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*May 10, 1935.*

ADMINISTRATIVE ORDER NO. 84J-16

STATEMENT OF QUALITY, APPROVING A STANDARD

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ORDER, SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE CUTLERY, MANICURE IMPLEMENT AND PAINTERS AND PAPERHANGERS TOOL MANUFACTURING AND ASSEMBLING INDUSTRY—A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND METAL FINISHING AND METAL COATING INDUSTRY

WHEREAS, an application has been duly made by the Supplementary Code Authority for the Supplementary Code of Fair Competition for the Cutlery, Manicure Implement and Painters and Paperhangers Tool Manufacturing and Assembling Industry, for approval of a Standard Statement of Quality, submitted in accordance with Article VIII, Section 8 of the Supplementary Code of Fair Competition for said Industry as amended, and

WHEREAS, it has been found that said Standard Statement of Quality has been approved by seventy-five (75) percent of the manufacturers of all Sections of said Industry except the Painters and Paperhangers Tool Equipment Section, and

WHEREAS, the Assistant Deputy Administrator has reported and recommended the approval of said Standard Statement of Quality for all Sections of said Industry except the Painters and Paperhangers Tool Equipment Section;

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 said Standard Statement of Quality as attached hereto and marked Schedule "A", be and it is hereby approved for all Sections of said Industry except the Painters and Paperhangers Tool Equipment Section.

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

Approval recommended:

JOHN W. UPP,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*May 10, 1935.*

ADMINISTRATIVE ORDER NO. 259-41

HOURS AND WAGES, FURTHER EXTENSION OF A PREVIOUSLY AMENDED  
STAY RELEVANT TO

---

CODE OF FAIR COMPETITION FOR THE HAT MANUFACTURING  
INDUSTRY—EXTENDING ORDER NO. 259-13, AS AMENDED AND  
EXTENDED BY ORDER NO. 259-18 AND ORDER NO. 259-25

WHEREAS, Order No. 259-13, approved October 19, 1934, stayed the provisions of Article III, Section 2 and Annex A for a period of sixty days; and

WHEREAS, Order No. 259-18, dated December 24, 1934, amended said Order No. 259-13, and extended it from December 19, 1934, up to and including February 17, 1935; and

WHEREAS, Order No. 259-25, dated February 19, 1935, extended Order No. 259-13, as amended by Order No. 259-18; and

WHEREAS, the Code Authority for the Hat Manufacturing Industry has made application for the further extension of said Order No. 259-13; and

WHEREAS, after summary investigation by the Deputy Administrator an emergency exemption was deemed necessary and granted said applicant by telegram dated April 19, 1935; and

WHEREAS, the Deputy Administrator has recommended and it appears to the satisfaction of the National Industrial Recovery Board that the extension 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 said Order No. 259-13, as amended and extended by Order No. 259-18 and Order No. 259-25, be and it is hereby extended up to and including June 16, 1935;

PROVIDED, HOWEVER, that a copy of this Order shall be posted in a conspicuous place in the plants of all members of the Hat Manufacturing 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.

M. D. VINCENT,

*Acting Division Administrator.*

WASHINGTON, D. C.,

*May 10, 1935.*

ADMINISTRATIVE ORDER NO. 177-21

BUDGET AND EXPENDITURE RULES STAYED

---

ORDER, CODE OF FAIR COMPETITION FOR THE SILVERWARE MANUFACTURING INDUSTRY—ORDER GRANTING A STAY OF PARAGRAPH 2 OF ADMINISTRATIVE ORDER X-136

WHEREAS, the Code Authority of the Silverware Manufacturing Industry has submitted to the National Industrial Recovery Board for its approval a budget of estimated expenses of Code Administration and basis of contribution, pursuant to Administrative Order X-136; and

WHEREAS, said budget and basis of contribution in the form submitted has not been approved and in effect prior to March 31, 1935; and

WHEREAS, it appears to the satisfaction of the National Industrial Recovery Board that a 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, by Executive Order No. 6859, and otherwise, it is hereby ordered, subject to any pertinent rules and regulations, that the operation of Administrative Order X-136 be, and it is hereby, stayed as to the Code Authority of the Silverware Manufacturing Industry, insofar as Paragraph 2 prohibits said Code Authority from making any expenditures of funds not in accordance with a budget duly approved by the National Industrial Recovery Board, for a period of thirty (30) days from the date hereof.

NATIONAL INDUSTRIAL RECOVERY BOARD,

By HIRAM S. BROWN,

*Assistant to the Administrative Officer.*

M. L. A. GELLIS,

*Assistant Counsel.*

Approval recommended.

H. P. VOSE,

*Chief, Code Authorities Accounts Section.*

WASHINGTON, D. C.,

*May 10, 1935.*

ADMINISTRATIVE ORDER NO. 84 P-13

BUDGET AND EXPENDITURE RULES STAYED

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ORDER, CODE OF FAIR COMPETITION FOR THE SNAP FASTENER MANUFACTURING INDUSTRY—ORDER GRANTING A STAY OF PARAGRAPH 2 OF ADMINISTRATIVE ORDER X-136

WHEREAS, the Code Authority of the Snap Manufacturing Industry has submitted to the National Industrial Recovery Board for its approval a budget of estimated expenses of Code Administration and basis of contribution, pursuant to Administrative Order X-136; and

WHEREAS, said budget and basis of contribution in the form submitted has not been approved and in effect prior to March 31, 1935; and

WHEREAS, it appears to the satisfaction of the National Industrial Recovery Board that a Stay is necessary and will tend to effectuate the policies of Title 1 of the National Industrial Recovery Act;

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board, by Executive Order No. 6859, and otherwise, it is hereby ordered, subject to any pertinent rules and regulations, that the operation of Administrative Order X-136; and it is hereby, stayed as to the Code Authority of the Snap Fastener Manufacturing Industry, insofar as Paragraph 2 prohibits said Code Authority from making any expenditures of funds not in accordance with a budget duly approved by the National Industrial Recovery Board, for a period of thirty (30) days from the date hereof.

NATIONAL INDUSTRIAL RECOVERY BOARD,

By HIRAM S. BROWN,

*Assistant to the Administrative Officer.*

M. L. A. GELLIS,

*Assistant Counsel.*

Approval recommended:

H. P. VOSE,

*Chief, Code Authorities Accounts Section.*

WASHINGTON, D. C.,

*May 10, 1935.*

ADMINISTRATIVE ORDER NO. 259-42

MADE-OVER-USED HATS, STAYING PROVISIONS RELEVANT TO

---

ORDER, CODE OF FAIR COMPETITION FOR THE HAT MANUFACTURING INDUSTRY—STAYING THE PROVISIONS OF ARTICLE VI, SECTION 15, OF THE CODE OF FAIR COMPETITION FOR THE HAT MANUFACTURING INDUSTRY

WHEREAS, an application has been made by the Code Authority of the Hat Manufacturing Industry for a stay of the provisions of Article VI, Section 15, of the Code of Fair Competition for the Hat Manufacturing Industry; 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 said provisions of Article VI, Section 15 of the Code of Fair Competition for the Hat Manufacturing Industry be and they are hereby stayed from the date hereof to June 16, 1935;

PROVIDED, HOWEVER, that members of the industry manufacturing hats included under the terms of said Article VI, Section 15, shall mark such hats with the words "Made-Over Hat", "Second-Hand Hat", or "Used Hat", in legible embossed letters of at least three sixteenths ( $\frac{3}{16}$ ) of an inch high, in a straight line, separated from any other design; except that so-called "blockers" (old hats which are cleaned but not re-trimmed) shall be marked with the word "blocker" in legible, embossed letters at least three sixteenths ( $\frac{3}{16}$ ) of an inch high, in a straight line, separated from any other design; and

PROVIDED, FURTHER, that this Order shall in no sense relieve the operation of any Member of the Industry from the application of the provisions of any State or Federal law, or of any Order, decision, or ruling of any Governmental body or agency.

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:

M. D. VINCENT,  
*Acting Division Administrator*.

WASHINGTON, D. C.,  
*May 11, 1935.*

ADMINISTRATIVE ORDER NO. 164-54

CODE OF FAIR COMPETITION FOR THE KNITTED OUTERWEAR INDUSTRY—  
APPROVAL OF REGULATIONS FOR THE CONTRACT SYSTEM OF PRODUCTION OF KNITTED OUTERWEAR

An application having been duly made by the Code Authority of the Knitted Outerwear Industry for approval of regulations for the contract system of production of knitted outerwear, submitted by it, pursuant to the provisions of Article VII of the Code of Fair Competition for said Industry, hereinafter set forth and made part of this Order, and the Deputy Administrator having rendered a report recommending approval of said regulations, the originals thereof 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, does hereby incorporate by reference said report, and does hereby order that said regulations be and they are hereby approved for a period from the effective date of this Order to June 16, 1935, provided that

1. The Code Authority submit to the Division of Research and Planning, every two weeks, a report showing the results of operation of said regulations in the Industry;

2. The Code Authority submit within ten (10) days from the date hereof to the National Industrial Recovery Board minimum piece rates for standard types and grades of garments and products which shall apply to all work done by contractors.

3. The Code Authority submit within ten (10) days from the date hereof to the National Industrial Recovery Board a uniform order blank for use by contract employers and contractors for approval.

This Order and said regulations shall become effective ten (10) days from the date of this Order unless good cause to the contrary be shown prior to said date and a subsequent order issued.

A Public Hearing shall be held on or before June 5, 1935, pursuant to a Notice of Hearing to be subsequently issued, with respect to the extension, modification or termination of the approval given herein.

This Order is subject to revocation at any time.

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

Approval recommended:

M. D. VINCENT,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*May 11, 1935.*



ADMINISTRATIVE ORDER NO. 84A2-9

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE LIQUID FUEL APPLIANCE MANUFACTURING INDUSTRY (A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND METAL FINISHING AND METAL COATING INDUSTRY)—GRANTING APPLICATION OF THE SUPPLEMENTARY CODE AUTHORITY FOR THE LIQUID FUEL APPLIANCE MANUFACTURING INDUSTRY, ON BEHALF OF ALL MANUFACTURERS OF CLASS 2 PRODUCTS, AS DESIGNATED IN THE SUPPLEMENTARY CODE, FOR A STAY OF THAT PORTION OF THE PROVISIONS OF ARTICLE V, RULE A, WHICH REQUIRES THE FILING OF PRICE LISTS

WHEREAS, an application has been made by the Supplementary Code Authority for the Liquid Fuel Appliance Manufacturing Industry (A Division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry), on behalf of all manufacturers of Class 2 products, as designated in the Supplementary Code, for a Stay of the operation of that portion of the provisions of Article V, Rule A, which requires the filing of price lists with the Agent of the Supplementary Code Authority; 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 that portion of the provisions of Article V, Rule A, which requires the filing of price lists with the Agent of the Supplementary Code Authority on Class 2 products, as designated in the Supplementary Code, be, and it is hereby, stayed as to all manufacturers of Class 2 products, to become effective as of the date of this Order and to continue until June 16, 1935;

Provided, however, that, in the event the National Industrial Recovery Act and this Supplementary Code of Fair Competition are extended, said Stay shall continue until August 1, 1935; and

Provided, further, that any member of the Industry shall have the right to file objections within a period of twenty (20) days from the effective date hereof, at 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.*

Order recommended:

BARTON W. MURRAY,  
*Division Administrator.*

WASHINGTON, D. C.,  
*May 11, 1935.*

ADMINISTRATIVE ORDER NO. 59-25

COSTS AND SPECIFIED UNFAIR TRADE PRACTICES, STAY OF PROVISIONS  
RELEVANT TO

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ORDER, CODE OF FAIR COMPETITION FOR THE MARKING DEVICES  
INDUSTRY—GRANTING APPLICATION FOR A STAY OF THE PRO-  
VISIONS OF ARTICLE VII (EXCEPT THE LAST PARAGRAPH EN-  
TITLED "TERMS") AND ARTICLE VIII, SECTIONS 1, 15 AND 21

WHEREAS, an application has been made by the Code Authority for a stay of the operation of the provisions of Article VII (except the last paragraph entitled "Terms") and Article VIII, Sections 1, 15 and 21, of the Code of Fair Competition for the Marking Devices Industry.

WHEREAS, the Deputy Administrator has reported and it appears satisfactorily 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 parties subject thereto for a period from the date of this Order, to June 16, 1935.

PROVIDED, HOWEVER, that this Order shall be subject to cancellation or modification at any time by the National Industrial Recovery Board.

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

Order recommended:

JOHN W. UPP,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*May 11, 1935.*

ADMINISTRATIVE ORDER NO. 524-11

PRICES AND DISCOUNTS, STAYING PROVISIONS RELEVANT TO

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CODE OF FAIR COMPETITION FOR THE PICKLE PACKING INDUSTRY—  
GRANTING APPLICATION FOR A STAY OF THE PROVISIONS OF  
ARTICLE VII

WHEREAS, an application has been made by the Code Authority for the Pickle Packing Industry, 208 South La Salle Street, Chicago, Illinois, for a stay of the operation of the provisions of Article VII of the Code of Fair Competition for the Pickle Packing Industry; and

WHEREAS, an opportunity to be heard has been duly afforded to all interested parties and no objections have been received, and 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 is hereby stayed as to all parties subject thereto until June 16, 1935; provided, however, that the said stay herein granted shall be terminated at such time as there may be a showing of proper cause therefor.

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

Approval recommended:

ARMIN W. RILEY,  
*Division Administrator*.

WASHINGTON, D. C.,  
*May 11, 1935.*

ADMINISTRATIVE ORDER NOS. 5-31 AND 64-85

INTER-CODE AGENCY'S DETERMINATIONS STAYED FURTHER

---

ORDER, CODE OF FAIR COMPETITION FOR THE COAT AND SUIT INDUSTRY AND THE DRESS MANUFACTURING INDUSTRY—TERMINATING THE STAY IMPOSED BY ORDER NO. 5-29 AND 64-73 OF THE EFFECTIVE DATE OF CERTAIN DETERMINATIONS MADE BY THE INTER-CODE AGENCY UNDER ADMINISTRATIVE ORDER NO. 5-14 AND 64-30

WHEREAS, Administrative Order No. 5-14 and 64-30 provides for the creation of an Inter-Code Agency to investigate complaints of overlapping and/or jurisdiction of the two Codes, and to make determinations with respect to such problems and disputes and provides that the determination of the Inter-Code Agency shall become effective five days after the receipt thereof by the National Industrial Recovery Board, unless prior thereto disapproved by the National Industrial Recovery Board; and

WHEREAS, the above Order provides that the determination of the Inter-Code Agency and effective date thereof are subject to the further order of the National Industrial Recovery Board; and

WHEREAS, determinations regarding the proper classification of garments designated as Exhibits #1, #2, #2A, #2B, #2C, #3, #3A, #3B, #4, #4A, and #5, were received by the National Industrial Recovery Board on March 27, 1935; and

WHEREAS, the Deputy Administrator found that the aforementioned determinations could not be considered and passed upon by the Administration within the five days provided by the above Order; and

WHEREAS, by Order No. 5-29 and 64-73 the effective date of the aforementioned determinations was stayed until further order; and

WHEREAS, after further consideration the determinations in regard to the classification of Exhibits #1, #2, #3, and #3B have been passed upon by the Administration and not disapproved;

NOW, THEREFORE, pursuant to the authority vested in the National Industrial Recovery Board, it is hereby ordered that the stay of the effective date of the determinations of the Inter-Code Agency in regard to the classification of the Exhibits designated as #1, #2, #3, and #3B, be and it is hereby terminated;

PROVIDED, that the stay of the effective date of the determinations of the Inter-Code Agency in regard to the classification of the

Exhibits designated as #2A, #2B, #2C, #3A, #4, #4A and #5 be and it is hereby continued to be in full effect until further order.

This Order is subject to revocation at any time.

NATIONAL INDUSTRIAL RECOVERY BOARD,

By M. D. VINCENT,

*Acting Division Administrator.*

Approval recommended:

BURTON E. OPPENHEIM,

*Deputy Administrator.*

WASHINGTON, D. C.,

*May 13, 1935.*

ADMINISTRATIVE ORDER NO. 3-65

APPROVING AMENDMENT OF THE RULES OF PRACTICE AND MERCHAN-  
DISING OF THE CODE OF FAIR COMPETITION FOR THE WOOL 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 the Rules of Practice and Merchandising for the Blanket Division of a Code of Fair Competition for the Wool Textile Industry, and an opportunity to be heard hereon having been given and the annexed report on said amendment having been made and directed to the National Industrial Recovery Board:

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 Rules of Practice and Merchandising for the Blanket Division 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 Rules of Practice and Merchandising for the Blanket Division is hereby amended to include an approval of said Rules of Practice and Merchandising for the Blanket Division in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,

By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

M. D. VINCENT,

*Acting Division Administrator.*

WASHINGTON, D. C.,

*May 13, 1935.*

AMENDMENT TO THE RULES OF PRACTICE AND MERCHANDISING OF  
THE CODE OF FAIR COMPETITION FOR THE WOOL TEXTILE  
INDUSTRY

Amend Article IV, Section 1, of the Rules of Practice and Merchandising for the Blanket Division by deleting the words "prior to July 1" and "or beyond September 1, whichever is earlier", so that Article IV, Section 1, as amended will read as follows:

Completely specified firm orders may be taken with price guaranteed against decline, such guarantee not to extend beyond the specified delivery date.

Amend the Rules and Practice and Merchandising for the Blanket Division by deleting Article V in its entirety.

Amend Article VI of the Rules of Practice and Merchandising for the Blanket Division by deleting Section 1 and substituting in lieu thereof a new Section 1 as follows:

Shipments shall be f. o. b. mill or established warehouse, and no charge need be made for delivery within city limits of mill or warehouse.

Amend Articles VI, VII, VIII, IX and X by renumbering as V, VI, VII, VIII and IX.

ADMINISTRATIVE ORDER NO. 286-24

LABEL PROVISIONS, STAY GRANTED RELEVANT TO

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CODE OF FAIR COMPETITION FOR THE BEAUTY AND BARBER EQUIPMENT MANUFACTURING INDUSTRY—GRANTING APPLICATION OF STAY OF THE PROVISIONS OF ARTICLE VI, SECTION 3, SUBSECTION (F)

WHEREAS, an application has been made by the Code Authority for the Beauty and Barber Equipment Manufacturing Industry for a stay of the operation of the provisions of Article VI, Section 3, Subsection (f) of the Code of Fair Competition for the Beauty and Barber Equipment Manufacturing Industry; 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 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 from the date of approval hereof, until June 15, 1935, inclusive.

This stay, or any part thereof, is subject to cancellation in the event of a subsequent showing therefor.

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

Order recommended.

JOHN W. UPP,  
*Acting Division Administrator.*

MAY 14, 1935.



ADMINISTRATIVE ORDER NO. 84T-10

BUDGET AND EXPENDITURE RULES STAYED

---

ORDER GRANTING A STAY—CODE OF FAIR COMPETITION FOR THE MACHINE SCREW NUT INDUSTRY—ORDER GRANTING A STAY OF CERTAIN PROVISIONS OF ADMINISTRATIVE ORDER X-136

WHEREAS, the Deputy Administrator has made application on behalf of the Code Authority for the Machine Screw Nut Industry for a Stay of the operation of certain provisions of Administrative Order X-136; and

WHEREAS, the Deputy Administrator has reported and it appears to the satisfaction of the National Industrial Recovery Board that a 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, by Executive Order No. 6859, and otherwise, it is hereby ordered, subject to any pertinent rules and regulations, that the operation of Administrative Order X-136 be, and it is hereby, stayed as to the Code Authority of the Machine Screw Nut Industry insofar as Paragraph 1 requires said Code Authority to submit an itemized budget to the National Industrial Recovery Board for its approval on or before March 31, 1935, and insofar as Paragraph 2 prohibits said Code Authority from making any expenditures of funds not in accordance with a budget duly approved by the National Industrial Recovery Board, for a period of 30 days from the date hereof.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By HIRAM S. BROWN,  
*Assistant to the Administrative Officer.*  
M. L. A. GELLIS,  
*Assistant Counsel.*

Approval recommended:

H. P. VOSE,  
*Chief, Code Authorities Accounts Section.*

MAY 14, 1935.

ADMINISTRATIVE ORDER NO. 174-23

BUDGET AND EXPENDITURE RULES STAYED

---

ORDER GRANTING A STAY—CODE OF FAIR COMPETITION FOR THE RUBBER TIRE MANUFACTURING INDUSTRY—ORDER GRANTING A STAY OF CERTAIN PROVISIONS OF ADMINISTRATIVE ORDER X-136

WHEREAS, the Deputy Administrator has made application on behalf of the Code Authority for the Rubber Tire Manufacturing Industry for a Stay of the operation of certain provisions of Administrative Order X-136; and

WHEREAS, the Deputy Administrator has reported and it appears to the satisfaction of the National Industrial Recovery Board that a 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, by Executive Order No. 6859, and otherwise, it is hereby ordered, subject to any pertinent rules and regulations, that the operation of Administrative Order X-136 be, and it is hereby, stayed as to the Code Authority of the Rubber Tire Manufacturing Industry insofar as Paragraph 1 requires said Code Authority to submit an itemized budget to the National Industrial Recovery Board for its approval on or before March 31, 1935, and insofar as Paragraph 2 prohibits said Code Authority from making any expenditures of funds not in accordance with a budget duly approved by the National Industrial Recovery Board, for a period of 30 days from the date hereof.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By HIRAM S. BROWN,  
*Assistant to the Administrative Officer.*  
M. L. A. GELLIS,  
*Assistant Counsel.*

Approval recommended.

H. P. VOSE,

*Chief, Code Authorities Accounts Section.*

MAY 14, 1935.

ADMINISTRATIVE ORDER NO. 243-8

BUDGET AND EXPENDITURE RULES STAYED

---

ORDER GRANTING A STAY—CODE OF FAIR COMPETITION FOR THE SLIDE FASTENER INDUSTRY—ORDER GRANTING A STAY OF CERTAIN PROVISIONS OF ADMINISTRATIVE ORDER X-136

WHEREAS, the Deputy Administrator has made application on behalf of the Code Authority for the Slide Fastener Industry for a Stay of the operation of certain provisions of Administrative Order X-136; and

WHEREAS, the Deputy Administrator has reported and it appears to the satisfaction of the National Industrial Recovery Board that a 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, by Executive Order No. 6859, and otherwise, it is hereby ordered, subject to any pertinent rules and regulations, that the operation of Administrative Order X-136 be, and it is hereby, stayed as to the Code Authority of the Slide Fastener Industry insofar as Paragraph 1 requires said Code Authority to submit an itemized budget to the National Industrial Recovery Board for its approval on or before March 31, 1935, and insofar as Paragraph 2 prohibits said Code Authority from making any expenditures of funds not in accordance with a budget duly approved by the National Industrial Recovery Board, for a period of 30 days from the date hereof.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By HIRAM S. BROWN,  
*Assistant to the Administrative Officer.*  
M. L. A. GELLIS,  
*Assistant Counsel.*

Approval recommended:

H. P. VOSE,  
*Chief, Code Authorities Accounts Section.*

MAY 14, 1935.

ADMINISTRATIVE ORDER NO. 84W1-8

BUDGET AND EXPENDITURE RULES STAYED

---

ORDER GRANTING A STAY—CODE OF FAIR COMPETITION FOR THE SOCKET SCREW PRODUCTS MANUFACTURING INDUSTRY—ORDER GRANTING A STAY OF CERTAIN PROVISIONS OF ADMINISTRATIVE ORDER X-136

WHEREAS, the Deputy Administrator has made application on behalf of the Code Authority for the Socket Screw Products Industry for a Stay of the operation of certain provisions of Administrative Order X-136; and

WHEREAS, the Deputy Administrator has reported and it appears to the satisfaction of the National Industrial Recovery Board that a 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, by Executive Order No. 6859, and otherwise, it is hereby ordered, subject to any pertinent rules and regulations, that the operation of Administrative Order X-136 be, and it is hereby, stayed as to the Code Authority of the Socket Screw Products Industry insofar as Paragraph 1 requires said Code Authority to submit an itemized budget to the National Industrial Recovery Board for its approval on or before March 31, 1935, and insofar as Paragraph 2 prohibits said Code Authority from making any expenditures of funds not in accordance with a budget duly approved by the National Industrial Recovery Board, for a period of 30 days from the date hereof.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By HIRAM S. BROWN,  
*Assistant to the Administrative Officer.*  
M. L. A. GELLIS,  
*Assistant Counsel.*

Approval recommended:

H. P. VOSE,  
*Chief, Code Authorities Accounts Section.*

MAY 14, 1935.

ADMINISTRATIVE ORDER NO. 317-15

BUDGET AND EXPENDITURE RULES STAYED

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ORDER GRANTING A STAY—CODE OF FAIR COMPETITION FOR THE VACUUM CLEANER INDUSTRY—ORDER GRANTING A STAY OF CERTAIN PROVISIONS OF ADMINISTRATIVE ORDER X-136.

WHEREAS, the Deputy Administrator has made application on behalf of the Code Authority for the Vacuum Cleaner Industry for a Stay of the operation of certain provisions of Administrative Order X-136; and

WHEREAS, the Deputy Administrator has reported and it appears to the satisfaction of the National Industrial Recovery Board that a 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, by Executive Order No. 6859, and otherwise, it is hereby ordered, subject to any pertinent rules and regulations, that the operation of Administrative Order X-136 be, and it is hereby, stayed as to the Code Authority of the Vacuum Cleaner Industry insofar as Paragraph 1 requires said Code Authority to submit an itemized budget to the National Industrial Recovery Board for its approval on or before March 31, 1935, and insofar as Paragraph 2 prohibits said Code Authority from making any expenditures of funds not in accordance with a budget duly approved by the National Industrial Recovery Board, for a period of 30 days from the date hereof.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By HIRAM S. BROWN,  
*Assistant to the Administrative Officer.*  
M. L. A. GELLIS, *Assistant Counsel.*

Approval recommended:

H. P. VOSE,  
*Chief, Code Authorities Accounts Section.*

MAY 14, 1935.

## ORDER NO. X-143

### RECOGNIZING THE APPAREL CODES LABEL COUNCIL AND DEFINING ITS POWERS AND DUTIES

WHEREAS, the Code Authorities for the Blouse and Skirt; Coat and Suit; Dress Manufacturing; Garter, Suspender and Belt; Infants' and Children's Wear; Knitted Outerwear; Men's Clothing; Robe and Allied Products; and Undergarment and Negligee Industries have applied for the recognition of the Apparel Codes Label Council as a Code Agency to act on behalf of such Code Authorities and to assist in the administration of the label provisions in the Codes of Fair Competition for those Industries; and

WHEREAS, the Deputy Administrator has rendered a report containing findings of facts and concluding that the recognition of said Council is consistent with and will tend to effectuate the policies of Title I of the National Industrial Recovery Act and the provisions of said Codes of Fair Competition.

NOW, THEREFORE, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Orders 6859 and 6337 and otherwise, does hereby order that the Apparel Codes Label Council consisting of a representative selected by each of the above-named Code Authorities be recognized as a Code Agency to act on behalf of such Code Authorities with the following powers and duties:

1. To maintain a central bureau of shoppers whose function it shall be to inspect garments for sale in retail stores to ascertain whether labels are attached thereto (but not to inspect the records or stockroom inventories of retailers), and to report the absence of labels from garments on which labels are required to the Code Authority concerned.

2. To further the enforcement of the above-named Codes by obtaining the cooperation of consumers through advising them of the label requirements of such Codes and by educating them to insist upon the presence of labels in all garments to which such labels are required to be attached.

3. To adopt by-laws with the approval of N. R. A., to set forth its functions in detail and to regulate its procedure.

4. To collect contributions from the above-named Code Authorities to the extent permitted by the Codes and the approved budgets for the Industries concerned.

5. To expand such funds in accordance with a budget approved by N. R. A.

6. To appoint such officers and agents as may be necessary to carry on its functions and to pay them compensation to the extent permitted by a budget approved by N. R. A.

IT IS FURTHER ORDERED that the Council contain thereon a representative or representatives of the Administration who shall

be without vote and shall be appointed to represent such government and consumer interest as the National Industrial Recovery Board may deem entitled to representation; and

IT IS FURTHER ORDERED that said Apparel Codes Label Council may act as an agency for further Code Authorities upon application by such Code Authorities and approval by the National Industrial Recovery Board.

This Order may be revoked by the National Industrial Recovery Board at any time.

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

Approval recommended.

M. D. VINCENT,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*May 15, 1935.*

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ADMINISTRATIVE ORDER NO. 79-30

BUDGET AND EXPENDITURE RULES STAYED

---

ORDER GRANTING A STAY—CODE OF FAIR COMPETITION FOR THE NOVELTY CURTAIN, DRAPERIES, BEDSPREADS & NOVELTY PILLOW INDUSTRY—ORDER GRANTING A STAY OF CERTAIN PROVISIONS OF ADMINISTRATIVE ORDER X-136

WHEREAS, the Deputy Administrator has made application on behalf of the Code Authority for the Novelty Curtain, Draperies, Bedspreads & Novelty Pillow Industry for a Stay of the Operation of certain provisions of Administrative Order X-136; and

WHEREAS, the Deputy Administrator has reported and it appears to the satisfaction of the National Industrial Recovery Board that a 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, by Executive Order No. 6859, and otherwise, it is hereby ordered, subject to any pertinent rules and regulations, that the operation of Administrative Order X-136 be, and it is hereby, stayed as to the Code Authority of the Novelty Curtain, Draperies, Bedspreads, etc. Industry insofar as Paragraph 1 requires said Code Authority to submit an itemized budget to the National Industrial Recovery Board for its approval on or before March 31, 1935, and insofar as Paragraph 2 prohibits said Code Authority from making any expenditures of funds not in accordance with a budget duly approved by the National Industrial Recovery Board, for a period of 30 days from the date hereof.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By HIRAM S. BROWN,  
*Assistant to the Administrative Officer.*

M. L. A. GELLIS,  
*Assistant Counsel.*

Approval recommended:

H. P. VOSE,  
*Chief, Code Authorities Accounts Section.*

MAY 16, 1935.



ADMINISTRATIVE ORDER NO. 249-17

BUDGET AND EXPENDITURE RULES STAYED

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CODE OF FAIR COMPETITION FOR THE TAG INDUSTRY—ORDER  
GRANTING A STAY OF PARAGRAPH 2 OF ADMINISTRATIVE ORDER  
X-136

WHEREAS, the Code Authority of the Tag Industry has submitted to the National Industrial Recovery Board for its approval a budget of estimated expenses of Code Administration and basis of contribution, pursuant to Administrative Order X-136; and

WHEREAS, said budget and basis of contribution in the form submitted has not been approved and in effect prior to March 31, 1935; and

WHEREAS, it appears to the satisfaction of the National Industrial Recovery Board that a 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, by Executive Order No. 6859, and otherwise, it is hereby ordered, subject to any pertinent rules and regulations, that the operation of Administrative Order X-136 be, and it is hereby, stayed as to the Code Authority of the Tag Industry, insofar as Paragraph 2 prohibits said Code Authority from making any expenditures of funds not in accordance with a budget duly approved by the National Industrial Recovery Board, for a period of thirty (30) days from the date hereof.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By HIRAM S. BROWN,  
*Assistant to the Administrative Officer.*  
M. L. A. GELLIS,  
*Assistant Counsel.*

Approval recommended:

H. P. VOSE,  
*Chief, Code Authorities Accounts Section.*

WASHINGTON, D. C.,  
*May 16, 1935.*

ADMINISTRATIVE ORDER NO. 538-6

BUDGET AND EXPENDITURE RULES STAYED

---

ORDER GRANTING A STAY—CODE OF FAIR COMPETITION FOR THE WOMEN'S NECKWEAR & SCARF MANUFACTURING INDUSTRY—ORDER GRANTING A STAY OF CERTAIN PROVISIONS OF ADMINISTRATIVE ORDER X-136

WHEREAS, the Deputy Administrator has made application on behalf of the Code Authority for the Women's Neckwear & Scarf Manufacturing Industry for a Stay of the operation of certain provisions of Administrative Order X-136; and

WHEREAS, the Deputy Administrator has reported and it appears to the satisfaction of the National Industrial Recovery Board that a 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, by Executive Order No. 6859, and otherwise, it is hereby ordered, subject to any pertinent rules and regulations, that the operation of Administrative Order X-136 be, and it is hereby, stayed as to the Code Authority of the Women's Neckwear & Scarf Manufacturing Industry insofar as Paragraph 1 requires said Code Authority to submit an itemized budget to the National Industrial Recovery Board for its approval on or before March 31, 1935, and insofar as Paragraph 2 prohibits said Code Authority from making any expenditures of funds not in accordance with a budget duly approved by the National Industrial Recovery Board, for a period of 30 days from the date hereof.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By HIRAM S. BROWN,  
*Assistant to the Administrative Officer.*  
M. L. A. GELLIS,  
*Assistant Counsel.*

Approval recommended.

H. P. VOSE,  
*Chief, Code Authorities Accounts Section.*

MAY 16, 1935.

ADMINISTRATIVE ORDER NO. 201-0-12

BOOK INSPECTION PROVISIONS STAYED

---

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE BUTTON JOBBERS' OR WHOLESALERS' TRADE (A DIVISION OF THE WHOLESALING OR DISTRIBUTING TRADE)—STAY OF THE PROVISIONS OF SECTION 6, ARTICLE III

WHEREAS, Section 6 of Article III of the Supplementary Code of Fair Competition for the Button Jobbers or Wholesalers Trade provides as follows:

“Upon the request of the Divisional Code Authority the Administrator may appoint an impartial person to make such inspection of the books and records of any member of the trade as may be necessary to ascertain whether or not any violation of this Supplemental Code has been or is being committed.”  
and

WHEREAS, on April 13, 1935, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, denied the application of the Men's Wear Division of the Divisional Code Authority for the appointment of an impartial person to inspect the books and records of trade members of the Men's Wear Division;

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 Act,

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, and as successor to all powers heretofore vested in the Administrator for Industrial Recovery, it is ordered that the provisions of said Section 6 of Article III be and they hereby are stayed until June 16, 1935. This Order is subject to cancellation by the National Industrial Recovery Board or its agents upon subsequent showing of proper cause therefor.

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

Approval recommended:

HARRY C. CARR,  
*Division Administrator.*

WASHINGTON, D. C.,  
May 17, 1935.

ADMINISTRATION ORDER NOS. 64-86 AND 118-607

COMMISSION PROVIDED TO REPORT ON SPECIFIED PROVISIONS AND  
SPECIFIED PREVIOUS ORDERS TERMINATED

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CODES OF FAIR COMPETITION FOR THE COTTON GARMENT INDUSTRY AND THE DRESS MANUFACTURING INDUSTRY—TERMINATING ADMINISTRATIVE ORDER NO. 118-378 AND 64-77 AND APPOINTING MEMBERS TO THE COMMISSION CREATED BY ADMINISTRATIVE ORDER NO. 118-576 AND 64-84

WHEREAS, Administrative Order No. 118-378 and 64-77, approved April 11, 1935, terminated Administrative Order No. 118-291 and 64-60 and appointed three (3) members to serve on an impartial Commission, which was established by Administrative Order No. 118-370 and 64-71; and

WHEREAS, Administrative Order No. 118-576 and 64-84 rescinded Administrative Order No. 118-370 and 64-71; and

WHEREAS, said Administrative Order No. 118-576 and 64-84 provides in part as follows:

“That an impartial Commission of three (3) persons be forthwith appointed to make a thorough study of the competition between the Dress Manufacturing Industry and the Cotton Garment Industry and of all facts pertinent to a resolution of the problems involved in the overlapping of the definitions in the Codes of Fair Competition for those two industries”:

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 Administrative Order No. 118-378 and 64-77 be and it is hereby terminated and orders further that the following named persons be appointed, pursuant to the provisions of Administrative Order No. 118-576 and 64-84, to serve on such impartial Commission during the pleasure of the National Industrial Recovery Board:

LEON C. MARSHALL, *Chairman*,  
LEON HENDERSON,  
PRENTISS L. COONLEY.  
NATIONAL INDUSTRIAL RECOVERY BOARD,  
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

M. D. VINCENT,  
*Acting Division Administrator*.

WASHINGTON, D. C.,  
*May 17, 1935.*

## ADMINISTRATIVE ORDER NO. 84T1-25

### SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE ELECTRO PLATING AND METAL POLISHING AND METAL FINISHING INDUSTRY— TENTATIVELY APPROVING SPECIFICATIONS FOR QUALITY OF ELECTRO DEPOSITED COATINGS

WHEREAS, a Committee on Standards of Quality has been appointed by the Supplementary Code Authority pursuant to and in full compliance with Article IV, Section 7 (c) of the Supplementary Code of Fair Competition for the Electro Plating and Metal Polishing and Metal Finishing Industry and the National Industrial Recovery Board has approved the Consumer and Governmental representation on said Committee by Administrative Order No. 84T1-19, dated March 6, 1935; and

WHEREAS, the said Committee has adopted certain Specifications for Quality of Electro Deposited Coatings; and

WHEREAS, the Supplementary Code Authority has approved these specifications and made application for their tentative approval by the National Industrial Recovery Board and for approval of an educational program and the designation of procedure for hearings, investigations, and methods for securing the approval of members of the Industry and of the action of the Supplementary Code Authority in designating its Committee on Specifications for Quality as a permanent committee; and

WHEREAS, the Assistant Deputy Administrator has reported and has found that such approval and the provisions hereinafter in this Order set forth will effectuate the policies and purposes of the said Section 7 (c) of Article IV of the said Supplementary Code and otherwise will be in the public interest and will tend to effectuate the policies and purposes 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, by the said Article IV, Section 7 (c) of the said Supplementary Code, and otherwise, it is hereby ordered that:

1. The Specifications for Quality of Electro Deposited Coatings as submitted by the Supplementary Code Authority and duly filed of record be and they hereby are tentatively approved for the purpose of educational activities for a period of six (6) months after the date of this Order, provided, however, that the said specifications shall not become binding upon members of the Industry unless and until they shall be finally approved by the National Industrial Recovery Board pursuant to Article IV, Section 7 (c) of the said Supplementary Code.

2. The action of the Supplementary Code Authority in making its Committee on Standards of Quality a permanent committee and in instructing it to prepare a program of education for the purpose of acquainting every member of the Industry with said specifications and devising ways and means whereby all members of the Industry

may economically and readily ascertain the thickness of plate which they are procuring on their regular work under given conditions be and it hereby is approved and the said Committee is further authorized to carry out such plan and program of education and may as part thereof call local, regional or national meetings of members of the Industry for such purpose.

3. The Committee may hold such hearings and make such investigations as it may deem proper to ascertain the views of members of the Industry, consumers and other interested parties. Such hearings or investigations may be deemed hearings and investigations designated pursuant to Article IV, Section 7 (c) of the said Supplementary Code, provided that, adequate notice is given to all members of the Industry within the area, to consumers and other interested parties and that the National Industrial Recovery Board is notified at least twenty (20) days in advance of such hearings or investigations and that such representative or representatives as may be designated by the National Industrial Recovery Board are permitted to attend such hearings or investigations and participate in their conduct.

4. The Committee shall, during such six (6) months period, receive and consider any recommendation for revision of these specifications which may be made by any members of the Industry, consumers or other interested parties.

5. At the end of the six (6) months period the Committee shall present its final findings and recommendations to the Supplementary Code Authority, including a final draft of Specifications for Quality of Electro Deposited Coatings in form for submission to a vote of members of the Industry.

6. The Supplementary Code Authority shall mail a copy of such final draft and a ballot to all members of the Industry whose names can be ascertained by diligent search. Twenty (20) days after the mailing of such ballots, the votes received shall be counted and if a majority of all the members of the Industry approve, the Supplementary Code Authority shall certify this result to the National Industrial Recovery Board for action pursuant to Article IV, Section 7 (c) of the Supplementary Code.

7. The National Industrial Recovery Board may hold further hearings and investigations before or after submission of the final draft to members of the Industry as it may deem proper.

8. The Supplementary Code Authority shall send copies of the Specifications for Quality of Electro Deposited Coatings as herein tentatively approved to all members of the Industry whose names can be ascertained after diligent search together with a copy of this Order.

PROVIDED, HOWEVER, that nothing herein shall be deemed to authorize or require any action after the said Supplementary Code shall terminate by operation of law.

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

Approval recommended:

JOHN W. UPP,  
*Acting Division Administrator.*

C. R. NIKLASON,  
*Deputy Administrator.*

MAY 17, 1935.

ADMINISTRATIVE ORDER NO. 269-6

CODE OF FAIR COMPETITION FOR THE CARBON BLACK MANUFACTURING INDUSTRY—APPROVING LIST OF OCCUPATIONS UNSUITED TO PERSONS UNDER EIGHTEEN YEARS OF AGE

The Code Authority for the Carbon Black Manufacturing Industry, pursuant to Section 3 of Article III of the Code of Fair Competition for said Industry, having submitted a list of occupations or operations unsuited to persons under eighteen (18) years of age, and the Deputy Administrator in charge thereof having rendered a report recommending the approval of such a list to wit:

1. In oiling, cleaning or wiping machinery or shafting in motion.
2. In applying belts to pulleys in motion or assisting therein.
3. As drivers or assistants to drivers of motor vehicles or as helpers or delivery boys on motor vehicles.
4. In, or assisting in, the operation of gas, oil or steam engines or other prime movers.
5. 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 (2) of elevators equipped only for automatic operation.
6. Firing of steam or water boilers (except boilers of not more than 15 lbs. pressure used solely for heating purposes).

NOW, THEREFORE, pursuant to authority vested in it by Executive Order No. 6859, dated September 27, 1934, by said Section and Article of said Code, and otherwise, the National Industrial Recovery Board hereby adopts said report and recommendation, approves said list as reasonable and well designed to effectuate the policies of Title I of the National Industrial Recovery Act, and orders that copies of this Order and of said list be immediately brought to the attention of all members of the Industry through mailing or otherwise, and that they be included also on all posters covering labor provisions at the time of issuance or of revision of such posters.

This Order shall become effective thirty (30) days after the date hereof.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By JOSEPH F. BATTLE, *Division Administrator*.

Approval recommended:  
EARLE W. DAHLBERG,  
*Deputy Administrator*.  
WASHINGTON, D. C.  
*May 18, 1935.*

## ADMINISTRATIVE ORDER NO. 305-18

### CODE OF FAIR COMPETITION FOR THE FIBRE CAN AND TUBE INDUSTRY— APPROVING LIST OF OCCUPATIONS UNSUITED TO PERSONS UNDER EIGHTEEN YEARS OF AGE

The Code Authority for the Fibre Can and Tube Industry, pursuant to Section 1 of Article V of the Code of Fair Competition for said Industry having submitted for approval a list of occupations or operations unsuited to persons under eighteen (18) years of age, and the Deputy Administrator in charge thereof having rendered a report recommending the approval of such list, to wit:

#### I. GENERAL HAZARDS

1. As drivers or assistants to drivers of motor vehicles or as helpers or delivery boys on motor vehicles.
2. In, or assisting in, the operation of gas, oil, or steam engines or other prime movers.
3. In the care, custody, operation or repair of elevators, cranes, derricks or other hoisting apparatus, except in the operation of dumbwaiters as defined by the American Standards Association or of elevators equipped only for automatic operation.
4. Firing of steam or water boilers (except boilers of not more than 15 pounds pressure used solely for heating purposes).
5. In the cutting or welding of metals by gas or electricity.
6. In or in connection with hot galvanizing or tinning processes.

#### II. MACHINE WORK

7. Grinding, abrasive, polishing or buffing wheels; provided that apprentices operating under conditions of bonafide apprenticeship may grind their own tools.
8. Metal cutting machines having a guillotine action.
9. Metal plate bending machines handling material of more than 0.2145 inch in thickness.
10. Power driven metal planing machines.
11. Circular saws used in the cutting of metals.
12. Wire stitching machinery.
13. Machinery having a heavy rolling or crushing action.
14. Power shears of all kinds.
15. Punch presses or stamping machines of the clearance between the ram and the die or the stripper exceeds one-fourth inch.
16. Paper cutting machines having a guillotine action.
17. Paper punches or line perforators.
18. Creasers, or corrugating, crimping, embossing, plating, printing or graining rolls used in the manufacture of paper and paper products which are not guarded at the point of operation.



19. Slitters for tubes which are not guarded at the point of operation.

20. Corner-staying, corner-cutting, or ending machines used in the paper box industry, if the opening to meet the plunger exceeds one-fourth inch.

Exceptions: Such corner-staying machines equipped with an automatic device that will instantly stop the downward motion of the plunger should the finger of the operator come between the plunger and the anvil.

21. If printing is done:

Power-driven printing presses. Monotype or linotype machines. Embossing machinery used in the printing industry.

Exceptions—Apprentices: Employment on any of the above-named machines may be permitted in the case of minors between 16 and 18 years of age who are bonafide apprentices.

22. In oiling, cleaning or wiping machinery or shafting in motion.

23. In applying belts to pulleys in motion or assisting therein.

### *Health Hazards*

24. Lead soldering work.

25. All work involving exposure to acid in connection with pickling of sheet plate.

26. If printing is done:

Blowing out type cases. Cleaning linotype plungers. In melting operations in printing shops.

Apprentices shall be defined as: "those who are regularly indentured under contract to the Industry, for a sufficient period of time to be systematically advanced through the various operations, shops, departments, etc., of a Trade, Occupation or Industry, and who receive educational training in an organized educational institution during a portion of their working time."

NOW, THEREFORE, pursuant to authority vested in it by Executive Order Number 6859, dated September 27, 1934, by said Section and Article of said Code, and otherwise, the National Industrial Recovery Board hereby adopts said report and recommendation, approves said list as reasonable and well designed to effectuate the policies of Title I of the National Industrial Recovery Act, and orders that copies of this Order and of said list be immediately brought to the attention of all members of the Industry, through mailing or otherwise, and that they be included also on all posters covering labor provisions at the time of issuance or of revision of such posters.

This Order shall become effective thirty (30) days after the date hereof.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By JOSEPH F. BATTLE, *Division Administrator.*

Approval recommended:

W. J. BROWN,  
*Deputy Administrator.*

WASHINGTON, D. C.,  
*May 18, 1935.*

ADMINISTRATIVE ORDER NO. 257-31

ORDER, CODE OF FAIR COMPETITION FOR THE PRINTING EQUIPMENT INDUSTRY AND TRADE—FURTHER EXTENDING THE EFFECTIVE DATE OF THE METHOD OF VALUE DETERMINATION FOR USED MACHINERY APPROVED BY ADMINISTRATIVE ORDER NO. 257-26, DATED APRIL 19, 1935

WHEREAS, by Administrative Order No. 257-26, dated April 19, 1935, the Method of Value Determination for Used Machinery submitted by the Code Authority of the Printing Equipment Industry and Trade was approved by the National Industrial Recovery Board on condition that "said Method of Value Determination for Used Machinery shall become effective twenty (20) days from the date of this Order unless good cause to the contrary be shown prior to said effective date and a subsequent Order to that effect is issued", and

WHEREAS, by Administrative Order No. 257-30, dated May 9, 1935, approved by the National Industrial Recovery Board, the effective date of said Method of Value Determination for Used Machinery was extended to May 18, 1935, "unless good cause to the contrary be shown prior to said extended effective date and a subsequent Order to that effect is issued", and

WHEREAS, sufficient time has not elapsed in which properly to consider the objections filed against said Method of Value Determination for Used Machinery, and

WHEREAS, the Assistant Deputy Administrator has reported, and it appears to the satisfaction of the National Industrial Recovery Board that the extension 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 effective date of the Method of Value Determination for Used Machinery, approved by Administrative Order No. 257-26, dated April 19, 1935, as extended by Administrative Order No. 257-30, dated May 9, 1935, be further extended to and including June 15, 1935, on which date the said Method of Value Determination for Used Machinery shall become effective unless good cause to the contrary be shown prior to said further extended effective date and a subsequent Order to that effect is issued.

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

Approval recommended:

W. W. ROSE,  
*Deputy Administrator.*

BARTON W. MURRAY,  
*Division Administrator.*

WASHINGTON, D. C.,  
*May 18, 1935.*

ADMINISTRATIVE ORDER NO. 156-88

ORDER, CODE OF FAIR COMPETITION FOR THE RUBBER MANUFACTURING INDUSTRY—TERMINATING STAY OF CERTAIN PROVISIONS OF CHAPTER VII AND OF THE UNIFORM TERMS OF SALE.

WHEREAS, by Order No. 156-81, dated May 2, 1935, the National Industrial Recovery Board ordered that the operation of the provisions of Section 1 of Article V and the Uniform Terms of Sale established thereunder, and the provisions of Articles III and IV, of Chapter VII of the Code of Fair Competition for the Rubber Manufacturing Industry be stayed until such time as the Mechanical Goods Divisional Code Authority should have given directions to members of said Division as provided in Paragraphs 1 (c) and 1 (d) of said Order No. 156-81 and the National Industrial Recovery Board should have issued an order terminating such stay; and

WHEREAS, it appears to the satisfaction of the National Industrial Recovery Board that the Mechanical Goods Divisional Code Authority has given such directions to members of said Industry:

NOW, THEREFORE, by virtue of authority vested in it, the National Industrial Recovery Board terminates the stay, provided in Paragraphs 1 (c) and 1 (d) of said Order No. 156-81, of the operation of the provisions of Section 1 of Article V and the Uniform Terms of Sale established thereunder, and the provisions of Articles III and IV, of Chapter VII of the Code of Fair Competition for the Rubber Manufacturing Industry.

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

Approval recommended:

JOSEPH F. BATTLEY,  
*Division Administrator*.

WASHINGTON, D. C.,  
*May 18, 1935.*

## ADMINISTRATIVE ORDER NO. 84J-17

### SELLING PRICES, PARTIAL STAY OF PROVISIONS 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 AND 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 until June 16, 1935, 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.*

WASHINGTON, D. C.,  
*May 20, 1935.*

## ADMINISTRATIVE ORDER NO. 200-11

### CODE OF FAIR COMPETITION FOR THE SANITARY NAPKIN AND CLEANSING TISSUE INDUSTRY—APPROVING LIST OF OCCUPATIONS UNSUITED TO PERSONS UNDER EIGHTEEN YEARS OF AGE

The Code Authority for the Sanitary Napkin and Cleansing Tissue Industry, pursuant to Section 1 of Article V of the Code of Fair Competition for said Industry having submitted for approval a list of occupations or operations unsuited to persons under eighteen (18) years of age, and the Deputy Administrator in charge thereof having rendered a report recommending the approval of such list, to wit:

1. Bleach house Employees
2. Paper Cutters.

#### MACHINE WORK

3. Power shears of all kinds
4. In oiling, cleaning or wiping machinery or shafting in motion.
5. In applying belts to pulleys in motion or assisting therein.

#### GENERAL PLANT HAZARDS

6. As drivers or assistants to drivers of motor vehicles or as helpers or delivery boys on motor vehicles.

7. In, or assisting in, the operation of gas, oil, or steam engines or other prime movers.

8. Firing of steam or water boilers (except boilers of not more than 15 pounds pressure used solely for heating purposes).

9. 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

NOW, THEREFORE, pursuant to authority vested in it by Executive Order No. 6859, dated September 27, 1934, by said Section and Article of said Code, and otherwise, the National Industrial Recovery Board hereby adopts said report and recommendation, approves said list as reasonable and well designed to effectuate the policies of Title I of the National Industrial Recovery Act, and orders that copies of this Order and of said list be immediately brought to the attention of all members of the Industry, through mailing or otherwise, and that they be included also on all posters covering labor provisions at the time of issuance or of revision of such posters.

This Order shall become effective thirty (30) days after the date hereof.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By JOSEPH F. BATLEY, *Division Administrator.*

Approval recommended.

W. J. BROWN,  
*Deputy Administrator.*

WASHINGTON, D. C.  
*May 20, 1935.*

ADMINISTRATIVE ORDER NO. 182-86

MEAT SALES, PARTIAL MODIFICATION & DISCONTINUANCE OF PREVIOUS  
EXEMPTION RELEVANT TO

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CODE OF FAIR COMPETITION FOR THE RETAIL FOOD AND GROCERY  
TRADE—GRANTING APPLICATION FOR THE TERMINATION OF THE  
STAY CONTAINED IN ADMINISTRATIVE ORDERS 182-10A AND 182-14,  
WITH THE EXCEPTION OF THE PROVISIONS CONTAINED IN ARTI-  
CLE VIII, SECTIONS 1 AND 2 OF THE CODE

WHEREAS, an application has been made by the National Food and Grocery Distributors' Code Authority for the termination of the stay contained in Administrative Orders 182-10A and 182-14; and

WHEREAS, the Deputy Administrator has reported, and it appears to the satisfaction of the National Industrial Recovery Board, that the termination of the stay contained in Administrative Orders 182-10A and 182-14, with the exception of the provisions contained in Article VIII, Sections 1 and 2 of the Code, 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 Administrative Orders 182-10A and 182-14 be and hereby they are cancelled: Provided however, that, pending the further order of the Board cancelling or amending this order, the operation of the provisions of Article VIII, Sections 1 and 2 of said code are further stayed as to all parties subject thereto; Provided further, that this order in no way affects Administrative Order 182-81, dated April 30, 1935, staying the operation of the provisions of Article IX, Section 3 of said code; Provided further, that this order is effective ten days after date.

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

Approval recommended.

ARMIN W. RILEY,  
*Division Administrator.*

WASHINGTON, D. C.,  
*May 21, 1935.*

ADMINISTRATIVE ORDER NO. 540-17

TRADE PRACTICES, PARTIAL DISCONTINUANCE OF PREVIOUS STAY  
RELEVANT TO

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CODE OF FAIR COMPETITION FOR THE RETAIL MEAT TRADE—  
GRANTING APPLICATION FOR THE TERMINATION OF THE STAY  
OF THE PROVISIONS OF ARTICLE VII, SECTIONS 1 (B), (C), (D),  
AND 2; AND DENYING APPLICATION FOR THE TERMINATION OF  
THE STAY OF THE PROVISIONS OF ARTICLE VII, SECTIONS 9 AND 10

WHEREAS, an application has been made by the National Code Authority for the Retail Meat Trade for the termination of the stay of the provisions of Article VII, Sections 1 (b), (c), (d), 2, 9 and 10 of the Code of Fair Competition for the Retail Meat Trade, and;

WHEREAS, the Deputy Administrator has reported, and it appears to the satisfaction of the National Industrial Recovery Board that the termination of the stay of the provisions of Article VII, Sections 1 (b), (c), (d), and 2, is necessary and will tend to effectuate the policies of Title I of the National Industrial Recovery Act, and that the granting of the application for the termination of the stay of the provisions of Article VII, Sections 9 and 10 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, it is hereby ordered that the application for the termination of the stay of the provisions of Article VII, Sections 1 (b), (c), (d), and 2 be and it is hereby in all respects granted, and it is further ordered that the application for the termination of the stay of the provisions of Article VII, Sections 9 and 10 be and it hereby is denied: Provided, however, that this order is effective ten (10) days after date.

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

Approval recommended:

ARMIN W. RILEY,  
*Division Administrator.*

WASHINGTON, D. C.,  
*May 21, 1935.*

ADMINISTRATIVE ORDER NO. 118-615

PIECE RATES, EXTENSION OF PARTIAL STAY RELEVANT TO

CODE OF FAIR COMPETITION FOR THE COTTON GARMENT INDUSTRY—EXTENDING ORDER NO. 118-368

WHEREAS, Order No. 118-368 approved March 23, 1935, granted a stay to all members of the Sheep Lined and Leather Garment Division of the Cotton Garment Industry of the piece rates provision of Article IV, Section B of the Cotton Garment Code upon certain terms and conditions; and

WHEREAS, an application has been made by the Cotton Garment Code Authority, Inc., 40 Worth Street, New York, New York, for an extension of said Order No. 118-368; and

WHEREAS, the Deputy Administrator has reported and it appears to the satisfaction of the National Industrial Recovery Board that the extension of said stay as hereinafter provided 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, hereby orders that said Order No. 118-368 be and it is hereby extended up to and including June 15, 1935.

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

Approval recommended.

M. D. VINCENT,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*May 22, 1935.*



ADMINISTRATIVE ORDER NO. 151-71

HOURS OF LABOR, STAY OF PROVISIONS RELEVANT TO

CODE OF FAIR COMPETITION FOR THE MILLINERY INDUSTRY—  
GRANTING APPLICATION OF MEMBERS OF THE MILLINERY INDUSTRY FOR A STAY OF THE PROVISIONS OF ARTICLE III, SECTION 2

WHEREAS, an application has been made by members of the Millinery Industry for a stay of the provisions of Article III, Section 2 of the Code of Fair Competition for the Millinery Industry; and

WHEREAS, the Code Authority and the Special Millinery Board have recommended that said stay be granted; and

WHEREAS, after summary investigation and report by the Deputy Administrator, an emergency exemption was deemed necessary and granted said applicants by telegram dated April 4, 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 III, Section 2 of said Code be and they are hereby stayed to the extent that for a period of three (3) weeks beginning April 8, 1935, permission is granted to work preparatory and non-productive, unclassified workers seven and one-half (7½) hours per week overtime, in addition to the overtime permitted by the Code and Administrative Orders, provided that not more than one and one-half (1½) hours of such overtime shall be worked in any one day;

PROVIDED, HOWEVER, that all overtime herein permitted is paid for at not less than one and one-half the normal rate of pay; and

PROVIDED, FURTHER, that a copy of this Order is posted in a conspicuous place in said applicants' plants, in accordance with Executive Order No. 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.

M. D. VINCENT,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*May 22, 1935.*

ADMINISTRATIVE ORDER NO. 239-27

GENERAL N. R. A. CODE AUTHORITY DESIGNATED TO TEMPORARILY  
ADMINISTER THIS CODE

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CODE OF FAIR COMPETITION FOR THE PORCELAIN BREAKFAST  
FURNITURE ASSEMBLING INDUSTRY—ORDER PROVIDING TEM-  
PORARY ADMINISTRATION FOR CODE OF FAIR COMPETITION FOR  
THE PORCELAIN BREAKFAST FURNITURE ASSEMBLING INDUSTRY

WHEREAS, the Offices of the members of the Code Authority for the Porcelain Breakfast Furniture Assembling Industry are now vacant and the Code of Fair Competition is without an Administrative Agency; and

WHEREAS, it appears to the satisfaction of the National Industrial Recovery Board that the Order hereinafter set forth 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, by Executive Order 6859 or the provisions of said Code, or both, or otherwise, the National Industrial Recovery Board does order as follows:

THAT, pending a further determination, the General NRA Code Authority, provided for in Administrative Orders X-62 dated July 10, 1934 and X-84, dated September 7, 1934, is hereby designated as an agency of the National Industrial Recovery Board to administer all of the provisions of said Code, to make such investigation and take such action as may be necessary to determine a permanent method of administration and a satisfactory disposition of said Code and report its findings and recommendations to the National Industrial Recovery Board; and

THAT, Order No. 239-24, dated May 2, 1935, providing for temporary administration of said Code, and Order No. 239-26, dated May 7, 1935, staying said Order No. 239-24, are hereby cancelled.

PROVIDED, HOWEVER, said General NRA Code Authority shall have and assume no liabilities for any obligations heretofore incurred or contracted by or for the account of the duly elected Code Authority, recognized July 10, 1934 and the duly appointed temporary Code Authority, recognized March 5, 1935, of the Porcelain Breakfast Furniture Assembling Industry, or the members thereof.

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

Approval recommended.

JOHN W. UPP,  
*Acting Division Administrator.*

MAY 22, 1935.

ADMINISTRATIVE ORDER NO. 329-21

PRICES AND TERMS OF SALE, STAY OF PROVISIONS RELEVANT TO

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CODE OF FAIR COMPETITION FOR THE UPHOLSTERY SPRING AND ACCESSORIES MANUFACTURING INDUSTRY—GRANTING APPLICATION FOR A STAY OF THE PROVISIONS OF ARTICLE X, SECTIONS 1, 2, 3, 4, 7, AND 8, AND ARTICLE XI, SECTION 1.

WHEREAS, an application has been made by the Code Authority of the Upholstery Spring & Accessories Manufacturing Industry for a Stay of the operation of the provisions of Article X, Section 1, 2, 3, 4, 7, and 8, and Article XI, Section 1 of the Code of Fair Competition for the Upholstery Spring & Accessories Manufacturing Industry; and

WHEREAS, the Acting 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 is hereby stayed as to all parties subject thereto until June 16, 1935.

THIS ORDER is made subject to cancellation at any time that proper cause be shown to 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.,  
*May 22, 1935.*

ADMINISTRATIVE ORDER NO. 84-0-19

ORDER, 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 an 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 until June 16, 1935, 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.

JOHN W. UPP,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*May 22, 1935.*

ADMINISTRATIVE ORDER NO. 339-14

BUDGET AND EXPENDITURE RULES STAYED

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ORDER GRANTING A STAY—CODE OF FAIR COMPETITION FOR THE PRINTING INK MANUFACTURING INDUSTRY—ORDER GRANTING A STAY OF CERTAIN PROVISIONS OF ADMINISTRATIVE ORDER X-136.

WHEREAS, the Deputy Administrator has made application on behalf of the Code Authority for the Printing Ink Manufacturing Industry for a Stay of the operation of certain provisions of Administrative Order X-136; and

WHEREAS, the Deputy Administrator has reported and it appears to the satisfaction of the National Industrial Recovery Board that a 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, by Executive Order No. 6859, and otherwise, it is hereby ordered, subject to any pertinent rules and regulations, that the operation of Administrative Order X-136 be, and it is hereby, stayed as to the Code Authority of the Printing Ink Manufacturing Industry insofar as Paragraph 1 requires said Code Authority to submit an itemized budget to the National Industrial Recovery Board for its approval on or before March 31, 1935, and insofar as Paragraph 2 prohibits said Code Authority from making any expenditures of funds not in accordance with a budget duly approved by the National Industrial Recovery Board, for a period from April 1, 1935 to June 16, 1935.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By HIRAM S. BROWN,  
*Assistant to Administrative Officer.*

Approval recommended.

H. P. VOSE,  
*Chief, Code Authorities Accounts Section.*

M. L. A. GELLIS,  
*Assistant Counsel.*

MAY 23, 1935.

ADMINISTRATIVE ORDER NO. 198-7

CODE OF FAIR COMPETITION FOR THE RAILWAY SAFETY APPLIANCE INDUSTRY—EXEMPTING MEMBERS OF THE RAILWAY SAFETY APPLIANCE INDUSTRY WHO INSTALL SIGNAL SYSTEMS OF THEIR OWN MANUFACTURE FROM ANY CODE OR CODES OF FAIR COMPETITION WHICH PURPORT TO COVER SUCH INSTALLATION OTHER THAN THE CODE FOR SAID INDUSTRY

WHEREAS, the Code of Fair Competition for the Railway Safety Appliance Industry specifically covers the installation by the manufacturer thereof of signal systems which have for their object the safeguarding of movement of cars, locomotives or trains or railways, and

WHEREAS, certain other Codes of Fair Competition purport in general terms to cover such installation, and

WHEREAS, it appears to the National Industrial Recovery Board that to require members of such Industry who install such systems of their own manufacture to comply with such other codes in the installation of such systems would result in hardship to such members, and that the exemption herein granted will tend to effectuate the purposes of Title I of the National Industrial Recovery Act:

NOW, THEREFORE, pursuant to the authority vested in it under said Title of said Act by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, the National Industrial Recovery Board hereby orders that members of the Railway Safety Appliance Industry who install signal systems of their own manufacture which systems have for their object the safeguarding of movement of cars, locomotives or trains on railways be and they are hereby exempted, as to such installation, from compliance with any Code or Codes of Fair Competition which purport to cover such installation other than said Code of Fair Competition for the Railway Safety Appliance Industry.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By L. C. MARSHALL, *Executive Secretary*.

WASHINGTON, D. C.,  
May 24, 1935.

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**SUPREME COURT DECISION**

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# SUPREME COURT OF THE UNITED STATES.

Nos. 854 and 864.—OCTOBER TERM, 1934.

A. L. A. Schechter Poultry Corporation, Schechter Live Poultry Market, Joseph Schechter, Martin Schechter, Alex Schechter, and Aaron Schechter, Petitioners,

854 *vs.*  
The United States of America.

The United States of America,  
Petitioner,

864 *vs.*  
A. L. A. Schechter Poultry Corporation, Martin Schechter, Alex Schechter, and Aaron Schechter.

On Writs of Certiorari to the United States Circuit Court of Appeals for the Second Circuit.

[May 27, 1935.]

Mr. Chief Justice Hughes delivered the opinion of the Court.

Petitioners in No. 854 were convicted in the District Court of the United States for the Eastern District of New York on eighteen counts of an indictment charging violations of what is known as the "Live Poultry Code",<sup>1</sup> and on an additional count for conspiracy to commit such violations.<sup>2</sup> By demurrer to the indictment and appropriate motions on the trial, the defendants contended (1) that the Code had been adopted pursuant to an unconstitutional delegation by Congress of legislative power; (2) that it attempted to regulate intrastate transactions which lay outside the authority of Congress; and (3) that in certain provisions it was repugnant to the due process clause of the Fifth Amendment.

The Circuit Court of Appeals sustained the conviction on the conspiracy count and on sixteen counts for violation of the Code, but reversed the conviction on two counts which charged violation of requirements as to minimum wages and maximum hours of labor, as these were not deemed to be within the congressional power of regulation. On the respective applications of the defendants (No. 854) and of the Government (No. 864) this Court granted writs of certiorari, April 15, 1935.

New York City is the largest live-poultry market in the United States. Ninety-six per cent of the live poultry there marketed

<sup>1</sup> The full title of the Code is "Code of Fair Competition for the Live Poultry Industry of the Metropolitan Area in and about the City of New York".

<sup>2</sup> The indictment contained 60 counts, of which 27 counts were dismissed by the trial court, and on 14 counts the defendants were acquitted.

comes from other States. Three-fourths of this amount arrives by rail and is consigned to commission men or receivers. Most of these freight shipments (about 75 percent) come in at the Manhattan Terminal of the New York Central Railroad, and the remainder at one of the four terminals in New Jersey serving New York City. The commission men transact by far the greater part of the business on a commission basis, representing the shippers as agents, and remitting to them the proceeds of sale, less commissions, freight and handling charges. Otherwise, they buy for their own account. They sell to slaughterhouse operators who are also called market-men.

The defendants are slaughterhouse operators of the latter class. A. L. A. Schechter Poultry Corporation and Schechter Live Poultry Market are corporations conducting wholesale poultry slaughterhouse markets in Brooklyn, New York City. Joseph Schechter operated the latter corporation and also guaranteed the credits of the former corporation which was operated by Martin, Alex and Aaron Schechter. Defendants ordinarily purchase their live poultry from commission men at the West Washington Market in New York City or at the railroad terminals serving the City, but occasionally they purchase from commission men in Philadelphia. They buy the poultry for slaughter and resale. After the poultry is trucked to their slaughterhouse markets in Brooklyn, it is there sold, usually within twenty-four hours, to retail poultry dealers and butchers who sell directly to consumers. The poultry purchased from defendants is immediately slaughtered, prior to delivery, by shochtim in defendants' employ. Defendants do not sell poultry in interstate commerce.

The "Live Poultry Code" was promulgated under section 3 of the National Industrial Recovery Act.<sup>3</sup> That section—the pertinent provisions of which are set forth in the margin<sup>4</sup>—authorizes

<sup>3</sup> Act of June 16, 1933, c. 90, 48 Stat. 195, 196; 15 U. S. C. 703.

<sup>4</sup> "CODES OF FAIR COMPETITION.

"Sec. 3. (a) Upon the application to the President by one or more trade or industrial associations or groups, the President may approve a code or codes of fair competition for the trade or industry or subdivision thereof, represented by the applicant or applicants, if the President finds (1) that such associations or groups impose no inequitable restrictions on admission to membership therein and are truly representative of such trades or industries or subdivisions thereof, and (2) that such code or codes are not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of this title: *Provided*, That such code or codes shall not permit monopolies or monopolistic practices: *Provided further*, That where such code or codes affect the services and welfare of persons engaged in other steps of the economic process, nothing in this section shall deprive such persons of the right to be heard prior to approval by the President of such code or codes. The President may, as a condition of his approval of any such code, impose such conditions (including requirements for the making of reports and the keeping of accounts) for the protection of consumers, competitors, employees, and others, and in furtherance of the public interest, and may provide such exceptions to and exemptions from the provisions of such code, as the President in his discretion deems necessary to effectuate the policy herein declared.

"(b) After the President shall have approved any such code, the provisions of such code shall be the standards of fair competition for such trade or industry or subdivision thereof. Any violation of such standards in any transaction in or affecting interstate or foreign commerce shall be deemed an unfair method of competition in commerce within the meaning of the Federal Trade Commission Act, as amended; but nothing in this title shall be construed to impair the powers of the Federal Trade Commission under such Act, as amended.

"(c) The several district courts of the United States are hereby invested with jurisdictions to prevent and restrain violations of any code of fair competition approved under this title; and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations.

"(d) Upon his own motion, or if complaint is made to the President that abuses inimical to the public interest and contrary to the policy herein declared are prevalent in any trade or industry or subdivision thereof, and if no code of fair competition therefor has theretofore been approved by the President, the President, after such public notice and hearing as he shall specify, may prescribe and approve a code of fair competition for such trade or industry or subdivision thereof, which shall have the same effect as a code of fair competition approved by the President under subsection (a) of this section.

"(f) When a code of fair competition has been approved or prescribed by the President under this title, any violation of any provision thereof in any transaction in or affecting interstate or foreign commerce shall be a misdemeanor and upon conviction thereof an offender shall be fined not more than \$500 for each offense, and each day such violation continues shall be deemed a separate offense".

the President to approve "codes of fair competition". Such a code may be approved for a trade or industry, upon application by one or more trade or industrial associations or groups, if the President finds (1) that such associations or groups "impose no inequitable restrictions on admission to membership therein and are truly representative", and (2) that such codes are not designed "to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy" of Title I of the act. Such codes "shall not permit monopolies or monopolistic practices". As a condition of his approval, the President may "impose such conditions (including requirements for the making of reports and the keeping of accounts) for the protection of consumers, competitors, employees, and others, and in furtherance of the public interest, and may provide such exceptions to and exemptions from the provisions of such code as the President in his discretion deems necessary to effectuate the policy herein declared". Where such a code has not been approved, the President may prescribe one, either on his own motion or on complaint. Violation of any provision of a code (so approved or described) "in any transaction in or affecting interstate or foreign commerce" is made a misdemeanor punishable by a fine of not more than \$500 for each offense, and each day the violation continues is to be deemed a separate offense.

The "Live Poultry Code" was approved by the President on April 13, 1934. Its divisions indicate its nature and scope. The Code has eight articles entitled (1) purposes, (2) definitions, (3) hours, (4) wages, (5) general labor provisions, (6) administration, (7) trade practice provisions, and (8) general.

The declared purpose is "To effect the policies of title I of the National Industrial Recovery Act". The Code is established as "a code for fair competition for the live poultry industry of the metropolitan area in and about the City of New York". That area is described as embracing the five boroughs of New York City, the counties of Rockland, Westchester, Nassau and Suffolk in the State of New York, the counties of Hudson and Bergen in the State of New Jersey, and the county of Fairfield in the State of Connecticut.

The "industry" is defined as including "every person engaged in the business of selling, purchasing for resale, transporting, or handling and/or slaughtering live poultry, from the time such poultry comes into the New York metropolitan area to the time it is first sold in slaughtered form", and such "related branches" as may from time to time be included by amendment. Employers are styled "members of the industry", and the term employee is defined to embrace "any and all persons engaged in the industry, however compensated", except "members".

The Code fixes the number of hours for work-days. It provides that no employee, with certain exceptions, shall be permitted to work in excess of forty (40) hours in any one week, and that no employee, save as stated, "shall be paid in any pay period less than at the rate of fifty (50) cents per hour". The article containing "general labor provisions" prohibits the employment of any person under sixteen years of age, and declares that employees shall have the right of "collective bargaining", and freedom of choice with respect to labor organizations, in the terms of section

7 (a) of the Act. The minimum number of employees, who shall be employed by slaughterhouse operators, is fixed, the number being graduated according to the average volume of weekly sales.

Provision is made for administration through an "industry advisory committee", to be selected by trade associations and members of the industry, and a "code supervisor" to be appointed, with the approval of the committee, by agreement between the Secretary of Agriculture and the Administrator for Industrial Recovery. The expenses of administration are to be borne by the members of the industry proportionately upon the basis of volume of business, or such other factors as the advisory committee may deem equitable, "subject to the disapproval of the Secretary and/or Administrator".

The seventh article, containing "trade practice provisions", prohibits various practices which are said to constitute "unfair methods of competition". The final article provides for verified reports, such as the Secretary or Administrator may require, "(1) for the protection of consumers, competitors, employees, and others, and in furtherance of the public interest, and (2) for the determination by the Secretary or Administrator of the extent to which the declared policy of the act is being effectuated by this code". The members of the industry are also required to keep books and records which "will clearly reflect all financial transactions of their respective businesses and the financial condition thereof", and to submit weekly reports "showing the range of daily prices and volume of sales" for each kind of produce.

The President approved the Code by an executive order in which he found that the application for his approval had been duly made in accordance with the provisions of Title I of the National Industrial Recovery Act, that there had been due notice and hearings, that the Code constituted "a code of fair competition" as contemplated by the Act and complied with its pertinent provisions, including clauses (1) and (2) of subsection (a) of section 3 of Title I; and that the Code would tend "to effectuate the policy of Congress as declared in section 1 of Title I".<sup>5</sup> The executive order also recited that the Secretary

<sup>5</sup> The Executive Order is as follows:

"EXECUTIVE ORDER.

"Approval of Code of Fair Competition for the Live Poultry Industry of the Metropolitan Area in and about the City of New York.

"Whereas, the Secretary of Agriculture and the Administrator of the National Industrial Recovery Act having rendered their separate reports and recommendations and findings on the provisions of said code, coming within their respective jurisdictions, as set forth in the Executive Order No. 6182 of June 26, 1933, as supplemented by Executive Order No. 6207 of July 21, 1933, and Executive Order No. 6345 of October 20, 1933, as amended by Executive Order No. 6551 of January 8, 1934;

"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 hereby find that:

"1. An application has 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 live poultry industry in the metropolitan area in and about the City of New York; and

"2. Due notice and opportunity for hearings to interested parties have been given pursuant to the provisions of the act and regulations thereunder; and,

"3. Hearings have been held upon said code, pursuant to such notice and pursuant to the pertinent provisions of the act and regulations thereunder; and

"4. Said code of fair competition constitutes a code of fair competition, as contemplated by the act and complies in all respects with the pertinent provisions of the act, including clauses (1) and (2) of subsection (a) of section 3 of title I of the act; and

"5. It appears, after due consideration, that said code of fair competition will tend to effectuate the policy of Congress as declared in section 1 of title I of the act.

"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 hereby approve said Code of Fair Competition for the Live Poultry Industry in the Metropolitan Area in and about the City of New York.

"FRANKLIN D. ROOSEVELT,  
"President of the United States".

"The White House,  
April 13, 1934".

of Agriculture and the Administrator of the National Industrial Recovery Act had rendered separate reports as to the provisions within their respective jurisdictions. The Secretary of Agriculture reported that the provisions of the Code "establishing standards of fair competition (a) are regulations of transactions in or affecting the current of interstate and/or foreign commerce and (b) are reasonable", and also that the Code would tend to effectuate the policy declared in Title I of the Act, as set forth in section 1. The report of the Administrator for Industrial Recovery dealt with wages, hours of labor and other labor provisions.<sup>6</sup>

Of the eighteen counts of the indictment upon which the defendants were convicted, aside from the count for conspiracy, two counts charged violation of the minimum wage and maximum hour provisions of the Code, and ten counts were for violation of the requirement (found in the "trade practice provisions") of "straight killing". This requirement was really one of "straight" selling. The term "straight killing" was defined in the Code as "the practice of requiring persons purchasing poultry for resale to accept the run of any half coop, coop, or coops, as purchasing slaughterhouse operators, except for culls".<sup>7</sup> The charges in the ten counts, respectively, were that the defendants in selling to retail dealers and butchers had permitted "selections of individual chickens taken from particular coops and half coops".

Of the other six counts, one charged the sale to a butcher of an unfit chicken; two counts charged the making of sales without having the poultry inspected or approved in accordance with regulations or ordinances of the City of New York; two counts charged the making of false reports or the failure to make reports relating to the range of daily prices and volume of sales for certain periods; and the remaining count was for sales to slaughterers or dealers who were without licenses required by the ordinances and regulations of the City of New York.

*First.* Two preliminary points are stressed by the Government with respect to the appropriate approach to the important questions presented. We are told that the provisions of the statute authorizing the adoption of codes must be viewed in the light of the grave national crisis with which Congress was confronted. Undoubtedly, the conditions to which power is addressed are always to be considered when the exercise of power is challenged. Extraordinary conditions may call for extraordinary remedies. But the argument necessarily stops short of an attempt to justify action which lies outside the sphere of constitutional authority. Extraordinary conditions

<sup>6</sup> The Administrator for Industrial Recovery stated in his report that the Code has been sponsored by trade associations representing about 350 wholesale firms, 150 retail shops, and 21 commission agencies; that these associations represented about 90 percent of the live poultry industry by numbers and volume of business; and that the industry as defined in the Code supplied the consuming public with practically all the live poultry coming into the metropolitan area from forty-one States and transacted an aggregate annual business of approximately ninety million dollars. He further said that about 1,610 employees were engaged in the industry, that it had suffered severely on account of the prevailing economic conditions and because of unfair methods of competition and the abuses that had developed as a result of the "uncontrolled methods of doing business"; and that these conditions had reduced the number of employees by approximately 40 percent. He added that the report of the Research and Planning Division indicated that the Code would bring about an increase in wages of about 20 percent in this industry and an increase in employment of 19.2 percent.

<sup>7</sup> The prohibition in the Code (Art. VII, Sec. 14) was as follows: "*Straight Killing.*—The use, in the wholesale slaughtering of poultry, of any method of slaughtering other than 'straight killing' or killing on the basis of official grade. Purchasers may, however, make selection of a half coop, coop, or coops but shall not have the right to make any selection of particular birds."

do not create or enlarge constitutional power.<sup>8</sup> The Constitution established a national government with powers deemed to be adequate, as they have proved to be both in war and peace, but these powers of the national government are limited by the constitutional grants. Those who act under these grants are not at liberty to transcend the imposed limits because they believe that more or different power is necessary. Such assertions of extra-constitutional authority were anticipated and precluded by the explicit terms of the Tenth Amendment,—“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people”.

The further point is urged that the national crisis demanded a broad and intensive cooperative effort by those engaged in trade and industry, and that this necessary cooperation was sought to be fostered by permitting them to initiate the adoption of codes. But the statutory plan is not simply one for voluntary effort. It does not seek merely to endow voluntary trade or industrial associations or groups with privileges or immunities. It involves the coercive exercise of the law-making power. The codes of fair competition, which the statute attempts to authorize, are codes of laws. If valid, they place all persons within their reach under the obligation of positive law, binding equally those who assent and those who do not assent. Violations of the provisions of the codes are punishable as crimes.

*Second. The question of the delegation of legislative power.* We recently had occasion to review the pertinent decisions and the general principles which govern the determination of this question. *Panama Refining Company v. Ryan*, 293 U. S. 388. The Constitution provides that “All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives”. Art. I, sec. 1. And the Congress is authorized “To make all laws which shall be necessary and proper for carrying into execution” its general powers. Art. I, sec. 8, par. 18. The Congress is not permitted to abdicate or to transfer to others the essential legislative functions with which it is thus vested. We have repeatedly recognized the necessity of adapting legislation to complex conditions involving a host of details with which the national legislature cannot deal directly. We pointed out in the *Panama Company* case that the Constitution has never been regarded as denying to Congress the necessary resources of flexibility and practicality, which will enable it to perform its function in laying down policies and establishing standards, while leaving to selected instrumentalities the making of subordinate rules within prescribed limits and the determination of facts to which the policy as declared by the legislature is to apply. But we said that the constant recognition of the necessity and validity of such provisions, and the wide range of administrative authority which has been developed by means of them, cannot be allowed to obscure the limitations of the authority to delegate, if our constitutional system is to be maintained. *Id.*, p. 421.

Accordingly, we look to the statute to see whether Congress has overstepped these limitations,—whether Congress in authorizing

<sup>8</sup> See *Ex parte Milligan*, 4. Wall, 2, 120, 121; *Home Building & Loan Association v. Blaisdell*, 290 U. S. 398, 425.

“codes of fair competition” has itself established the standards of legal obligation, thus performing its essential legislative function, or, by the failure to enact such standards, has attempted to transfer that function to others.

The aspect in which the question is now presented is distinct from that which was before us in the case of the *Panama Company*. There, the subject of the statutory prohibition was defined. National Industrial Recovery Act, sec. 9 (c). That subject was the transportation in interstate and foreign commerce of petroleum and petroleum products which are produced or withdrawn from storage in excess of the amount permitted by state authority. The question was with respect to the range of discretion given to the President in prohibiting that transportation. *Id.*, pp. 414, 415, 430. As to the “codes of fair competition”, under section 3 of the Act, the question is more fundamental. It is whether there is any adequate definition of the subject to which the codes are to be addressed.

What is meant by “fair competition” as the term is used in the Act? Does it refer to a category established in the law, and is the authority to make codes limited accordingly? Or is it used as a convenient designation for whatever set of laws the formulators of a code for a particular trade or industry may propose and the President may approve (subject to certain restrictions), or the President may himself prescribe, as being wise and beneficent provisions for the government of the trade or industry in order to accomplish the broad purposes of rehabilitation, correction and expansion which are stated in the first section of Title I?<sup>9</sup>

The Act does not define “fair competition”. “Unfair competition”, as known to the common law, is a limited concept. Primarily, and strictly, it relates to the palming off of one’s goods as those of a rival trader. *Goodyear Manufacturing Co. v. Goodyear Rubber Co.*, 128 U. S. 598, 604; *Howe Scale Co. v. Wyckoff, Seamans & Benedict*, 198 U. S. 118, 140; *Hanover Milling Co. v. Metcalf*, 240 U. S. 403, 413. In recent years, its scope has been extended. It has been held to apply to misappropriation as well as misrepresentation, to the selling of another’s goods as one’s own,—to misappropriation of what equitably belongs to a competitor, *International News Service v. Associated Press*, 248 U. S. 215, 241, 242. Unfairness in competition has been predicated of acts which lie outside the ordinary course of business and are tainted by fraud, or coercion, or conduct otherwise prohibited by law.<sup>10</sup> *Id.*, p. 258. But it is evident that in its widest range, “unfair competition”, as it has been understood in the law, does not reach the objectives of the codes which are authorized by the National Industrial Recovery Act. The codes may, indeed, cover conduct which existing

<sup>9</sup> That section, under the heading “Declaration of Policy”, is as follows: “Section 1. A national emergency productive of wide-spread unemployment and disorganization of industry, which burdens interstate and foreign commerce, affects the public welfare, and undermines the standards of living of the American people, is hereby declared to exist. It is hereby declared to be the policy of Congress to remove obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof; and to provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, to induce and maintain united action of labor and management under adequate governmental sanctions and supervision, to eliminate unfair competitive practices, to promote the fullest possible utilization of the present productive capacity of industries, to avoid undue restriction of production (except as may be temporarily required), to increase the consumption of industrial and agricultural products by increasing purchasing power, to reduce and relieve unemployment, to improve standards of labor, and otherwise to rehabilitate industry and to conserve natural resources.”

<sup>10</sup> See cases collected in Nims on Unfair Competition and Trade-Marks, Chap. I, sec. 4, p. 19, and Chap. XIX.

law condemns, but they are not limited to conduct of that sort. The Government does not contend that the Act contemplates such a limitation. It would be opposed both to the declared purposes of the Act and to its administrative construction.

The Federal Trade Commission Act (section 5)<sup>11</sup> introduced the expression "unfair methods of competition", which were declared to be unlawful. That was an expression new in the law. Debate apparently convinced the sponsors of the legislation that the words "unfair competition", in the light of their meaning at common law, were too narrow. We have said that the substituted phrase has a broader meaning, that it does not admit of precise definition, its scope being left to judicial determination as controversies arise. *Federal Trade Commission v. Raladam Co.*, 283 U. S. 643, 648, 649; *Federal Trade Commission v. Keppel*, 291 U. S. 304, 310-312. What are "unfair methods of competition" are thus to be determined in particular instances, upon evidence, in the light of particular competitive conditions and of what is found to be a specific and substantial public interest. *Federal Trade Commission v. Beech-Nut Co.*, 257 U. S. 441, 453; *Federal Trade Commission v. Klesner*, 280 U. S. 19, 27, 28; *Federal Trade Commission v. Raladam Co.*, *supra*; *Federal Trade Commission v. Keppel*, *supra*; *Federal Trade Commission v. Algoma Co.*, 291 U. S. 67, 73. To make this possible, Congress set up a special procedure. A Commission, a quasi-judicial body, was created. Provision was made for formal complaint, for notice and hearing, for appropriate findings of fact supported by adequate evidence, and for judicial review to give assurance that the action of the Commission is taken within its statutory authority. *Federal Trade Commission v. Raladam Co.*, *supra*; *Federal Trade Commission v. Klesner*, *supra*.<sup>12</sup>

In providing for codes, the National Industrial Recovery Act dispenses with this administrative procedure and with any administrative procedure of an analogous character. But the difference between the code plan of the Recovery Act and the scheme of the Federal Trade Commission Act lies not only in procedure but in subject matter. We cannot regard the "fair competition" of the codes as antithetical to the "unfair methods of competition" of the Federal Trade Commission Act. The "fair competition" of the codes has a much broader range and a new significance. The Recovery Act provides that it shall not be construed to impair the powers of the Federal Trade Commission, but, when a code is approved, its provisions are to be the "standards of fair competition" for the trade or industry concerned, and any violation of such standards in any transaction in or affecting interstate or foreign commerce is to be deemed "an unfair method of competition" within the meaning of the Federal Trade Commission Act. Sec. 3 (b).

For a statement of the authorized objectives and content of the "codes of fair competition" we are referred repeatedly to the "Declaration of Policy" in section one of Title I of the Recovery

<sup>11</sup> Act of September 26, 1914, c. 311, 38 Stat. 717, 719, 720.

<sup>12</sup> The Tariff Act of 1930 (sec. 337, 46 Stat. 703), like the Tariff Act of 1922 (sec. 316, 42 Stat. 943), employs the expressions "unfair methods of competition" and "unfair acts" in the importation of articles into the United States, and in their sale, "the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States, or to prevent the establishment of such an industry, or to restrain or monopolize trade and commerce in the United States". Provision is made for investigation and findings by the Tariff Commission, for appeals upon questions of law to the United States Court of Customs and Patent Appeals, and for ultimate action by the President when the existence of any "such unfair method or act" is established to his satisfaction.



Act. Thus, the approval of a code by the President is conditioned on his finding that it "will tend to effectuate the policy of this title". Sec. 3 (a). The President is authorized to impose such conditions "for the protection of consumers, competitors, employees, and others, and in furtherance of the public interest, and may provide such exceptions to and exemptions from the provisions of such code as the President in his discretion deems necessary to effectuate the policy herein declared." *Id.* The "policy herein declared" is manifestly that set forth in section one. That declaration embraces a broad range of objectives. Among them we find the elimination of "unfair competitive practices". But even if this clause were to be taken to relate to practices which fall under the ban of existing law, either common law or statute, it is still only one of the authorized aims described in section one. It is there declared to be "the policy of Congress"—

to remove obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof; and to provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, to induce and maintain united action of labor and management under adequate governmental sanctions and supervision, to eliminate unfair competitive practices, to promote the fullest possible utilization of the present productive capacity of industries, to avoid undue restriction of production (except as may be temporarily required), to increase the consumption of industrial and agricultural products by increasing purchasing power, to reduce and relieve unemployment, to improve standards of labor, and otherwise to rehabilitate industry and to conserve natural resources.<sup>13</sup>

Under section 3, whatever "may tend to effectuate" these general purposes may be included in the "codes of fair competition". We think the conclusion is inescapable that the authority sought to be conferred by section 3 was not merely to deal with "unfair competitive practices" which offend against existing law, and could be the subject of judicial condemnation without further legislation, or to create administrative machinery for the application of established principles of law to particular instances of violation. Rather, the purpose is clearly disclosed to authorize new and controlling prohibitions through codes of laws which would embrace what the formulators would propose, and what the President would approve, or prescribe, as wise and beneficent measures for the government of trades and industries in order to bring about their rehabilitation, correction and development, according to the general declaration of policy in section one. Codes of laws of this sort are styled "codes of fair competition".

We find no real controversy upon this point and we must determine the validity of the Code in question in this aspect. As the Government candidly says in its brief: "The words 'policy of this title' clearly refer to the 'policy' which Congress declared in the section entitled 'Declaration of Policy'—Section 1. All of the policies there set forth point toward a single goal—the rehabilitation of industry and the industrial recovery which unquestionably was the major policy of Congress in adopting the National Industrial Recovery Act". And that this is the controlling purpose of the Code now before us appears both from its repeated declarations to that effect and from the scope of its requirements. It will be observed that its provisions as to the hours and wages of em-

<sup>13</sup> See Note 9.

ployees and its "general labor provisions" were placed in separate articles, and these were not included in the article on "trade practice provisions" declaring what should be deemed to constitute "unfair methods of competition". The Secretary of Agriculture thus stated the objectives of the Live Poultry Code in his report to the President, which was recited in the executive order of approval:

That said code will tend to effectuate the declared policy of title I of the National Industrial Recovery Act as set forth in section 1 of said act in that the terms and provisions of such code tend to: (a) Remove obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof; (b) to provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups; (c) to eliminate unfair competitive practices; (d) to promote the fullest possible utilization of the present productive capacity of industries; (e) to avoid undue restriction of production (except as may be temporarily required); (f) to increase the consumption of industrial and agricultural products by increasing purchasing power; and (g) otherwise to rehabilitate industry and to conserve natural resources.

The Government urges that the codes will "consist of rules of competition deemed fair for each industry by representative members of that industry—by the persons most vitally concerned and most familiar with its problems". Instances are cited in which Congress has availed itself of such assistance; as *e. g.*, in the exercise of its authority over the public domain, with respect to the recognition of local customs or rules of miners as to mining claims,<sup>14</sup> or, in matters of a more or less technical nature, as in designating the standard height of drawbars.<sup>15</sup> But would it be seriously contended that Congress could delegate its legislative authority to trade or industrial associations or groups so as to empower them to enact the laws they deem to be wise and beneficent for the rehabilitation and expansion of their trade or industries? Could trade or industrial associations or groups be constituted legislative bodies for that purpose because such associations or groups are familiar with the problems of their enterprises? And, could an effort of that sort be made valid by such a preface of generalities as to permissible aims as we find in section one of title I? The answer is obvious. Such a delegation of legislative power is unknown to our law and is utterly inconsistent with the constitutional prerogatives and duties of Congress.

The question, then, turns upon the authority which section 3 of the Recovery Act vests in the President to approve or prescribe. If the codes have standing as penal statutes, this must be due to the effect of the executive action. But Congress cannot delegate legislative power to the President to exercise an unfettered discretion to make whatever laws he thinks may be needed or advisable for the rehabilitation and expansion of trade or industry. See *Panama Refining Company v. Ryan, supra*, and cases there reviewed.

Accordingly we turn to the Recovery Act to ascertain what limits have been set to the exercise of the President's discretion. *First*, the President, as a condition of approval, is required to find that the trade or industrial associations or groups which propose a code, "impose no inequitable restrictions on admission to membership" and are "truly representative". That condition, however, relates

<sup>14</sup> Act of July 26, 1866, c. 262, 14 Stat. 251; *Jackson v. Roby*, 109 U. S. 440, 441; *Erhardt v. Boaro*, 113 U. S. 527, 535; *Butte City Water Co. v. Baker*, 196 U. S. 119, 126.

<sup>15</sup> Act of March 2, 1893, c. 196, 27 Stat. 531; *St. Louis & Iron Mountain Railway Co. v. Taylor*, 210 U. S. 281, 286.

only to the status of the initiators of the new laws and not to the permissible scope of such laws. *Second*, the President is required to find that the code is not "designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them". And, to this is added a proviso that the code "shall not permit monopolies or monopolistic practices". But these restrictions leave virtually untouched the field of policy envisaged by section one, and, in that wide field of legislative possibilities, the proponents of a code, refraining from monopolistic designs, may roam at will and the President may approve or disapprove their proposals as he may see fit. That is the precise effect of the further finding that the President is to make—that the code "will tend to effectuate the policy of this title". While this is called a finding, it is really but a statement of an opinion as to the general effect upon the promotion of trade or industry of a scheme of laws. These are the only findings which Congress has made essential in order to put into operation a legislative code having the aims described in the "Declaration of Policy."

Nor is the breadth of the President's discretion left to the necessary implications of this limited requirement as to his findings. As already noted, the President in approving a code may impose his own conditions, adding to or taking from what is proposed, as "in his discretion" he thinks necessary "to effectuate the policy" declared by the Act. Of course, he has no less liberty when he prescribes a code on his own motion or on complaint, and he is free to prescribe one if a code has not been approved. The Act provides for the creation by the President of administrative agencies to assist him, but the action or reports of such agencies, or of his other assistants,—their recommendations and findings in relation to the making of codes—have no sanction beyond the will of the President, who may accept, modify or reject them as he pleases. Such recommendations or findings in no way limit the authority which section 3 undertakes to vest in the President with no other conditions than those there specified. And this authority relates to a host of different trades and industries, thus extending the President's discretion to all the varieties of laws which he may deem to be beneficial in dealing with the vast array of commercial and industrial activities throughout the country.

Such a sweeping delegation of legislative power finds no support in the decisions upon which the Government especially relies. By the Interstate Commerce Act, Congress has itself provided a code of laws regulating the activities of the common carriers subject to the Act, in order to assure the performance of their services upon just and reasonable terms, with adequate facilities and without unjust discrimination. Congress from time to time has elaborated its requirements, as needs have been disclosed. To facilitate the application of the standards prescribed by the Act, Congress has provided an expert body. That administrative agency, in dealing with particular cases, is required to act upon notice and hearing, and its orders must be supported by findings of fact which in turn are sustained by evidence. *Interstate Commerce Commission v. Louisville & Nashville Railroad Company* 227 U. S. 88; *Florida v. United States*, 282 U. S. 194; *United States v. Baltimore & Ohio Railroad Company*, 293 U. S. 454. When the Commission is author-

ized to issue for the construction, extension or abandonment of lines, a certificate of "public convenience and necessity", or to permit the acquisition by one carrier of the control of another, if that is found to be "in the public interest", we have pointed out that these provisions are not left without standards to guide determination. The authority conferred has direct relation to the standards, prescribed for the service of common carriers and can be exercised only upon findings, based upon evidence, with respect to particular conditions of transportation. *New York Central Securities Company v. United States*, 287 U. S. 12, 24, 25; *Texas & Pacific Railway Co. v. Gulf, Colorado & Santa Fe Railway Co.*, 270 U. S. 266, 273; *Chesapeake & Ohio Railway Co. v. United States*, 283 U. S. 35, 42.

Similarly, we have held that the Radio Act of 1927<sup>16</sup> established standards to govern radio communications and, in view of the limited number of available broadcasting frequencies, Congress authorized allocation and licenses. The Federal Radio Commission was created as the licensing authority, in order to secure a reasonable equality of opportunity in radio transmission and reception. The authority of the Commission to grant licenses "as public convenience, interest or necessity require" was limited by the nature of radio communications, and by the scope, character and quality of the services to be rendered and the relative advantages to be derived through distribution of facilities. These standards established by Congress were to be enforced upon hearing, and evidence, by an administrative body acting under statutory restrictions adapted to the particular activity. *Radio Commission v. Nelson Brothers Co.*, 289 U. S. 266.

In *Hampton & Company v. United States*, 276 U. S. 394, the question related to the "flexible tariff provision" of the Tariff Act of 1922.<sup>17</sup> We held that Congress had described its plan "to secure by law the imposition of customs duties on articles of imported merchandise which should equal the difference between the cost of producing in a foreign country the articles in question and laying them down for sale in the United States, and the cost of producing and selling like or similar articles in the United States". As the differences in cost might vary from time to time, provision was made for the investigation and determination of these differences by the executive branch so as to make "the adjustments necessary to conform the duties to the standard underlying that policy and plan". *Id.*, pp. 404, 405. The Court found the same principle to be applicable in fixing customs duties as that which permitted Congress to exercise its rate-making power in interstate commerce, "by declaring the rule which shall prevail in the legislative fixing of rates" and then remitting "the fixing of such rates" in accordance with its provisions "to a rate-making body". *Id.*, p. 409. The Court fully recognized the limitations upon the delegation of legislative power. *Id.*, pp. 408-411.

To summarize and conclude upon this point: Section 3 of the Recovery Act is without precedent. It supplies no standards for any trade, industry or activity. It does not undertake to prescribe rules of conduct to be applied to particular states of fact determined by appropriate administrative procedure. Instead of prescribing

<sup>16</sup> Act of February 23, 1927, c. 169, 44 Stat. 1162, as amended by the Act of March 28, 1928, c. 263, 45 Stat. 373.

<sup>17</sup> Act of September 21, 1922, c. 356, Title III, sec. 315, 42 Stat. 858, 941.

rules of conduct, it authorizes the making of codes to prescribe them. For that legislative undertaking, section 3 sets up no standards, aside from the statement of the general aims of rehabilitation, correction and expansion described in section one. In view of the scope of that broad declaration, and of the nature of the few restrictions that are imposed, the discretion of the President in approving or prescribing codes, and thus enacting laws for the government of trade and industry throughout the country, is virtually unfettered. We think that the code-making authority thus conferred is an unconstitutional delegation of legislative power.

*Second. The question of the application of the provisions of the Live Poultry Code to intrastate transactions.* Although the validity of the codes (apart from the question of delegation) rests upon the commerce clause of the Constitution, Section 3 (a) is not in terms limited to interstate and foreign commerce. From the generality of its terms, and from the argument of the Government at the bar, it would appear that section 3 (a) was designed to authorize codes without that limitation. But under section 3 (f) penalties are confined to violations of a code provision "in any transaction in or affecting interstate or foreign commerce". This aspect of the case presents the question whether the particular provisions of the Live Poultry Code, which the defendants were convicted for violating and for having conspired to violate, were within the regulating power of Congress.

These provisions relate to the hours and wages of those employed by defendants in their slaughterhouses in Brooklyn and to the sales there made to retail dealers and butchers.

(1) Were these transactions "*in*" interstate commerce? Much is made of the fact that almost all the poultry coming to New York is sent there from other States. But the code provisions, as here applied, do not concern the transportation of the poultry from other States to New York, or the transactions of the commission men or others to whom it is consigned, or the sales made by such consignees to defendants. When defendants had made their purchases, whether at the West Washington Market in New York City or at the railroad terminals serving the City, or elsewhere, the poultry was trucked to their slaughterhouses in Brooklyn for local disposition. The interstate transactions in relation to that poultry then ended. Defendants held the poultry at their slaughterhouse markets for slaughter and local sale to retail dealers and butchers who in turn sold directly to consumers. Neither the slaughtering nor the sales by defendants were transactions in interstate commerce. *Brown v. Houston*, 114 U. S. 622, 632, 633; *Public Utilities Commission v. Landon*, 249 U. S. 236, 245; *Industrial Association v. United States*, 268 U. S. 64, 78, 79; *Atlantic Coast Line v. Standard Oil Co.*, 275 U. S. 257, 267.

The undisputed facts thus afford no warrant for the argument that the poultry handled by defendants at their slaughterhouse markets was in a "*current*" or "*flow*" of interstate commerce and was thus subject to congressional regulation. The mere fact that there may be a constant flow of commodities into a State does not mean that the flow continues after the property has arrived and has become commingled with the mass of property within the State and is there held solely for local disposition and use. So far as the poultry here in question is concerned, the flow in interstate commerce has ceased.

The poultry had come to a permanent rest within the State. It was not held, used, or sold by defendants in relation to any further transactions in interstate commerce and was not destined for transportation to other States. Hence, decisions which deal with a stream of interstate commerce—where goods come to rest within a State temporarily and are later to go forward in interstate commerce—and with the regulations of transactions involved in that practical continuity of movement, are not applicable here. See *Swift & Company v. United States*, 196, U. S. 375, 387, 388; *Lemke v. Farmers Grain Company*, 258, U. S. 50, 55; *Stafford v. Wallace*, 258 U. S. 495, 519; *Chicago Board of Trade v. Olsen*, 262 U. S. 1, 35; *Tagg. Bros. & Moorhead v. United States*, 280 U. S. 420, 439.

(2) Did the defendant's transactions directly "affect" interstate commerce so as to be subject to federal regulation? The power of Congress extends not only to the regulation of transactions which are part of interstate commerce, but to the protection of that commerce from injury. It matters not that the injury may be due to the conduct of those engaged in intrastate operations. Thus, Congress may protect the safety of those employed in interstate transportation "no matter what may be the source of the dangers which threaten it". *Southern Railway Company v. United States*, 222 U. S. 20, 27. We said in *Second Employers' Liability Cases*, 223 U. S. 1, 51, that it is the "effect upon interstate commerce", not "the source of the injury", which is "the criterion of congressional power". We have held that, in dealing with common carriers engaged in both interstate and intrastate commerce, the dominant authority of Congress necessarily embraces the right to control their intrastate operations in all matters having such a close and substantial relation to interstate traffic that the control is essential or appropriate to secure the freedom of that traffic from interference or unjust discrimination and to promote the efficiency of the interstate service. *The Shreveport Case*, 234 U. S. 342, 351, 352; *Wisconsin Railroad Commission v. Chicago, Burlington & Quincy R. R. Co.*, 257 U. S. 563, 588. And combinations and conspiracies to restrain interstate commerce, or to monopolize any part of it, are none the less within the reach of the Anti-Trust Act because the conspirators seek to attain their end by means of intrastate activities. *Coronado Coal Company v. United Mine Workers*, 268, U. S. 295, 310; *Bedford Company v. Stonecutters Association*, 274 U. S. 37, 46.

We recently had occasion, in *Local 167 v. United States*, 291 U. S. 293, to apply this principle in connection with the live poultry industry. That was a suit to enjoin a conspiracy to restrain and monopolize interstate commerce in violation of the Anti-Trust Act. It was shown that marketmen, teamsters and slaughterers (shochtim) had conspired to burden the free movement of live poultry into the metropolitan area in and about New York City. Marketmen had organized an association, had allocated retailers among themselves, and had agreed to increase prices. To accomplish their objects, large amounts of money were raised by levies upon poultry sold, men were hired to obstruct the business of dealers who resisted, wholesalers and retailers were spied upon and by violence and other forms of intimidation were prevented from freely purchasing live poultry. Teamsters refused to handle poultry for recalcitrant marketmen and members of the shochtim union re-

fused to slaughter. In view of the proof of that conspiracy, we said that it was unnecessary to decide when interstate commerce ended and when intrastate commerce began. We found that the proved interference by the conspirators "with the unloading, the transportation, the sales by marketmen to retailers, the prices charged and the amount of profits exacted" operated "substantially and directly to restrain and burden the untrammelled shipment and movement of the poultry" while unquestionably it was in interstate commerce. The intrastate acts of the conspirators were included in the injunction because that was found to be necessary for the protection of interstate commerce against the attempted and illegal restraint. *Id.*, pp. 297, 299, 300.

The instant case is not of that sort. This is not a prosecution for a conspiracy to restrain or monopolize interstate commerce in violation of the Anti-Trust Act. Defendants have been convicted, not upon direct charges of injury to interstate commerce or of interference with persons engaged in that commerce, but of violations of certain provisions of the Live Poultry Code and of conspiracy to commit these violations. Interstate commerce is brought in only upon the charge that violations of these provisions—as to hours and wages of employees and local sales—"affected" interstate commerce.

In determining how far the federal government may go in controlling intrastate transactions upon the ground that they "affect" interstate commerce, there is a necessary and well-established distinction between direct and indirect effects. The precise line can be drawn only as individual cases arise, but the distinction is clear in principle. Direct effects are illustrated by the railroad cases we have cited, as *e. g.*, the effect of failure to use prescribed safety appliances on railroads which are the highways of both interstate and intrastate commerce, injury to an employee engaged in interstate transportation by the negligence of an employee engaged in an intrastate movement, the fixing of rates for intrastate transportation which unjustly discriminate against interstate commerce. But where the effect of intrastate transactions upon interstate commerce is merely indirect, such transactions remain within the domain of state power. If the commerce clause were construed to reach all enterprises and transactions which could be said to have an indirect effect upon interstate commerce, the federal authority would embrace practically all the activities of the people and the authority of the State over its domestic concerns would exist only by sufferance of the federal government. Indeed, on such a theory, even the development of the State's commercial facilities would be subject to federal control. As we said in the *Minnesota Rate Cases*, 230 U. S. 352, 410: "In the intimacy of commercial relations, much that is done in the superintendence of local matters may have an indirect bearing upon interstate commerce. The development of local resources and the extension of local facilities may have a very important effect upon communities less favored and to an appreciable degree alter the course of trade. The freedom of local trade may stimulate interstate commerce, while restrictive measures within the police power of the State enacted exclusively with respect to internal business, as distinguished from interstate traffic, may in their reflex or indirect influence diminish the latter and reduce the volume of articles transported

into or out of the State". See, also, *Kidd v. Pearson*, 128 U. S. 1, 21; *Heisler v. Thomas Colliery Co.*, 260 U. S. 245, 259, 260.

The distinction between direct and indirect effects has been clearly recognized in the application of the Anti-Trust Act. Where a combination or conspiracy is formed, with the intent to restrain interstate commerce or to monopolize any part of it, the violation of the statute is clear. *Coronado Coal Company v. United Mine Workers*, 268 U. S. 295, 310. But where that intent is absent, and the objectives are limited to intrastate activities, the fact that there may be an indirect effect upon interstate commerce does not subject the parties to the federal statute, notwithstanding its broad provisions. This principle has frequently been applied in litigation growing out of labor disputes. *United Mine Workers v. Coronado Coal Company*, 259 U. S. 344, 410, 411; *United Leather Workers v. Herkert*, 265 U. S. 457, 464-467; *Industrial Association v. United States*, 268 U. S. 64, 82; *Levering & Garrigues Co. v. Morrin*, 289 U. S. 103, 107, 108. In the case last cited we quoted with approval the rule that had been stated and applied in *Industrial Association v. United States*, *supra*, after review of the decisions, as follows: "The alleged conspiracy and the acts here complained of, spent their intended and direct force upon a local situation,—for building is as essentially local as mining, manufacturing or growing crops,—and if, by resulting diminution of the commercial demand, interstate trade was curtailed either generally or in specific instances, that was a fortuitous consequence so remote and indirect as plainly to cause it to fall outside the reach of the Sherman Act".

While these decisions related to the application of the federal statute, and not to its constitutional validity, the distinction between direct and indirect effects of intrastate transactions upon interstate commerce must be recognized as a fundamental one, essential to the maintenance of our constitutional system. Otherwise as we have said, there would be virtually no limit to the federal power and for all practical purposes we should have a completely centralized government. We must consider the provisions here in question in the light of this distinction.

The question of chief importance relates to the provisions of the Code as to the hours and wages of those employed in defendants' slaughterhouse markets. It is plain that these requirements are imposed in order to govern the details of defendants' management of their local business. The persons employed in slaughtering and selling in local trade are not employed in interstate commerce. Their hours and wages have no direct relation to interstate commerce. The question of how many hours these employees should work and what they should be paid differs in no essential respect from similar questions in other local businesses which handle commodities brought into a State and there dealt in as a part of its internal commerce. This appears from an examination of the considerations urged by the Government with respect to conditions in the poultry trade. Thus, the Government argues that hours and wages affect prices; that slaughterhouse men sell at a small margin above operating costs; that labor represents 50 to 60 per cent of these costs; that a slaughterhouse operator paying lower wages or reducing his cost by exacting long hours of work, translates his saving into lower prices; that this results in demands for a cheaper grade of goods; and that the cutting of prices brings about



a demoralization of the price structure. Similar conditions may be adduced in relation to other businesses. The argument of the Government proves too much. If the federal government may determine the wages and hours of employees in the internal commerce of a State, because of their relation to cost and prices and their indirect effect upon interstate commerce, it would seem that a similar control might be exerted over other elements of cost, also affecting prices, such as the number of employees, rents, advertising, methods of doing business, etc. All the processes of production and distribution that enter into cost could likewise be controlled. If the cost of doing an intrastate business is in itself the permitted object of federal control, the extent of the regulation of cost would be a question of discretion and not of power.

The Government also makes the point that efforts to enact state legislation establishing high labor standards have been impeded by the belief that unless similar action is taken generally, commerce will be diverted from the States adopting such standards, and that this fear of diversion has led to demands for federal legislation on the subject of wages and hours. The apparent implication is that the federal authority under the commerce clause should be deemed to extend to the establishment of rules to govern wages and hours in intrastate trade and industry generally throughout the country, thus overriding the authority of the States to deal with domestic problems arising from labor conditions in their internal commerce.

It is not the province of the Court to consider the economic advantages or disadvantages of such a centralized system. It is sufficient to say that the Federal Constitution does not provide for it. Our growth and development have called for wide use of the commerce power of the federal government in its control over the expanded activities of interstate commerce, and in protecting that commerce from burdens, interferences, and conspiracies to restrain and monopolize it. But the authority of the federal government may not be pushed to such an extreme as to destroy the distinction, which the commerce clause itself establishes, between commerce "among the several States" and the internal concerns of a State. The same answer must be made to the contention that is based upon the serious economic situation which led to the passage of the Recovery Act,—the fall in prices, the decline in wages and employment, and the curtailment of the market for commodities. Stress is laid upon the great importance of maintaining wage distributions which would provide the necessary stimulus in starting "the cumulative forces making for expanding commercial activity". Without in any way disparaging this motive, it is enough to say that the recuperative efforts of the federal government must be made in a manner consistent with the authority granted by the Constitution.

We are of the opinion that the attempt through the provisions of the Code to fix the hours and wages of employees of defendants in their intrastate business was not a valid exercise of federal power.

The other violations for which defendants were convicted related to the making of local sales. Ten counts, for violation of the provision as to "straight killing", were for permitting customers to make "selections of individual chickens taken from particular coops and half coops". Whether or not this practice is good or bad for the local trade, its effect, if any, upon interstate commerce was only in-

direct. The same may be said of violations of the Code by intrastate transactions consisting of the sale "of an unfit chicken" and of sales which were not in accord with the ordinances of the City of New York. The requirement of reports as to prices and volumes of defendants' sales was incident to the effort to control their intrastate business.

In view of these conclusions, we find it unnecessary to discuss other questions which have been raised as to the validity of certain provisions of the Code under the due process clause of the Fifth Amendment.

On both the grounds we have discussed, the attempted delegation of legislative power, and the attempted regulation of intrastate transactions which affect interstate commerce only indirectly, we hold the code provisions here in question to be invalid and that the judgment of conviction must be reversed.

*No. 854—reversed.*

*No. 864—affirmed.*

# SUPREME COURT OF THE UNITED STATES

Nos. 854 and 864.—OCTOBER TERM, 1934.

A. L. A. Schechter Poultry Corporation,  
Schechter Live Poultry Market,  
Joseph Schechter, Martin Schechter,  
Alex Schechter, and Aaron Schech-  
ter, Petitioners,

854 *vs.*  
The United States of America.

The United States of America,  
Petitioner,

864 *vs.*  
A. L. A. Schechter Poultry Corpora-  
tion, Martin Schechter, Alex Schech-  
ter, and Aaron Schechter.

On Writs of Certiorari to  
the United States Circuit  
Court of Appeals for the  
Second Circuit.

[May 27, 1935.]

Mr. Justice CARDOZO, concurring.

The delegated power of legislation which has found expression in this code is not canalized within banks that keep it from overflowing. It is unconfined and vagrant, if I may borrow my own words in an earlier opinion. *Panama Refining Co. v. Ryan*, 293 U. S. 388, 440.

This court has held that delegation may be unlawful though the act to be performed is definite and single, if the necessity, time and occasion of performance have been left in the end to the discretion of the delegate. *Panama Refining Co. v. Ryan, supra*. I thought that ruling went too far. I pointed out in an opinion that there had been, "no grant to the Executive of any roving commission to inquire into evils and then, upon discovering them, do anything he pleases." 293 U. S. at p. 435. Choice, though within limits, had been given him "as to the occasion, but none whatever as to the means." *Ibid*. Here, in the case before us, is an attempted delegation not confined to any single act nor to any class or group of acts identified or described by reference to a standard. Here in effect is a roving commission to inquire into evils and upon discovery correct them.

I have said that there is no standard, definite or even approximate, to which legislation must conform. Let me make my meaning more precise. If codes of fair competition are codes eliminating "unfair" methods of competition ascertained upon inquiry to prevail in one industry or another, there is no unlawful delegation of legislative functions when the President is directed to in-

quire into such practices and denounce them when discovered. For many years a like power has been committed to the Federal Trade Commission with the approval of this court in a long series of decisions. Cf. *Federal Trade Commission v. Keppel & Bro.*, 291 U. S. 304, 312; *Federal Trade Commission v. Raladam Co.*, 283 U. S. 643, 648; *Federal Trade Commission v. Gratz*, 253 U. S. 421. Delegation in such circumstances is born of the necessities of the occasion. The industries of the country are too many and diverse to make it possible for Congress, in respect of matters such as these, to legislate directly with adequate appreciation of varying conditions. Nor is the substance of the power changed because the President may act at the instance of trade or industrial associations having special knowledge of the facts. Their function is strictly advisory; it is the *imprimatur* of the President that begets the quality of law. *Doty v. Love*, 294 U. S. —. When the task that is set before one is that of cleaning house, it is prudent as well as usual to take counsel of the dwellers.

But there is another conception of codes of fair competition, their significance and function, which leads to very different consequences, though it is one that is struggling now for recognition and acceptance. By this other conception a code is not to be restricted to the elimination of business practices that would be characterized by general acceptance as oppressive or unfair. It is to include whatever ordinances may be desirable or helpful for the well-being or prosperity of the industry affected. In that view, the function of its adoption is not merely negative, but positive; the planning of improvements as well as the extirpation of abuses. What is fair, as thus conceived, is not something to be contrasted with what is unfair or fraudulent or tricky. The extension becomes as wide as the field of industrial regulation. If that conception shall prevail, anything that Congress may do within the limits of the commerce clause for the betterment of business may be done by the President upon the recommendation of a trade association by calling it a code. This is delegation running riot. No such plenitude of power is susceptible of transfer. The statute, however, aims at nothing less, as one can learn both from its terms and from the administrative practice under it. Nothing less is aimed at by the code now submitted to our scrutiny.

The code does not confine itself to the suppression of methods of competition that would be classified as unfair according to accepted business standards or accepted norms of ethics. It sets up a comprehensive body of rules to promote the welfare of the industry, if not the welfare of the nation, without reference to standards, ethical or commercial, that could be known or predicted in advance of its adoption. One of the new rules, the source of ten counts in the indictment, is aimed at an established practice, not unethical or oppressive, the practice of selective buying. Many others could be instanced as open to the same objection if the sections of the code were to be examined one by one. The process of dissection will not be traced in all its details. Enough at this time to state what it reveals. Even if the statute itself had fixed the meaning of fair competition by way of contrast with practices that are oppressive or unfair, the code outruns the bounds of the authority conferred. What is excessive is not sporadic or superficial. It is deep-seated

and pervasive. The licit and illicit sections are so combined and welded as to be incapable of severance without destructive mutilation.

But there is another objection, far-reaching and incurable, aside from any defect of unlawful delegation.

If this code had been adopted by Congress itself, and not by the President on the advice of an industrial association, it would even then be void unless authority to adopt it is included in the grant of power "to regulate commerce with foreign nations and among the several states." United States Constitution, Art. I, Sec. 8, Clause 3.

I find no authority in that grant for the regulation of wages and hours of labor in the intrastate transactions that make up the defendants' business. As to this feature of the case little can be added to the opinion of the court. There is a view of causation that would obliterate the distinction between what is national and what is local in the activities of commerce. Motion at the outer rim is communicated perceptibly, though minutely, to recording instruments at the center. A society such as ours "is an elastic medium which transmits all tremors through its territory; the only question is of their size." Per Learned Hand, J., in the court below. The law is not indifferent to considerations of degree. Activities local in their immediacy do not become interstate and national because of distant repercussions. What is near and what is distant may at times be uncertain. Cf. *Board of Trade v. Olsen*, 262 U. S. 1. There is no penumbra of uncertainty obscuring judgment here. To find immediacy or directness here is to find it almost everywhere. If centripetal forces are to be isolated to the exclusion of the forces that oppose and counteract them, there will be an end to our federal system.

To take from this code the provisions as to wages and the hours of labor is to destroy it altogether. If a trade or an industry is so predominantly local as to be exempt from regulation by the Congress in respect of matters such as these, there can be no "code" for it at all. This is clear from the provisions of § 7a of the Act with its explicit disclosure of the statutory scheme. Wages and the hours of labor are essential features of the plan, its very bone and sinew. There is no opportunity in such circumstances for the severance of the infected parts in the hope of saving the remainder. A code collapses utterly with bone and sinew gone.

I am authorized to state that Mr. Justice STONE joins in this opinion.



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**ADDENDA**

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THE UNIVERSITY OF CHICAGO

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**EXECUTIVE ORDERS**

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## EXECUTIVE ORDER

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### TERMINATING THE NATIONAL INDUSTRIAL RECOVERY BOARD AND RE-ORGANIZING THE NATIONAL RECOVERY ADMINISTRATION

By virtue of and pursuant to the authority vested in me by Title I of the National Industrial Recovery Act (48 Stat. 195), as amended by Senate Joint Resolution 113, approved June 14, 1935, it is hereby ordered as follows:

1. The National Industrial Recovery Board created by Executive Order No. 6859 of September 27, 1934, is hereby terminated, and to provide for the continuing administration of the provisions of Title I of the National Industrial Recovery Act there is hereby created the office of Administrator of the National Recovery Administration.

2. The Administrator of the National Recovery Administration shall administer the provisions of Title I of the National Industrial Recovery Act as amended by Senate Joint Resolution 113, approved June 14, 1935, and may exercise all of those powers heretofore conferred by Executive Order upon the National Industrial Recovery Board, subject to the limitations upon such powers contained in the said Senate Joint Resolution 113, and subject also to the further provisions of this Executive Order. The Administrator is authorized, under the direction of the President, to appoint, employ, discharge, and fix the compensation, define the duties, and direct the conduct of such officers and employees as may be necessary for such administration. I hereby appoint James L. O'Neill as Acting Administrator of the National Recovery Administration.

3. For the further administration of Title I of the National Industrial Recovery Act as amended, there is hereby established the Division of Review. The Division of Review shall assemble, analyze, and report upon the statistical information and records of experience of the operations of the various trades and industries heretofore subject to codes of fair competition, shall study the effects of such codes upon trade, industrial and labor conditions in general, and other related matters, shall make available for the protection and promotion of the public interest an adequate review of the effects of the administration of Title I of the National Industrial Recovery Act, and the principles and policies put into effect thereunder, and shall otherwise aid the President in carrying out his functions under the said Title. I hereby appoint Leon C. Marshall Director of the Division of Review.

4. There is hereby established the Division of Business Cooperation, the function and purpose of which shall be to aid in the voluntary maintenance by trade and industrial groups of standards of fair competition, in the elimination of unfair competition in the em-

ployment of labor or in trade practices, and in maintaining sources of information and records of experience useful in the work of the Division of Review, and to otherwise assist in effectuating, so far as possible, the policies of the National Industrial Recovery Act as amended. I hereby appoint Prentiss L. Coonley Director of the Division of Business Cooperation.

5. The Administrator of the National Recovery Administration, the Director of the Division of Review, and the Director of Business Cooperation and all other officers appointed by this Order shall serve under the direction of the President and shall be paid such compensation as he shall fix, and the Administrator shall proceed forthwith to reduce as rapidly as possible the number of persons now employed in the administration of Title I of the National Industrial Recovery Act to the number necessary to perform the duties of such Administration as herein, or hereafter, prescribed, and in so doing he shall make proper provision for the allowance of accumulated leave for employees entitled thereto, facilitate the transfer of employees whose services may be desired by other agencies or departments of the Government, and protect the continuity of the administration for its future usefulness in effectuating the policies and purposes of Title I of the National Industrial Recovery Act as amended. I hereby appoint George L. Berry Assistant to the Administrator of the National Recovery Administration to represent labor.

6. There is hereby established an Advisory Council in aid of the National Recovery Administration, and I hereby appoint as members of the said Council: Charles Edison, Howell Cheney, Philip Murray, William Green, Emily Newell Blair, and Walton H. Hamilton.

7. All orders and regulations heretofore issued concerning the administration of Title I of the National Industrial Recovery Act are hereby modified to the extent necessary to make this order fully effective.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,

*June 15, 1935.*

[No. 7075]

## EXECUTIVE ORDER

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CONTINUING IN EFFECT EXECUTIVE ORDERS ISSUED UNDER TITLE I OF THE NATIONAL INDUSTRIAL RECOVERY ACT AND EXTENDING THE EXISTENCE OF AGENCIES CREATED BY SUCH ORDERS UNTIL APRIL 1, 1936

WHEREAS Senate Joint Resolution 113, approved June 14, 1935, extends until April 1, 1936, the provisions of Title I of the National Industrial Recovery Act as amended by said Joint Resolution, and

WHEREAS the President has heretofore issued various Executive Orders under and pursuant to the authority conferred upon him by the provisions of the said Title I, the effective period of which Executive Orders is limited directly by the said orders or by the said Title I to June 16, 1935, and

WHEREAS it is necessary and desirable to maintain the continuity of the agencies established, the requirements imposed, and the other activities heretofore authorized by such Executive Orders so far as consistent with the provisions of the said Title I as amended:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by Title I of the National Industrial Recovery Act (48 Stat. 195) as amended and extended by Senate Joint Resolution 113 approved June 14, 1935, it is hereby ordered that all existing Executive Orders heretofore issued under and by virtue of the authority vested in me by Title I of the National Industrial Recovery Act be, and they are, hereby amended so as to continue them in effect and to extend their operation, and also to extend the authority and activities of any agency created thereunder until April 1, 1936, so far as consistent with the provisions of the National Industrial Recovery Act as amended and extended, subject, however, to any limitation, modification, or cancellation the President may hereafter make by Executive Order: *Provided*, however, that this order shall not be construed as an exercise by the President of any authority, or as authorizing any person or agency acting under authority conferred by the President, to approve or prescribe codes of fair competition, to provide for the enforcement of such codes, or to take any other action not authorized by the provisions of the said Title I of the National Industrial Recovery Act as amended.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,  
June 15, 1935.

(No. 7076)

(407)

## EXECUTIVE ORDER

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### REORGANIZING THE CONSUMERS' AGENCIES WITHIN THE NATIONAL EMERGENCY COUNCIL AND THE NATIONAL RECOVERY ADMINISTRATION

By virtue of and pursuant to the authority vested in me by the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (Public Resolution No. 11, 74th Congress), and by Title I of the National Industrial Recovery Act (48 Stat. 195) as amended by Senate Joint Resolution 113, approved June 14, 1935 (Public Resolution No. 26, 74th Congress), it is ordered as follows:

SECTION 1. The office of Adviser on Consumers' Problems is hereby re-created, and the Adviser shall be a member of the National Emergency Council. Walton H. Hamilton is hereby appointed Adviser on Consumers' Problems.

SECTION 2. A Consumers' Division is hereby established within the National Recovery Administration, the function and purpose of which Division shall be to stimulate interest in the problems of the consumer, to review public policy in so far as it relates to the consumer, and in general to suggest ways and means to promote larger and more economical production of useful goods and facilitate the maintenance and betterment of the American standard of living. The Director of the Consumers' Division shall further define objectives, plan a program of activities including research and the dissemination of information, choose a technical and administrative staff, and subject to the approval of the Administrator of the National Recovery Administration, supervise the activities of the Division. Walton H. Hamilton is hereby appointed Director of the Consumers' Division of the National Recovery Administration.

SECTION 3. The functions heretofore performed by the Consumers' Advisory Board of the National Recovery Administration, the Consumers' Division of the National Emergency Council, and the Cabinet Committee on Price Policy are hereby transferred to the Consumers' Division of the National Recovery Administration. The supervision of the work of the Consumers' County Councils is hereby transferred from the Consumers' Division of the National Emergency Council to the Consumers' Division of the National Recovery Administration. All records of the said organizations are hereby transferred to the Consumers' Division of the National Recovery Administration.

SECTION 4. Subject to the approval of the Administrator of the National Recovery Administration the Director of the Consumers' Division is authorized to select from the staffs of the aforementioned organizations for positions in the Consumers' Division such persons as he may deem useful to him in the activities of the Consumers' Division, and to select an Advisory Board or Boards.

SECTION 5. The Director of the Consumers' Division shall serve under the direction of the President and shall report to him from time to time upon the activities of the Division.

SECTION 6. All orders and regulations heretofore issued concerning the Administration of Title I of the National Industrial Recovery Act are hereby modified to the extent necessary to make this order fully effective.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,  
*July 30, 1935.*

[No. 7120]

two. For example, one may have the same number of particles, but a different number of energy levels. For instance, if the number of particles is small, then the number of energy levels is small, and the system is more ordered. If the number of particles is large, then the number of energy levels is large, and the system is more disordered. This is the basic idea behind entropy, which is a measure of the number of possible states of a system. In the case of a gas, the number of particles is large, and the number of energy levels is also large, so the system is highly disordered. In the case of a solid, the number of particles is large, but the number of energy levels is small, so the system is more ordered.

Let us now consider the case of a gas.

[200] 011



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**ADMINISTRATIVE ORDERS**

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ADMINISTRATIVE ORDER NO. X-111-2

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APPOINTING MEMBERS OF THE NATIONAL SHELTERED WORKSHOP  
COMMITTEE

WHEREAS, Administrative Order No. X-111-1 provided that the term and tenure of office of the members of the National Sheltered Workshop Committee should be at the will and pleasure of the National Industrial Recovery Board; and

WHEREAS, the said Administrative Order No. X-111-1 appointed the members of the said National Sheltered Workshop Committee to 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 might subsequently order; and

WHEREAS, it is desirable and necessary that the members of the said National Sheltered Workshop Committee continue in office in order to develop and administer a program which will result in the continuance of the benefits which have heretofore accrued to sheltered workshops and to competing industries as a result of the National Industrial Recovery Act and the activities of the said National Sheltered Workshop Committee.

NOW, THEREFORE, pursuant to the authority vested in me by Executive Order No. 7075 dated June 15, 1935, and otherwise, it is hereby ordered that the following members of the National Sheltered Workshop Committee are appointed to succeed themselves as members of such Committee and are to continue in office until my further order, and are to perform such functions and duties as I may hereafter designate:

Colonel John N. Smith, Jr.  
Edward Hochhauser  
Rt. Rev. Msgr. John O'Grady  
Peter J. Salmon  
Oliver A. Friedman  
Oscar M. Sullivan

JAMES L. O'NEIL,

*Acting Administrator of the National Recovery Administration.*

Approval recommended:

LINTON M. COLLINS,

*Acting Division Administrator.*

WASHINGTON, D. C.,

June 17, 1935.

ADMINISTRATIVE ORDER NO. X-18-2

CERTIFICATION AND EXEMPLIFICATION OF DOCUMENTS, OFFICIAL  
CLERKS DESIGNATED AND REAPPOINTED

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By virtue of authority vested in me, it is hereby ordered that paragraph C of Administrative Order No. X-18, dated April 11, 1934, as amended by Administrative Order No. X-18-1, dated April 13, 1935, be and it is hereby further amended to read as follows:

“C. Clara M. Richardson is hereby appointed Official Certification Clerk, and Winidred A. Evers and Mary V. Griffith are hereby appointed Assistant Official Certification Clerks, and such officers or their successors in office, are hereby authorized, severally, to certify or exemplify true and correct copies of any books, records, papers or documents, codes, agreements, orders, rules or regulations of the National Recovery Administration in my name, place and stead under said seal.”

JAMES L. O'NEILL,  
*Acting Administrator of the  
National Recovery Administration.*

WASHINGTON, D. C.,  
*June 27, 1935.*

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**INDEX**

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# I N D E X

Code No.	Industry	Date	Volume	Page
438	Abrasive Grain.....	5-21-34	X	303
	Amendment, No. 1.....	9-13-34	XVI	371
	Hazardous occupations, Approval of a list of.....	11- 6-34	XVIII	698
189	Abrasives, Coated ( <i>see also</i> Coated Abrasives)....	12-30-33	IV	549
299	Academic Costume.....	2-19-34	VII	209
	Amendment, No. 1.....	4- 1-35	XXII	295
329	Accessories, Upholstery Spring and ( <i>see also</i> Upholstery Spring and Accessories).....	3-10-34	VII	605
380	Accessories, Used Textile Machinery and — Distributing Trade ( <i>see also</i> Used Textile Machinery and Accessories Distributing Trade).....	4- 4-34	IX	81
432	Accounting, Specialty — Supply Manufacturing ( <i>see also</i> Specialty Accounting Supply Manufacturing).....	5-17-34	X	211
155	Acetylene, Oxy- ( <i>see also</i> Oxy-Acetylene).....	12-15-33	IV	61
521	Act. ( <i>See</i> National Industrial Recovery Act.)			
	Adhesive and Ink.....	9-19-34	XVII	19
	Adjustment, Amendments to Bulletin No. 7, for handling and — of complaints.....	4- 6-34	IX	901
	Administration:			
	Administrator:			
	Johnson, Appointment of Hugh S.....	6-16-33	I	711
	Amendments, modifications, etc., from approved codes, Delegation of authority to prescribe procedure for securing.....	2- 8-34	VI	654
	Certification and exemplification of Documents, Delegation of authority to prescribe rules and regulations for.....	11-18-33	I	656
	Code Authorities, Appointment to serve temporarily as a member of each.....	9-29-33	I	733
	Emblems and insignia, Delegation of authority to prescribe rules and regulations for display of.....	10-14-33	VI	646
	Expenses of code administration, Delegation of authority to prescribe rules and regulations for the collection of.....	4-14-34	IX	879
	50,000 employees, Delegating power of code approval for industries employing — or less.....	12-30-33	IV	689
	Hearings, personnel and their compensation, Delegation of authority relevant to.....	7-15-33	V	763
	Modification of Presidential Agreements, Delegation of authority to affect.....	11-23-33	III	657
	Posting of code provisions, Delegation of authority to prescribe rules and regulations pertinent to.....	2- 8-34	VI	655
	Stay application of codes if petition is made within 10 days after effective date, Delegation of authority to.....	7-15-33	I	715

Code No.	Industry	Date	Volume	Page
	Administration—Continued.			
	Basic Code.....	7-10-34	XIII	734
	Amplification of previous provisions.....	7-10-34	XIII	730
	Grocery Manufacturing, Offering a — to.....	9-21-34	XVII	485
	Providing supplementary provisions.....	7-10-34	XIII	739
	Board. (See National Industrial Recovery Board.)			
	Bulletin board, Establishing the Official.....	1- 6-34	V	768
	Bulletin board and hearings, Providing for... Bulletin, No. 7. (See Bulletin, No. 7.)	12-21-33	IV	687
	Certification and exemplification of Docu- ments, Designation of clerks and proce- dure for the.....	4-11-34	IX	910
	Code Authorities, Agents, Attorneys, etc., Prescribing regulations governing removal and disqualification from service of.....	1-14-35	XX	456
	Code Blue Eagle Regulations, Creation, dis- play and penalty.....	4-12-34	IX	914
	Collective bargaining, Rules and regulations relevant to.....	2- 1-34	VI	652
	Enforcement of.....	2-23-34	VII	708
	Compliance and Enforcement Director au- thorized to adjudicate questions involving government contracts and contracts in- volving government funds.....	12-15-34	XIX	650
	Contractors, Government — must comply with approved Codes of Fair Competi- tion.....	8-10-33	I	729
	Cooperatives. (See Cooperatives.)			
	Expenses of code administration, Providing rules and regulations pertinent to the col- lection of.....	4-14-34	IX	916
	Rescinding previous order and new rules provided.....	5-26-34	X	987
	Federal Alcohol Control Administration, Delegating further functions and powers to the.....	8-21-34	XV	624
	Handicapped workers. (See Labor Pro- visions.)			
	Hearings and bulletin board, Providing for... Hospitals, Sales to. (See Hospitals.)	12-21-33	IV	687
	Industrial Relations Committees for indus- tries operating under approved codes.....	3-30-34	IX	890
	Labels, Rules and regulations concerning — bearing Emblems or Insignia of the N. R. A.....	1-17-34	V	778
	Labor provisions. (See Labor Provisions.)			
	National Industrial Recovery Board. (See National Industrial Recovery Board.)			
	National Labor Board. (See National Labor Board.)			
	Piece-workers, Interpreting provisions in codes which extend minimum hourly rates of pay to.....	1- 4-35	XX	434
	Safety and Health Standards, Force of pro- visions subsequent to approval by Admin- istrator.....	6-15-34	XII	638
	Secretary of Agriculture. (See Secretary of Agriculture.)			
	Secretary of the Interior. (See Secretary of the Interior.)			



Code No.	Industry	Date	Volume	Page
	Administration—Continued. Sheltered Workshops. ( <i>See</i> Sheltered Workshops.) Territories. ( <i>See</i> Territories.)			
	Administrative Officer, Conferring of authority by the National Industrial Recovery Board upon the	9-28-34	XVII	524
532	Administrator's Territorial Cooperation Agreement, Approval of	8-27-34	XVI	522
240	Advertising, Car — Trade ( <i>see also</i> Car Advertising Trade)	11-22-34	XIX	1
	Advertising Display Installation	1-30-34	V	601
	Code Authority, Extension of time for election of permanent	5-15-34	X	968
	Suspension of Code, Partial	5-28-34	XI	797
297	Advertising Distributing Trade	2-17-34	VII	187
	Code Authority, Extension of time to elect permanent	3-30-34	IX	888
	Code Authority, Extension of time for election of permanent	5- 5-34	X	956
	Suspension of Code, Partial	5-28-34	XI	797
	Advertising Metal Sign and Display Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 17)	4-20-34	IX	869
304	Advertising Newspapers. ( <i>See</i> Graphic Arts.)			
	Advertising, Outdoor — Trade ( <i>See also</i> Outdoor Advertising Trade)	2-24-34	VII	273
65	Advertising Specialty Manufacturing	10-31-33	II	97
	Amendment, No. 1	1-15-35	XX	239
	Wage and Hour Provisions, Requiring posting of—for the Graphic Arts Code by the	6-26-34	XII	664
	Wage and hours, Continuance of basic agreement relevant to	10-17-34	XVIII	637
	Advertising Topography. ( <i>See</i> Graphic Arts.)			
	Agents, Code Authorities, Attorneys, etc., Prescribing regulations governing removal and disqualification from service of	1-14-35	XX	456
	Agreement, Approval of Administrator's Territorial Cooperation ( <i>see also</i> Administrator's Territorial Cooperation Agreement)	8-27-34	XVI	522
	Agricultural Insecticide and Fungicide ( <i>see also</i> Chemical Manufacturing Supplement, No. 1)	5- 1-34	X	685
55	Air, Compressed ( <i>see also</i> Compressed Air)	10-11-33	I	653
	Air Conditioning, Heating, Piping, and — Contractors'. ( <i>See also</i> Construction Supplement No. 16)	7-25-34	XIV	331
	Air Filter ( <i>see also</i> Machinery and Allied Products Supplement, No. 32)	7-21-34	XIII	671
472	Air Register, Warm ( <i>see also</i> Warm Air Register)	6-28-34	XII	145
111	Air Transport	11-14-33	III	1
	Amendment, No. 1	9-12-34	XVI	355
	Amendment, No. 2	12-10-34	XIX	379
	Amendment, No. 3	2-26-35	XXI	425
	Hazardous occupations, Approving a list of	8-16-34	XVIII	607
376	Air Valve	3-31-34	IX	25
	Amendment, No. 1	2-19-35	XXI	397
137	Air, Warm — Furnace Manufacturing ( <i>see also</i> Warm Air Furnace Manufacturing)	11-27-33	III	461
	Alcohol, Delegating further functions and powers to the Federal — Control Administration	8-21-34	XV	624

Code No.	Industry	Date	Volume	Page
	Alcohol, Industrial ( <i>see also</i> Chemical Manufacturing Supplement, No. 3)-----	8-21-34	XV	557
	Alcoholic Beverage Importing (Labor Provision)-----	7-17-34	XIII	483
	Alcoholic Beverage Wholesale (Labor Provisions)-----	5-22-34	X	601
	All-Cotton Clothing Linings Division. ( <i>See</i> Cotton Textile Supplement, No. 1.)-----			
347	Allied Products, Machinery and ( <i>see also</i> Machinery and Allied Products)-----	3-17-34	VIII	231
112	All-metal Insect Screen-----	11-14-33	III	9
237	Alloy Casting-----	1-30-34	V	563
	Amendment, No. 1-----	7-22-34	XIII	473
	Amendment, No. 2-----	8-29-34	XVI	189
	Amendment, No. 3-----	9-27-34	XVII	223
	Expenses of Code Administration, Exemption from Order relevant to collection of-----	7-18-34	XIII	758
515	Alloys-----	9- 5-34	XVI	99
	Amendment, No. 1-----	12-18-34	XIX	415
	Alloys, Copper, Brass, Bronze, and Related — Trade ( <i>see also</i> Wholesaling or Distributing Trade Supplement, No. 21)-----			
443	Alloys, Nickel and Nickel ( <i>see also</i> Nickel and Nickel Alloys)-----	8-13-34	XV	511
470	Aluminum-----	5-24-34	X	381
	Jurisdictional interpretation in conjunction with the Electrical Manufacturing Industry-----	6-26-34	XII	113
	Trade Practice provisions suspended-----	11- 5-34	XVIII	692
	Trial period, Approved for a further-----	3-21-35	XXII	590
	Extended-----	10- 8-34	XVII	543
	Extended-----	1- 5-35	XX	435
	Extended-----	2-21-35	XXI	621
	Extended-----	4- 6-35	XXII	640
	Aluminum Permanent Mold Castings Division. ( <i>See</i> Non-Ferrous Foundry.)-----			
268	Aluminum, Secondary ( <i>see also</i> Secondary Aluminum)-----	2- 8-34	VI	305
	Ambulance, Funeral Vehicle and (Supplement to Automobile Manufacturing)-----			
215	American Glassware-----	11- 8-33	II	671
	Automatic Glassware Division-----	1-16-34	V	257
	Automatic Tumbler Glassware Division-----	1-16-34	V	257
	Automobile Glassware Division-----	1-16-34	V	257
	Blown Glassware Division-----	1-16-34	V	257
	Blown Table Glassware Division-----	1-16-34	V	257
	Glassware Cutting and Decorating Division-----	1-16-34	V	257
	Illuminating Glassware Division-----	1-16-34	V	257
	Lamp Chimneys and Lantern Globes Division-----	1-16-34	V	257
	Miscellaneous Glassware Division-----	1-16-34	V	257
	Pressed Glassware Division-----	1-16-34	V	257
	Scientific Glassware Division-----	1-16-34	V	257
	Technical and Industrial Glassware Division-----	1-16-34	V	257
	Minimum Wage Schedules, Extension of time to file recommendations for-----	6-15-34	XII	633
	Wage schedules, Extending time to file recommendations as to minimum-----	5-17-34	X	975
	American Leather Belting Division. ( <i>See</i> Leather Industry Amendment, No. 1.)-----			
195	American Match-----	12-30-33	IV	621
	Amendment, No. 1-----	4-24-34	X	445
	Hazardous occupations, Approving a list of-----	3-19-35	XXII	586
	Price declines, Stay of provisions relevant to-----	1-25-35	XXI	557

Code No.	Industry	Date	Volume	Page
85	American Petroleum Equipment.....	11- 2-33	II	339
	Selling practices, Equitable adjustments with the Wire Rope and Strand Manufacturing Industry for.....	3- 2-35	XXI	645
354	Ammunition, Small Arms and — Manufacturing (see also Small Arms and Ammunition Manufacturing).....	3-22-34	VIII	347
504	Animal Glue.....	8-23-34	XV	101
253	Animal Soft Hair.....	2- 2-34	VI	97
	Amendment, No. 1.....	10-10-34	XVIII	121
138	Anti-Friction Bearing.....	11-27-33	III	473
	Amendment, No. 1.....	7-31-34	XIV	213
	Amendment, No. 2.....	11-19-34	XIX	223
536	Apparatus, Chlorine Control — Industry and Trade (see also Chlorine Control Apparatus Industry and Trade).....	12-18-34	XIX	55
415	Apparel Codes Label Council, Recognition and definition of powers and duties.....	5-15-35	XXIII	358
	Appendix:			
	Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating: Cosmetic Container Manufacturing, No. 6.....	2-12-35	XXI	479
	Fitting up charges, Extending stay relevant to.....	3- 8-35	XXII	562
	Fireplace Furnishings Manufacturing, No. 3.....	12-21-34	XX	319
	Fly Swatter Manufacturing, No. 1.....	9- 7-34	XVI	413
	Industrial Wire Cloth Manufacturing, No. 5.....	2- 8-35	XXI	469
	Metal Safety Tread Manufacturing, No. 7.....	2-15-35	XXI	487
	Budget and Expenditure rules stated.....	5- 6-35	XXIII	320
	Metal Spinning and Stamping Manufacturing, No. 2.....	11-22-34	XIX	453
	Mine Tool Manufacturing, No. 4.....	1- 4-35	XX	327
236	Appliance, Cooking and Heating — Manufacturing (see also Cooking and Heating Appliance Manufacturing).....	1-30-34	V	549
	Appliance, Liquid Fuel — Manufacturing (see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 53).....	9-24-34	XVII	419
	Appliance, Locomotive (see also Machinery and Allied Products Supplement, No. 12).....	6- 5-34	XI	645
	Appliance, Locomotive — Subdivision. (See Machinery and Allied Products Amendment, No. 3.).....			
	Appliance, Railway — Manufacturing (see also Machinery and Allied Products Supplement, No. 39).....	8- 1-34	XIV	523
	Appliances, Railway Car (see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 5).....	2- 9-34	VI	637
198	Appliance, Railway Safety (see also Railway Safety Appliance).....	1-12-34	V	33
	Appointment:			
	Central Statistical Board.....	7-27-33	I	724
	Hugh S. Johnson (see also Administration).....	6-16-33	I	711
	Sheltered Workshops Committe. (See Sheltered Workshops.)			

Code No.	Industry	Date	Volume	Page
	Apprentice training, Application of Labor Provisions of Codes of Fair Competition affecting--	6-27-34	XII	613
	Apprentices and Learners, Interpretation of provisions in various codes prescribing term of employment of-----	3-15-35	XXII	579
	Appropriation, Expenditures out of allocations from the — for National Industrial Recovery--	3-27-34	VIII	863
	Aprons Division. ( <i>See</i> Leather Industry Amendment, No. 1.)			
	Arch, Locomotive — Refractories Division. ( <i>See</i> Refractories.)			
	Archery. ( <i>See</i> Athletic Goods Manufacturing.)			
	Arches, Suspended Walls and — Division. ( <i>See</i> Refractories.)			
	Architectural, Ornamental, and Miscellaneous Iron, Bronze, Wire, and Metal Specialties Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 55)-----	11-20-34	XIX	479
354	Arms, Small — and Ammunition Manufacturing ( <i>see also</i> Small Arms and Ammunition Manufacturing)-----	3-22-34	VIII	347
335	Art Needlework-----	3-16-34	VIII	75
	Amendment, No. 1-----	7-17-34	XIII	329
	Amendment, No. 2-----	2-15-35	XXI	361
	Label requirements, Stay relevant to-----	3-30-35	XXII	614
29	Artificial Flower and Feather-----	9-18-33	I	381
	Amendment, No. 1-----	8-14-34	XV	293
	Amendment, No. 2-----	10-31-34	XVIII	433
	Approving overtime work on certain conditions for the — Industry-----	2-21-34	VII	715
	Denial of Application for exemption by Kaplan Brothers-----	11- 4-33	II	701
514	Artificial Limb Manufacturing-----	8-28-34	XVI	85
	Amendment, No. 1-----	3-30-35	XXII	263
	Artistic Lighting Equipment Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 37)-----	6-28-34	XII	509
	Artistic Light Equipment Manufacturing: Price lists, Stay of provisions relevant to-----	5-10-35	XXIII	335
287	Arts, Graphic ( <i>see also</i> Graphic Arts)-----	2-17-34	VII	1
554	Arts, Graphic — Industry In The Territory of Hawaii ( <i>see also</i> Graphic Arts Industry in The Territory of Hawaii)-----	3- 7-35	XXII	1
80	Asbestos-----	11- 1-33	II	273
	Asbestos Cement Products Division-----	11- 1-33	II	273
	Asbestos Paper and Allied Products Division-----	11- 1-33	II	273
	Asbestos Magnesia Products Division-----	11- 1-33	II	273
	Asbestos Textile Products Division-----	11- 1-33	II	273
	Brake Lining and Related Friction Products Division-----	11- 1-33	II	273
	Amendment, No. 1-----	4-27-34	X	479
	Brake Lining Division, Merchandising Plan, Approving amendment to the-----	10- 1-34	XVII	528
	Brake Lining Division, Merchandising Plan, Approving amendment to the-----	1-21-35	XX	469
	Brake Lining and Related Friction Products Division, Approving a Merchandising Plan for the-----	8- 8-34	XV	637
	Brake Lining and Related Friction Products Division, Merchandising Plan approved for the-----	4-29-35	XXIII	292

Code No.	Industry	Date	Volume	Page
191	Ashes, Cinders, —, and Scavenger Trade ( <i>see also</i> Cinders, Ashes, and Scavenger Trade).....	12-30-33	IV	569
150	Asphalt and Mastic Tile.....	12- 7-33	III	617
	Amendment, No. 1.....	7-20-34	XIII	421
	Costs, Staying code provisions relevant to prices covering installation.....	8-13-34	XV	661
99	Asphalt Shingle and Roofing Manufacturing.....	11- 6-33	II	523
	Amendment, No. 1.....	3-21-35	XXII	203
510	Assembled Watch.....	8-27-34	XVI	21
	Sale terms stayed.....	5- 2-35	XXIII	303
	Terms of sale, Denying a stay relevant to.....	3- 6-35	XXII	558
	Terms, Stay of code provisions subject to compliance with Wholesale Jewelry.....	10-29-34	XVIII	674
	Wages and hours, Granting temporary stay of provisions relevant to.....	12- 7-34	XIX	635
239	Assembling, Porcelain Breakfast Furniture ( <i>see also</i> Porcelain Breakfast Furniture Assembling).....	1-30-34	V	587
	Assessment, Establishing single — principle for establishments engaged in Retail Distribution.....	1- 7-35	XX	437
	Assessment, Qualified exemption of principal line retail establishments from Code Authority.....	4-11-35	XXII	652
	Athletic Goods Distributing Trade ( <i>see also</i> Wholesaling or Distributing Trade Supplement, No. 13).....	7-17-34	XIII	619
254	Athletic Goods Manufacturing.....	2- 2-34	VI	107
	Archery Division.....	2- 2-34	VI	107
	Badminton Division.....	2- 2-24	VI	107
	Balls Division.....	2- 2-34	VI	107
	Baseball Division.....	2- 2-34	VI	107
	Basket Ball Division.....	2- 2-34	VI	107
	Boxing Division.....	2- 2-34	VI	107
	Crickets Division.....	2- 2-34	VI	107
	Emblems Division.....	2- 2-34	VI	107
	Equipment Division.....	2- 2-34	VI	107
	Field Athletics Division.....	2- 2-34	VI	107
	Golf Division.....	2- 2-34	VI	107
	Handball Division.....	2- 2-34	VI	107
	Football Division.....	2- 2-34	VI	107
	Hockey Division.....	2- 2-34	VI	107
	La Crosse Division.....	2- 2-34	VI	107
	Letters Division.....	2- 2-34	VI	107
	Pennants Division.....	2- 2-34	VI	107
	Polo Division.....	2- 2-34	VI	107
	Racquets Division.....	2- 2-34	VI	107
	Shoe Division.....	2- 2-34	VI	107
	Squash Division.....	2- 2-34	VI	107
	Rugby Football Division.....	2- 2-34	VI	107
	Soccer Division.....	2- 2-34	VI	107
	Tennis Division.....	2- 2-34	VI	107
	Track Division.....	2- 2-34	VI	107
	Uniforms Division.....	2- 2-34	VI	107
	Volley Ball Division.....	2- 2-34	VI	107
	Water Polo Division.....	2- 2-34	VI	107
	Wrestling Division.....	2- 2-34	VI	107
	Amendment, No. 1.....	5-31-34	XI	369
	Amendment, No. 2.....	10- 9-34	XVII	379
	Home work, Partial stay of labor provisions relevant to.....	2-21-35	XXI	622
	Athletic Underwear Manufacturers Division. ( <i>See</i> Cotton Garment.)			
	Atlantic Mackerel Fishing ( <i>see also</i> Fishery Supplement, No. 4).....	5- 3-34	X	711

Code No.	Industry	Date	Volume	Page
	Atlantic, Middle — Preparing and Wholesaling or Wholesaling ( <i>see also</i> Fishery Supplement, No. 10)	3- 8-35	XXII	495
	Attorneys, Code Authorities, Agents, etc., Prescribing regulations governing removal and disqualification from service of	1-14-35	XX	456
	Auction House, Broker and — Division. ( <i>See</i> Fur Dealing Trade Amendment, No. 2.)			
	Auction and Loose Leaf Tobacco Warehouse, Hours and wages, Granting stay of code provisions relevant to	11- 5-34	XVIII	694
	Auto, Fabric — Equipment Division. ( <i>See</i> Light Sewing Industry Except Garments.)			
544	Auto Rebuilding and Refinishing Trade	1-24-35	XXI	1
	Automatic Glassware Division. ( <i>See</i> American Glassware.)			
50	Automatic Sprinkler	10- 9-33	I	605
	Amendment, No. 1	7-20-34	XIII	425
	Cost accounting system, Approving basis of	8-24-34	XV	721
	Cost accounting system, Staying effective date of order approving	9-21-34	XVII	483
	Cost accounting system, Stay of order approving the	9- 7-34	XVI	562
	Sales, contracts, etc., Stay relevant to	4- 4-35	XXII	635
	Automatic Tumbler Glassware Division. ( <i>See</i> American Glassware.)			
	Automobile Fabrics, Proofing and Backing Division. ( <i>See</i> Rubber Manufacturing.)			
	Automobile Glassware Division. ( <i>See</i> American Glassware.)			
	Automobile Hot Water Heater Manufacturing ( <i>see also</i> Automotive Parts and Equipment Manufacturing Supplement, No. 1)	6-25-34	XII	475
17	Automobile Manufacturing	8-26-33	I	251
	Amendment, No. 1	12-18-33	IV	641
	Amendment, No. 2	1- 8-34	V	669
	Amendment, No. 3	8-31-34	XVI	223
	Amendment, No. 4	11- 2-34	XVIII	495
	Amendment, No. 5	1-31-35	XXI	203
	Automotive Board of Three, Authorization to pass on certain questions arising in Automotive Parts and Equipment Manufacturing	4-27-34	IX	936
	Board, Establishing a — of three	3-26-34	VIII	874
	Supplement, No. 1. Funeral and Ambulance Subdivisions	11- 8-33	II	671
556	Automobile, Wholesale and Retail — Sales, Supply, Repair, Maintenance and Service Industry In The Territory of Hawaii ( <i>see also</i> Wholesale and Retail Automobile Sales, Supply, Repair, Maintenance and Service Industry In The Territory of Hawaii)	3-26-35	XXII	53
522	Automotive Chemical Specialties Manufacturing	9-27-34	XVII	33
	Classification of members	10- 5-34	XVII	538
	Hazardous occupations, Approving a list of	4-23-35	XXIII	272
105	Automotive Parts and Equipment Manufacturing	11- 8-33	II	599
	Amendment, No. 1	3-29-34	IX	635
	Amendment, No. 2	8-23-34	XV	407
	Authorization of the Automotive Board of Three to pass on certain questions arising in	4-27-34	IX	936
	Classification of members	10- 5-34	XVII	538

Code No.	Industry	Date	Volume	Page
105	Automotive Parts and Equipment Manufacturing—Continued.			
	Supplement, No. 1, for Automobile Hot Water Heater Manufacturing.....	6-25-34	XII	475
	Amendment, No. 1.....	10-23-34	XVIII	289
	Supplement, No. 2, for Replacement Axle Shaft Manufacturing.....	7- 3-34	XII	533
	Amendment, No. 1.....	11- 9-34	XIX	145
	Supplement, No. 3, for Leaf Spring Manufacturing.....	7-18-34	XIII	631
	Amendment, No. 1.....	5-11-35	XXIII	157
	Supplement, No. 4, for Wheel and Rim Manufacturing.....	10-24-34	XVIII	573
	Amendment, No. 1.....	4-23-35	XXIII	13
	Supplement, No. 5, for Carburetor Manufacturing.....	10-24-34	XVIII	585
	Supplement, No. 6, for Oil Filter Manufacturing.....	10-26-34	XVIII	595
	Supplement, No. 7, for Automotive Shop Equipment Manufacturing.....	11-30-34	XIX	505
	Supplement, No. 8, for Powdered Metal Bearing Manufacturing.....	12-18-34	XIX	517
	Supplement, No. 9, for Gasket Manufacturing.....	12-20-34	XX	333
	Supplement, No. 10, Radiator Manufacturing.....	2- 1-35	XXI	509
	Automotive Shop Equipment Manufacturing (see also Automotive Parts and Equipment Manufacturing Supplement, No. 7).....	11-30-34	XIX	505
163	Automotive, Wholesale—Trade (see also Wholesale Automotive Trade).....	12-18-33	IV	185
242	Auxiliary, Marine—Machinery (see also Marine Auxiliary Machinery).....	1-30-34	V	625
513	Aviation, Commercial (see also Commercial Aviation).....	8-28-34	XVI	69
	Axe Division. (See Tool and Implement Manufacturing Industry Supplement.)			
	Axle Shaft, Replacement—Manufacturing.....	7- 3-34	XII	533
	Backing, Automobile Fabrics, Proofing and—Division. (See Rubber Manufacturing.)			
284	Backwall, Pottery Supplies and— and Radiant (see also Pottery Supplies and Backwall and Radiant).....	2-16-34	VI	539
	Badminton. (See Athletic Goods Manufacturing.)			
	Bag Case and Strap Division. (See Leather Amendment, No. 2.)			
	Bag, Hand—Frame Manufacturing (see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 45).....	8- 1-34	XIV	463
230	Bag, Paper—Manufacturing (see also Paper Bag Manufacturing).....	1-26-34	V	461
	Bag, Transparent— and Envelope Division. (See Transparent Materials Converters.)			
267	Bag, Used Textile (see also Used Textile Bag)---	2- 8-34	VI	295
27	Bag, Textile (see also Textile Bag).....	9-18-33	I	361
	Bakers', Retail—Division. (See Baking.)			
	Bakery Equipment Manufacturing (see also Machinery and Allied Products Supplement, No. 29).....	7-13-34	XIII	595

Code No.	Industry	Date	Volume	Page
445	Baking	5-28-34	XI	1
	Cake Bakers' Division	5-28-34	XI	1
	House to house Bakers' Division	5-28-34	XI	1
	Local Wholesale Bakers' Division	5-28-34	XI	1
	Multiple Unit Retail Bakers' Division	5-28-34	XI	1
	Multistate Bakers' Division	5-28-34	XI	1
	Pie Bakers' Division	5-28-34	XI	1
	Retail Bakers' Division	5-28-34	XI	1
	Specialty Bakers'—Dark Bread Division	5-28-34	XI	1
	Specialty Bakers'—White Bread Division	5-28-34	XI	1
	Amendment, No. 1	6-16-34	XII	247
	Amendment, No. 2	9-27-34	XVII	227
	Amendment, No. 3	12-18-34	XIX	419
	Amendment, No. 4	2-13-35	XXI	331
	Amendment, No. 5	3-27-35	XXII	253
	Amendment, No. 6	4-30-35	XXIII	39
	Code Authority, Staying effective date and increasing time for the — to file reports	6-16-34	XII	611
	Exemption, Denying application of the Code Authority for the Restaurant Industry for an	10-20-34	XVIII	652
	Little Rock, Arkansas, and North Little Rock, Arkansas, Population decision for	1-26-35	XXI	563
	Revocation	4- 4-35	XXII	636
	Mutilation of returns, Approving method of	11-19-34	XIX	580
	Price lists, Extending stay relevant to	10- 6-34	XVII	541
	Price lists, Stay of code provisions for multiple unit retail bakers from provisions requiring filing of	10-15-34	XVIII	624
	Price Lists, Stay of code provisions relevant to	7-19-34	XIII	763
	Report of Code Authority on labor, hour and wage provisions, Extending time for the	11-22-34	XIX	594
539	Baking Industry in Puerto Rico	12-21-34	XX	1
207	Ball Clay Production	1-16-34	V	165
	Balls. (See Athletic Goods Manufacturing.)			
	Banana and Dry Cleaner or Garment Delivery Bag Division. (See Paper Bag Manufacturing.)			
273	Band Instrument Manufacturing	2-10-34	VI	369
	Amendment, No. 1	4-13-35	XXII	407
	Hazardous occupations, Approving a list of	9-27-34	XVII	511
	Bank and Commercial Stationery. (See Graphic Arts.)			
411	Bank and Security Vault Manufacturing	5- 1-34	IX	539
	Amendment, No. 1	4- 8-35	XXII	391
47	Bankers	10- 3-33	I	575
	Amendment, No. 1	1-22-34	V	677
	Amendment, No. 2	11-28-34	XIX	293
	Stay of effective date of Article VIII	12-11-33	IV	696
141	Bankers, Investment (see also Investment Bankers)	11-27-33	III	509
52	Bankers, Mutual Savings. (see also Mutual Savings Bankers)	10- 9-33	I	623
	Barber, Beauty and — Equipment and Supplies Trade (see also Wholesaling or Distributing Trade Supplement, No. 4)	4- 4-34	IX	803
286	Barber, Beauty and — Shop Mechanical Equipment Manufacturing (see also Beauty and Barber Shop Mechanical Equipment Manufacturing)	2-16-34	VI	569
398	Barber Shop Trade	4-19-34	IX	331
	Suspension of Code, Partial	5-28-34	XI	797



Code No.	Industry	Date	Volume	Page
	Barber Supplies, Beauty and — Division. ( <i>See</i> Wholesaling or Distributing Trade.)			
	Barrel, Standard Steel — and Drum Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 26)	5-16-34	X	921
	Baseball. ( <i>See</i> Athletic Goods Manufacturing.)			
	Basic Code	7-10-34	XIII	734
	Amplification of previous provisions	7-10-34	XIII	730
	Grocery Manufacturing, Offering a — to the	9-21-34	XVII	485
	Providing supplementary provisions	7-10-34	XIII	739
	Basic Refractories Division. ( <i>See</i> Refractories.)			
	Basket Ball. ( <i>See</i> Athletic Goods Manufacturing.)			
40	Battery, Electric Storage and Wet Primary ( <i>see also</i> Electric Storage and Wet Primary Battery)	10- 3-33	I	499
410	Battery, Retail Rubber Tire and — Trade ( <i>see also</i> Retail Rubber Tire and Battery Trade)	5- 1-34	IX	519
417	Batting and Padding	5- 5-34	X	1
404	Batting, Dry Goods Cotton ( <i>see also</i> Dry Goods Cotton Batting)	4-21-34	IX	441
	Beamers, Rayon Yarn Winders, Warpors, Slashers and — Division. ( <i>See</i> Textile Processing Amendment, No. 3.)			
	Bean, Vanilla — Division. <i>See</i> (Natural Organic Products).			
138	Bearing, Anti-Friction ( <i>see also</i> Anti-Friction Bearing)	11-27-33	III	473
	Bearing, Powdered Metal — Manufacturing ( <i>see also</i> Automotive Parts and Equipment Manufacturing Supplement, No. 8)	12-18-34	XIX	517
233	Bearings, Railway Brass Car and Locomotive Journal — and Castings Manufacturing ( <i>see also</i> Railway Brass Car and Locomotive Journal Bearings and Castings Manufacturing)	1-29-34	V	511
	Beater and Jordan and Allied Equipment ( <i>see also</i> Machinery and Allied Products Supplement, No. 7)	5-14-34	X	871
286	Beauty and Barber Equipment Manufacturing	2-16-34	VI	569
	Amendment, No. 1	9- 1-34	XVI	255
	Amendment, No. 2	4-15-35	XXII	439
	Label provisions, Stay granted relevant to	5-14-35	XXIII	352
	Beauty and Barber Supplies Division. ( <i>See</i> Wholesaling or Distributing Trade.)			
	Beauty and Barber Equipment and Supplies Trade ( <i>see also</i> Wholesaling or Distributing Trade Supplement, No. 4)	4-4 -34	IX	803
	Beauty and Barber Shop Mechanical Equipment Manufacturing—(Changed to Beauty and Barber Equipment Manufacturing.)			
219	Bedding Manufacturing	1-23-34	V	311
	Amendment, No. 1	6-29-34	XII	337
	Amendment, No. 2	7-10-34	XIII	251
	Amendment, No. 3	7-27-34	XIV	139
	Amendment, No. 4	7-31-34	XIV	217
451	Bedsread, Candlewick ( <i>see also</i> Candlewick Bedsread)	6- 1-34	XI	111
79	Bedsreads, Novelty Curtain, Draperies — and Novelty Pillow ( <i>see also</i> Novelty Curtain, Draperies, Bedsreads and Novelty Pillow)	11- 1-33	II	263
	Bed, Temporary limitation of hours of machine operation in the Wide — Sheetting Group of the. ( <i>See</i> Cotton Textile Industry.)			

Code No.	Industry	Date	Volume	Page
	Beech, Maple, —, and Birch Flooring Division. (See Lumber and Timber Products.)			
302	Beeswax, Candle Manufacturing Industry and the — Bleachers and Refiners (see also Candle Manufacturing Industry and the Beeswax Bleachers and Refiners).....	2-20-34	VII	243
	Beet Sugar (Labor Provisions).....	10-27-33	II	687
422	Belt, Canvas Stitched — Manufacturing (see also Canvas Stitched Belt Manufacturing).....	5- 9-34	X	75
94	Belt, Garter, Suspender and — Manufacturing (see also Garter, Suspender and Belt Manufacturing).....	11- 4-33	II	471
	Belting, American Leather — Division. (See Leather Industry Amendment, No. 1.)			
	Belting, Leather — Division. (See Leather Amendment, No. 2.)			
	Belt, Multiple V — Drive (see also Machinery and Allied Products Supplement, No. 30).....	7-13-34	XIII	605
41	Belt, Women's (see also Women's Belt).....	10- 3-33	I	511
	Beverage, Alcoholic — Importing (Labor Provision) (see also Alcoholic Beverage Importing)	7-17-34	XIII	483
	Beverage, Alcoholic — Wholesale (Labor Provisions).....	5-22-34	X	601
334	Beverage Dispensing Equipment.....	3-16-34	VIII	59
	Amendment, No. 1.....	10- 3-34	XVII	299
	Amendment, No. 2.....	3-16-35	XXII	169
	Amendment, No. 3.....	4- 6-35	XXII	353
	Amendment, No. 4.....	5-11-35	XXIII	117
	Cabinet, Mill and Architectural Woodwork Institute, Allowing exception from the code for.....	4-17-34	XIII	723
	Cabinet, Mill and Architectural Woodwork Institute, Inclusion of — under.....	7-10-34	XIII	729
	Price lists, Staying code provisions relevant to filing of.....	10-20-34	XVIII	653
441	Bias Tape.....	5-23-34	X	343
	Amendment, No. 1.....	2- 4-35	XXI	259
	Bible Publishing Division (see also Book Publishing).			
437	Bicycle Manufacturing.....	5-21-34	X	287
	Wages above the minimum, Modification of code approval relevant to.....	12-21-34	XX	404
557	Billiard, Bowling and — Equipment Industry and Trade (see also Bowling and Billiard Equipment Industry and Trade).....	3-30-35	XXII	73
346	Billiard, Bowling and — Operating Trade (see also Bowling and Billiard Operating Trade).....	3-17-34	VIII	221
	Binder Twine Division. (See Cordage and Twine.)			
	Binding, Library. (See Graphic Arts.)			
529	Biological, Pharmaceutical and (see also Pharmaceutical and Biological).....	10-25-34	XVIII	73
	Birch, Maple, Beech, and — Flooring Division. (See Lumber and Timber Products.)			
24	Bituminous Coal.....	9-18-33	I	323
	Amendment, No. 1.....	3-31-34	IX	665
	Amendment, No. 2.....	4-22-34	X	431
	Amendment, No. 3.....	6- 4-34	XI	391
	Amendment, No. 4.....	11- 5-34	XVIII	509
	Amendment, No. 5.....	1- 8-35	XX	175
	Amendment, No. 6.....	1-25-35	XXI	169
	Amendment, No. 7.....	3-14-35	XXII	147
	Amendment, No. 8.....	3-30-35	XXII	267

Code No.	Industry	Date	Volume	Page
24	Bituminous Coal—Continued.			
	Bids, Staying application of Order relevant to — Rendered to governmental agencies..	6-27-34	XII	665
	Code Authorities, Appointment of Administration Members on Coordination Boards of the Several.....	6-21-34	XII	655
	Price schedules and/or changes, Cancellation of previous order promulgating rules governing.....	1-26-35	XXI	564
	Price schedules and/or changes, Rules governing.....	10- 2-34	XVII	531
	Revision.....	9-29-33	I	702
	Sales, Committee established to effect rules relevant to.....	3- 4-35	XXI	647
	Sales to hospitals, Disallowing special exemptions for.....	5-28-34	XI	791
	Bituminous, Cold Laid — Concrete Division, Approving. (See Crushed Stone, Sand and Gravel, and Slag Industries.)			
530	Bituminous Road Material Distributing.....	10-26-34	XVIII	87
	Amendment, No. 1.....	4-27-35	XXIII	31
505	Blackboard and Blackboard Eraser Manufacturing.....	8-23-34	XV	117
	Blackboard Slate Division. (See Slate.)			
	Blade, Hack Saw — Manufacturing (see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 8).....	3-17-34	VII	779
489	Blade, Safety Razor and Safety Razor — Manufacturing (see also Safety Razor and Safety Razor Blade Manufacturing).....	7-21-34	XIII	203
	Blankets Division. (See Wool Textile Amendment, No. 1.)			
	Blast Furnace Castings Division. (See Non-Ferrous Foundry.)			
403	Bleached Shellac Manufacturing.....	4-21-34	IX	423
	Amendment, No. 1.....	11- 5-34	XVIII	515
	Labor complaints, Approval of application for having the National Recovery Administration to handle.....	11- 3-34	XVIII	691
302	Bleachers, Candle Manufacturing Industry and the Beeswax — and Refiners (see also Candle Manufacturing Industry and the Beeswax Bleachers and Refiners).....	2-20-34	VII	243
	Bleachers, Cotton Yarn Dyers and — Division. (See Textile Processing Amendment, No. 3.)			
299	Blind, Venetian (see also Venetian Blind).....	1-24-34	V	447
	Block, Brush Handle and Brush — Division. (See Wood Turning and Shaping.)			
186	Block, End Grain Strip Wood (see also End Grain Strip Wood Block).....	12-30-33	IV	511
221	Block, Metal Hat Die and Wood Hat (see also Metal Hat Die and Wood Hat Block).....	1-23-34	V	347
368	Block, Print Roller and Print — Manufacturing (see also Print Roller and Print Block Manufacturing).....	3-26-34	VIII	541
	Block, Tackle — Manufacturing (see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement No. 11).....	3-26-34	VIII	849

Code No.	Industry	Date	Volume	Page
194	Blouse and Skirt Manufacturing-----	12-30-33	IV	605
	Amendment, No. 1-----	8- 2-34	XIV	257
	Amendment, No. 2-----	4- 2-35	XXII	333
	Amendment, No. 3-----	5- 8-35	XXIII	89
	Amendment, No. 4-----	5-14-35	XXIII	179
	Blouse, Men's and Boys' Shirt and — Division. (See Cotton Garment Amendment, No. 5.)			
238	Blower, Fan and (see also Fan and Blower)-----	1-30-34	V	575
	Blue Crab (see also Fishery Supplement, No. 5)---	5- 5-34	X	747
	Blue Eagle. See (Insignia).			
537	Blue Print and Photo Print-----	12-18-34	XIX	65
	Board, Central Statistical — Appointing of (see also Central Statistical Board)-----	7-27-33	I	702
	Board, Cork Bulletin and Display — Manufac- turers Division. (See Cork.)			
	Board, Creation of the National Industrial Rec- overy (see also National Industrial Recovery Board)-----	9-27-34	XVII	463
	Board, Creation of the National Recovery Review	3- 7-34	VII	709
	Board, Creation of the Textile Labor Relations (see also Textile Labor Relations Board)-----	9-26-34	XVII	459
	Board, Establishment and use of Official N. R. A. Bulletin-----	1- 6-34	V	768
	Board, Funds for the National Recovery Review	3- 9-34	VII	710
353	Board, Insulation (see also Insulation Board)-----	3-22-34	VIII	331
406	Boatbuilding and Boatrepairing-----	4-24-34	IX	467
414	Bobbin and Spool-----	5- 3-34	IX	579
	Amendment, No. 1-----	8- 2-34	XIV	261
258	Boiler, Cast Iron — and Cast Iron Radiator (see also Cast Iron Boiler and Cast Iron Radiator)---	2- 3-34	VI	173
38	Boiler Manufacturing-----	10- 3-33	I	481
	Amendment, No. 1-----	4-16-34	IX	723
	Amendment, No. 2-----	8-28-34	XVI	169
	Trade Practices, Extending stay pending re- port on-----	11-30-34	XIX	613
	Trade Practices, Stay amended-----	10-19-34	XVIII	647
	Trade Practices, Stay pending report on-----	9-27-34	XVII	512
	Trade Practices, Stay removed-----	12-26-34	XX	415
	Boiler, Range — Manufacturing. (See Plumb- ing Fixtures, Amendment, No. 2.)			
62	Boiler, Steel Tubular and Fire Box (see also Steel Tubular and Fire Box Boiler)-----	10-23-33	I	57
	Bonding, High Temperature — Mortars Divi- sion. (See Refractories.)			
276	Bonnaz, Pleating, Stitching and — and Hand Embroidery (see also Pleating, Stitching and Bonnaz and Hand Embroidery)-----	2-10-34	VI	403
412	Book, Loose Leaf and Blank (see also Loose Leaf and Blank Book)-----	5- 1-34	IX	551
	Book Manufacturing. (See Graphic Arts.)			
523	Book Publishing-----	10- 1-34	XVII	47
	Bible Publishing Division-----	10- 1-34	XVII	47
	Law Book Publishing Division-----	10- 1-34	XVII	47
	Medical and Allied Book Publishing Division	10- 1-34	XVII	47
	Play and Dramatic Text Publishing Division	10- 1-34	XVII	47
	Subscription and Mail Order Book Publish- ing Division-----	10- 1-34	XVII	47
	Text Book Publishing Division-----	10- 1-34	XVII	47
	Trade Book Publishing Division-----	10- 1-34	XVII	47
	Booksellers Trade (see also Retail Trade Supple- ment, No. 1)-----	4-13-34	IX	833

Code No.	Industry	Date	Volume	Page
44	Boot and Shoe Manufacturing.....	10- 3-33	I	541
	Amendment, No. 1.....	8- 9-34	XV	209
	Survey and Investigation, Appointing a committee to conduct a.....	5- 8-35	XXIII	330
	Botanical Drug Division. <i>See</i> (Natural Organic Products.)			
459	Bottled Soft Drink.....	6- 7-34	XI	225
	Deposit rules and schedule, Approving of.....	8-18-34	XV	673
	Sale, Approval of regulations to govern terms and conditions of.....	8-24-34	XV	722
246	Bottle, Paper Disc Milk — Cap ( <i>see also</i> Paper Disc Milk Bottle Cap).....	2- 1-34	VI	15
371	Bottle, Sanitary Milk — Closure ( <i>see also</i> Sanitary Milk Bottle Closure).....	3-26-34	VIII	581
379	Bottling Machinery and Equipment Manufacturing.....	4- 4-34	IX	71
557	Bowling and Billiard Equipment Industry and Trade.....	3-30-35	XXII	73
346	Bowling and Billiard Operating Trade.....	3-17-34	VIII	221
	Suspension of Code, Partial.....	5-28-34	XI	797
193	Box, Folding Paper ( <i>see also</i> Folding Paper Box).....	12-30-33	IV	591
	Box, Paper — Machinery Industry and Trade ( <i>see also</i> Packaging Machinery Industry and Trade Supplement, No. 2).....	5-21-34	XI	515
167	Box, Set Up Paper — Manufacturing ( <i>see also</i> Set Up Paper Box Manufacturing).....	12-18-33	IV	243
	Boxing. ( <i>See</i> Athletic Goods Manufacturing.)			
338	Bracket, Wooden Insulator Pin and — Manufacturing ( <i>see also</i> Wooden Insulator Pin and Bracket Manufacturing).....	3-16-34	VIII	115
	Bradford, Worsted Spinners, — System Division. ( <i>See</i> Wool Textile Amendment, No. 1.)			
69	Braid, Millinery and Dress Trimming — and Textile ( <i>see also</i> Millinery and Dress Trimming Braid and Textile).....	10-31-33	II	149
	Braided Elastic Division. ( <i>See</i> Narrow Fabrics.)			
	Braided Non-Elastic Division. ( <i>See</i> Narrow Fabrics.)			
32	Braiding, Knitting — and Wire Covering Machine ( <i>see also</i> Knitting, Braiding and Wire Covering Machine).....	10- 3-33	I	411
	Brass, Copper, —, Bronze and Related Alloys Trade ( <i>see also</i> Wholesaling or Distributing Trade Supplement, No. 21).....	8-13-34	XV	511
81	Brass, Copper and — Mill Products ( <i>see also</i> Copper and Brass Mill Products).....	11- 2-33	II	289
	Brass Forging Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 42).....	7-19-34	XIII	645
233	Brass, Railway — Car and Locomotive Journal Bearings and Castings Manufacturing ( <i>see also</i> Railway Brass Car and Locomotive Journal Bearings and Castings Manufacturing).....	1-29-34	V	511
	Brass, Sanitary — Plumbing Fittings Division. ( <i>See</i> Plumbing Fixtures.)			
7	Brassiere, Corset and ( <i>see also</i> Corset and Brassiere).....	8-14-33	I	69
	Brassiere, Corset, — and Allied Trades Fabrics Division. ( <i>See</i> Cotton Textile Supplement, No. 1.)			
535	Brattice Cloth Manufacturing.....	11-26-34	XIX	45
	Amendment, No. 1.....	4-22-35	XXII	487
	Code Authority, Authorizing the Industry to elect its own.....	2- 8-35	XXI	592
	Effective date, Extending the.....	12- 3-34	XIX	615

Code No.	Industry	Date	Volume	Page
	Bread, Specialty Bakers' — White — Division. (See Baking.)			
239	Breakfast Furniture, Porcelain — Assembling (see also Porcelain Breakfast Furniture Assembling)	1-30-34	V	587
	Brewing (Labor Provisions)----- Labor and wage provisions, Interpretation for bona fide partnerships-----	3-22-34	VIII	729
	Brick, Sleeve, Nozzle, and Runner — and Tu- yères Division. (See Refractories.)	10-11-34	XVIII	613
431	Bridge, Toll (see also Toll Bridge)-----	5-17-34	X	199
	Bright Wire Goods Manufacturing (see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Sup- plement, No. 21)-----	5- 7-34	X	781
129	Broadcasting, Radio (see also Radio Broadcast- ing)-----	11-27-33	III	353
	Broker and Auction House Division. (See Fur Dealing Trade Amendment, No. 2.)			
392	Brokerage, Real Estate (see also Real Estate Brokerage)-----	4- 9-34	IX	259
	Bronze, Architectural, Ornamental, and Mis- cellaneous Iron, — Wire and Metal Special- ties Manufacturing (see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 55)-----	11-20-34	XIX	479
	Bronze, Copper, Brass — and Related Alloys Trade (see also Wholesaling or Distributing Trade Supplement, No. 21)-----	8-13-34	XV	511
465	Broom Manufacturing----- Amendment, No. 1-----	6-18-34	XII	19
	Brush Handle and Brush Block Division. (See Wood Turning and Shaping.)	10-27-34	XVIII	381
360	Brush Manufacturing----- Household Brush Manufacturers' Division----- Industrial, Jewelers' and Dental Brush Manufacturers' Division----- Paint and Varnish Brush Manufacturers' Division----- Shaving Brush Manufacturers' Division----- Toilet Brush Manufacturers' Division----- Twisted-in-Wire Manufacturers' Division----- Wire Brush Manufacturers' Division-----	3-23-34 3-23-34 3-23-34 3-23-34 3-23-34 3-23-34 3-23-34 3-23-34	VIII VIII VIII VIII VIII VIII VIII	423 423 423 423 423 423 423
400	Buckle, Celluloid Button, — and Novelty Manufacturing (see also Celluloid Button, Buckle and Novelty Manufacturing)-----	4-20-34	IX	367
	Budgets and Basis of Contribution: Approval, Regulations requiring----- Stayed----- Rules and regulations establish----- Stay power, Delegation of abrogation and-----	2-26-35 4-18-35 4-10-35 3-29-35	XXI XXII XXII XXII	633 672 651 609
97	Buffing and Polishing Composition----- Amendment, No. 1-----	11- 4-33 8- 9-34	II XV	501 213
96	Buff and Polishing Wheel----- Amendment, No. 1-----	11-14-33 7-18-34	II XIII	491 355
	Builders, Hoist (see also Machinery and Allied Products Supplement, No. 20)-----	6-12-34	XII	403
37	Builders Supplies Trade----- Accounting Items, Approval of Uniform----- Amendment, No. 1----- Amendment, No. 2----- Costs, Modifying Modal Overhead-----	10- 3-33 12- 3-34 7-27-34 10-25-34 8-30-34	I XIX XIV XVIII XVI	469 616 143 313 539

Code No.	Industry	Date	Volume	Page
37	Builders Supplies Trade—Continued.			
	Overhead costs, Approving —, rules and regulations for the	2-17-34	VII	711
	Overhead Costs, based on cost of merchandise	4- 9-34	IX	904
	Overhead costs, Temporary approval of method of determining — for the — Trade	1- 8-34	V	769
	Sale of carload quantities, Reducing tolerance for	8-30-34	XVI	537
	Building Granite ( <i>see also</i> Construction Supplement, No. 18)	8-20-34	XV	535
33	Building Materials, Retail Lumber, Lumber Products, —, and Building Specialties ( <i>see also</i> Retail Lumber, Lumber Products, Building Materials and Building Specialties)	10- 3-33	I	417
285	Building, Railway Car ( <i>see also</i> Railway Car Building)	2-16-34	VI	551
169	Building, Savings, — and Loan Associations ( <i>see also</i> Savings, Building and Loan Associations)	12-21-33	IV	279
331	Bulk Drinking Straw, Wrapped Drinking Straw, Wrapped Toothpick, and Wrapped Manicure Stick	3-14-34	VIII	13
	Amendment, No. 1	10-16-34	XVIII	185
	Amendment, No. 2	12- 3-34	XIX	315
	Bulletin, Cork — and Display Board Manufacturers' Division. ( <i>See</i> Cork.)			
	Bulletin board, Establishing the Official	1- 6-34	V	768
	Bulletin board and hearings, Providing for	12-21-33	IV	687
	Bulletin Number 7:			
	Complaint procedure, Providing — through "officially authorized" Code Authorities	5-12-34	X	964
	Complaints, Amendments to — for handling and adjustment of	4- 6-34	IX	901
348	Burlesque Theatrical	3-20-34	VIII	257
25	Burner, Oil ( <i>see also</i> Oil Burner)	9-18-33	I	339
	Amendment, No. 1	10- 3-33	I	703
88	Business Furniture, Storage Equipment and Filing Supply	11- 4-33	II	383
	Steel Locker Division	11- 4-33	II	383
	Steel Office Furniture Division	11- 4-33	II	383
	Steel Shelving Division	11- 4-33	II	383
	Visible Filing Equipment Division	11- 4-33	II	383
	Amendment, No. 1	6-15-34	XII	239
	Filing Supply Division	6-15-34	XII	239
	Fire Resistive Safe Division	6-15-34	XII	239
	Amendment, No. 2	9-21-34	XVII	151
	Contracts with the procurement division of the U. S. Government, Stay of code provisions	7-23-34	XIV	559
	Price declines, Stay of provisions applicable to	5-26-34	X	986
	Quotations to Governmental Agencies, Exemption relevant to	7-11-34	XIII	742
	Quotations to Governmental Agencies, Stay of Code Provisions relevant to	7-20-34	XIII	766
	Schedule of Quantity, Approval of exemption from uniform	6- 7-34	XI	816
	Steel Shelving Division, Terms of sale, Granting exemption for transactions with governmental agencies	11-15-34	XIX	567

Code No.	Industry	Date	Volume	Page
88	Business Furniture, Storage Equipment and Filing Supply—Continued.			
	Steel Shelving Division, Terms of sale, Granting further exemption for transactions with governmental agencies-----	2-19-35	XXI	610
	Supplement, No. 1 for Fire Resistive Safe Cost formula, Extending time to report a-----	7-30-34	XIV	405
	Supplement, No. 2 for Filing Supply-----	11- 9-34	XIX	549
	Cost formula, Extending time to report a-----	7-30-34	XIV	391
	Discriminations and terms of sale, Temporary stay relevant to-----	11-12-34	XIX	556
66	Bus, Motor ( <i>see also</i> Motor Bus)-----	3-23-35	XXII	594
378	Butter, Peanut ( <i>see also</i> Peanut Butter)-----	10-31-33	II	107
400	Button, Celluloid —, Buckle and Novelty Manufacturing ( <i>see also</i> Celluloid Button, Buckle and Novelty Manufacturing)-----	4- 4-34	IX	55
		4-20-34	IV	367
336	Button, Covered ( <i>see also</i> Covered Button)-----	3-16-34	VIII	87
341	Button, Fiber and Metal Work Clothing — Manufacturing ( <i>see also</i> Fiber and Metal Work Clothing Button Manufacturing)-----	3-17-34	VIII	155
310	Button, Fresh Water Pearl — Manufacturing ( <i>see also</i> Fresh Water Pearl Button Manufacturing)-----	2-26-34	VII	359
	Button Jobbers' or Wholesalers' Trade ( <i>see also</i> Wholesaling or Distributing Trade Supplement, No. 15)-----	7-26-34	XIV	369
461	Button, Vegetable Ivory — Manufacturing ( <i>see also</i> Vegetable Ivory Button Manufacturing)-----	6- 9-34	XI	263
	Button. ( <i>See</i> Fresh Water Pearl Button Manufacturing, Wholesaling or Distributing Trade.)			
	Cable, Wire and — Subdivision. ( <i>See</i> Electrical Manufacturing.)			
	Cabretta, Goat and — Division. ( <i>See</i> Leather Amendment, No. 2.)			
	Cake Bakers' Division. ( <i>See</i> Baking.)			
	Calf and Kip Division. ( <i>See</i> Leather Amendment, No. 2.)			
	California Sardine Processing ( <i>see also</i> Fishery Supplement, No. 3)-----	4-24-34	X	645
305	Can, Fibre — and Tube ( <i>see also</i> Fibre Can and Tube)-----	2-24-34	VII	285
	Can Labeling and Can Casing Machinery Industry and Trade ( <i>see also</i> Packaging Machinery Industry and Trade Supplement, No. 1)-----	5- 5-34	X	767
152	Can Manufacturers-----	12-15-33	IV	15
	Amendment, No. 1-----	2- 8-35	XXI	293
	Canned Salmon Industry exempted from-----	2-27-35	XXI	636
	Territorial exemptions from Codes for-----	7-23-34	XIV	563
	Can, Milk and Ice Cream — Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 30)-----	5-17-34	XI	481
266	Canal, Inland Water Carrier Trade in the Eastern Division of the United States Operating Via the New York — System ( <i>see also</i> Inland Water Carrier Trade in the Eastern Division of the United States Operating Via the New York Canal System)-----	2- 6-34	XI	281
	Cancellation:			
	Cinders, Ashes and Scavenger Trade-----	12-19-34	XIX	459
302	Candle Manufacturing Industry and the Beeswax Bleachers and Refiners-----	2-20-34	VII	243
	Amendment, No. 1-----	12-22-34	XX	119



Code No.	Industry	Date	Volume	Page	
451	Candlewick Bedspread.....	6- 1-34	XI	111	
	Homeworkers wages, Continuing stay for.....	10- 3-34	XVII	534	
463	Homeworkers wages, Continuing stay of the scale for.....	10-25-34	XVIII	661	
	Homeworkers wages, Staying scale for.....	8-28-34	XVI	529	
	Candy Manufacturing.....	6-11-34	XI	301	
	Amendment, No. 1.....	3-21-35	XXII	209	
	Code Authority, Staying one administrative provision applicable to the.....	2-21-35	XXI	623	
	Distressed Merchandise, Approval of rules and regulations governing sale of.....	1- 2-35	XX	425	
	Jurisdictional interpretation for "cough drops".....	5- 2-35	XXIII	305	
	Sale and distribution, Stay of provisions relevant to — certain types of merchandise.....	6-21-34	XII	652	
	Trade Practice Provision, Extending stay of one.....	7-22-34	XIII	768	
	Wage adjustments above the minimum, Staying time limit for equitable.....	8-24-34	XV	723	
429	Candy Stick Division. ( <i>See</i> Wood Turning and Shaping.)				
	Canned Salmon.....	5-15-34	X	167	
	Amendment, No. 1.....	4-13-35	XXII	413	
	Brokerage and commission provisions, Stay relevant to.....	5- 6-35	XXIII	317	
	Guarantee against price declines, Stay of code provisions applicable to.....	10-27-34	XVIII	672	
	Labor provisions, Approving standard.....	4-13-35	XXII	663	
	Members exempted from the code for Can Manufacturers.....	2-27-35	XXI	636	
	Wages, Extending time to report on minimum.....	11- 6-34	XVIII	700	
	446	Canning.....	5-29-34	XI	25
		Amendment, No. 1.....	8-30-34	XVI	213
Amendment, No. 2.....		9-17-34	XVII	105	
Amendment, No. 3.....		1-15-35	XX	245	
Amendment, No. 4.....		2-16-35	XXI	373	
Bulk Kraut Manufacturers included under the code.....		12- 6-34	XIX	631	
Bulk Kraut Packers, Granting partial exemption relevant to hours of labor for.....		1-16-35	XX	461	
Buyer classification, Stay of provisions applicable to.....		11-16-34	XIX	569	
Clam packing, Jurisdictional interpretation subjecting — to the code for.....		11-14-34	XIX	559	
Clam packing, Jurisdictional interpretation subjecting — to the code for.....		11-14-34	XIX	563	
Piece rate, Granting optional.....		8-27-34	XVI	526	
Piece rates for tomato peeling, Optional exemption.....		4- 5-35	XXII	638	
Canning, New England Sardine ( <i>see also</i> Fishery Supplement, No. 8).....		12-18-34	XIX	527	
75		Canning and Packing Machinery.....	10-31-33	II	219
		Amendment, No. 1.....	1-27-34	V	689
	Amendment, No. 2.....	7-18-34	XIII	389	
333	Canvas Goods.....	3-16-34	VIII	41	
	Cost Accounting, Sales and Price Listings, Partial stay relevant to.....	1- 2-35	XX	427	
	Cost Accounting, Sales and Price Listing, Postponing partial stay relevant to.....	1- 7-35	XX	436	
	Labor provisions, Extending time for Committee Report on.....	6-11-34	XI	825	

Code No.	Industry	Date	Volume	Page
	Canvas Lug Straps Division. ( <i>See</i> Leather Industry Amendment, No. 1.)			
422	Canvas Stitched Belt Manufacturing-----	5- 9-34	X	75
	Amendment, No. 1-----	2-14-35	XXI	347
58	Cap and Closure-----	10-20-33	II	1
	Amendment, No. 1-----	12-20-34	XX	95
457	Cap and Cloth Hat-----	6- 5-34	XI	193
	Amendment, No. 1-----	11-15-34	XIX	193
	Hours for the starting and stoppage of work, Designating uniform-----	11-22-34	XIX	595
246	Cap, Paper Disc Milk Bottle ( <i>see</i> Paper Disc Milk Bottle Cap)-----	2- 1-34	VI	15
	Cap, Screw Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 19)-----	5- 3-34	X	697
	Caps, Hats and — Division. ( <i>See</i> Whole- saling or Distributing Trade.)			
532	Car Advertising Trade-----	11-22-34	XIX	1
	Car, Mine — Manufacturing ( <i>see also</i> Machinery and Allied Products Supplement, No. 47)-----	2- 5-35	XXI	523
	Car, Railway — Appliances ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 5)-----	2- 9-34	VI	637
233	Car, Railway Brass — and Locomotive Journal Bearings and Castings Manufacturing ( <i>see also</i> Railway Brass Car and Locomotive Journal Bearings and Castings Manufacturing)-----	1-29-34	V	511
285	Car, Railway — Building ( <i>see also</i> Railway Car Building)-----	2-16-34	VI	551
429	Car, Tank — Service ( <i>see also</i> Tank Car Service)-----	5-22-34	X	315
292	Car Wheel, Chilled ( <i>see also</i> Chilled Car Wheel)-----	2-17-34	VII	129
269	Carbon Black Manufacturing-----	2- 8-34	VI	319
	Hazardous occupations, Approving a list of-----	5-18-35	XXIII	267
	Carbon Dioxide ( <i>see also</i> Chemical Manufacturing Supplement, No. 2)-----	5- 4-34	X	723
	Carbonizers, Wool Scourers and — Division. ( <i>See</i> Wool Textile Amendment, No. 1.)			
	Carburetor Manufacturing ( <i>see also</i> Automot- ive Parts and Equipment Manufacturing Supplement, No. 5)-----	10-24-34	XVIII	585
222	Card Clothing-----	1-23-34	V	357
	Amendment, No. 1-----	7- 5-34	XII	393
	Hazardous occupations, Approving a list of-----	9-27-34	XVII	513
301	Card, Sample ( <i>see also</i> Sample Card)-----	2-19-34	VII	231
	Carded Men's Wear Division. ( <i>See</i> Wool Tex- tile Amendment, No. 1.)			
	Carded Spinners Division. ( <i>See</i> Wool Textile Amendment, No. 1.)			
	Carded Women's Wear Division. ( <i>See</i> Wool Textile Amendment, No. 1.)			
	Carded Yarn. ( <i>See</i> Cotton Textile Industry.)			
	Cards, Greeting. ( <i>See</i> Graphic Arts.)			
	Carpet, Covered — Padding Division. ( <i>See</i> Light Sewing Industry Except Garments.)			
	Carpet, Drapery and — Hardware Manufactur- ing ( <i>see also</i> Fabricated Metal Products Manu- facturing and Metal Finishing and Metal Coating Supplement, No. 22)-----	5- 9-34	X	793
202	Carpet and Rug Manufacturing-----	1-12-34	V	83
	Credit allowances, Termination of stay rele- vant to-----	5-12-34	X	965

Code No.	Industry	Date	Volume	Page
	Drops:			
	Partial stay of Trade Practices relevant to--	11-12-34	XIX	554
	Volume allowance, Stay of provisions relevant to-----	3-30-35	XXII	615
266	Carrier, Inland Water — Trade in the Eastern Division of the United States Operating Via the New York Canal System ( <i>see also</i> Inland Water Carrier Trade in the Eastern Division of the United States Operating Via the New York Canal System)-----	2- 6-34	VI	281
260	Carving, Ornamental Moulding, — and Turning ( <i>see also</i> Ornamental Moulding, Carving, and Turning)-----	2- 5-34	VI	205
	Case, Bag — and Strap Division. ( <i>See</i> Leather Amendment, No. 2.)-----			
178	Case, Watch — Manufacturing ( <i>see also</i> Watch Case Manufacturing)-----	12-23-33	IV	403
	Casing, Can Labeling and Can — Machinery Industry and Trade ( <i>see also</i> Packaging Machinery Industry and Trade Supplement, No. 1)-----	5- 5-34	X	767
258	Cast Iron Boiler and Cast Iron Radiator-----	2- 3-34	VI	173
	Cast Iron, Enameled — Plumbing Fixtures Division. ( <i>See</i> Plumbing Fixtures.)-----			
192	Cast Iron Pressure Pipe-----	12-30-33	IV	579
18	Cast Iron Soil Pipe-----	9- 7-33	I	259
	Amendment, No. 1-----	12-18-33	IV	645
	Amendment, No. 2-----	7-10-34	XIII	257
	Amendment, No. 3-----	8- 3-34	XIV	297
	Hours of operation and labor, Stay relevant to-----	1- 3-35	XX	429
	Caster and Floor Truck Manufacturing ( <i>see also</i> Machinery and Allied Products Supplement, No. 26)-----	7- 7-34	XIII	523
237	Castings, Alloy ( <i>see also</i> Alloy Casting)-----	1-30-34	V	563
323	Castings, Die — Manufacturing ( <i>see also</i> Die Casting Manufacturing)-----	3- 8-34	VII	527
	Castings. ( <i>See</i> Non-Ferrous Foundry.)-----			
233	Castings, Railway Brass Car and Locomotive Journal Bearings and — Manufacturing ( <i>see also</i> Railway Brass Car and Locomotive Journal Bearings and Castings Manufacturing)-----	1-29-34	V	511
82	Castings, Steel ( <i>see also</i> Steel Castings)-----	11- 2-33	II	299
140	Caulking Compounds, Waterproofing, Damp-proofing — and Concrete Floor Treatments Manufacturing ( <i>see also</i> Waterproofing, Damp-proofing, Caulking Compounds, and Concrete Floor Treatments Manufacturing)-----	11-27-33	III	497
400	Celluloid Button, Buckle, and Novelty Manufacturing-----	4-20-34	IX	367
	Amendment, No. 1-----	1-15-35	XX	249
	Hours of labor, Temporary stay of provisions relevant to-----	2- 8-35	XXI	593
	Hours of operation, Temporary stay relevant to plant-----	1-23-35	XX	477
	Cellulose Ribbon Division. ( <i>See</i> Transparent Materials Converters.)-----			
128	Cement-----	11-27-33	III	325
	Amendment, No. 1-----	5-11-35	XXIII	121
	Bids for Portland Cement for Fort Peck Tunnels in the State of Montana, Exception for-----	6-15-34	XII	634

Code No.	Industry	Date	Volume	Page
128	Cement—Continued			
	Exemption of members from certain provisions of Article XI for the — Industry, pending modification	1-23-34	V	780
	Stay, Temporary — of Article XI for the — Industry	1- 5-34	V	767
	Cement, Asbestos — Products Division. ( <i>See Asbestos.</i> )			
	Cement Gun Contractors ( <i>see also Construction Supplement, No. 4</i> )	3-21-34	VIII	793
184	Cement, Shoe and Leather Finish, Polish, and — Manufacturing ( <i>see also Shoe and Leather Finish, Polish, and Cement Manufacturing</i> )	12-30-33	IV	485
	Central Statistical Board:			
	Appointment of	7-27-33	I	724
	Enumeration of function	5- 4-34	X	947
	Providing Additional funds	5-25-34	X	953
	Cereal Machinery ( <i>see also Machinery and Allied Products Supplement, No. 44</i> )	11-14-34	XIX	463
	Certification and Exemplification of Documents:			
	Authority delegated to the Administrator	11-18-33	III	656
	Official Clerks designated	4-11-34	IX	910
	Appointment of one additional Clerk	4-13-35	XXII	665
	Reappointed	6-27-35	XXIII	410
	Chain Hoist, Hand — Manufacturing ( <i>see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 2</i> )	1-30-34	V	727
	Chain Manufacturing ( <i>see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 3</i> )	1-31-34	V	739
	Chain Pipe Wrenches (Tongs) Division. ( <i>See Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 15.</i> )			
	Chain, Roller and Silent ( <i>see also Machinery and Allied Products Supplement, No. 24</i> )	7- 5-34	XII	587
	Chain, Sprocket ( <i>see also Machinery and Allied Products Supplement, No. 34</i> )	7-21-34	XIII	695
	Charcoal and Package Fuel Distributing Trade ( <i>see also Wholesaling or Distributing Trade Supplement, No. 19</i> )	8- 7-34	XV	473
548	Cheese, Package and Pasteurized-Blended and Process ( <i>see also Package and Pasteurized — Blended and Process Cheese</i> )	2- 2-35	XXI	73
522	Chemical, Automotive — Specialities Manufacturing ( <i>see also Automotive Chemical Specialities Manufacturing</i> )	9-27-34	XVII	33
	Chemical Engineering Equipment ( <i>see also Machinery and Allied Products Supplement, No. 23</i> )	7- 5-34	XII	573
	Chemical Engineering Equipment Subdivision. ( <i>See Machinery and Allied Products Amendment, No. 3.</i> )			
275	Chemical Manufacturing	2-10-34	VI	393
	Supplement, No. 1, For Agricultural Insecticide and Fungicide	5- 1-34	X	685
	Nicotine Group	5- 1-34	X	685
	Sulphur Group	5- 1-34	X	685
	Pyrethrum-Rctonone Group	5- 1-34	X	685
	Amendment, No. 1	10-19-34	XVIII	227
	Costs, Determination extended for Lead Arsenate and Calcium Arsenate of lowest reasonable	2- 6-35	XXI	587

Code No.	Industry	Date	Volume	Page
275	Chemical Manufacturing—Continued. Supplement, No. 1, For Agricultural Insecticide and Fungicide—Continued. Costs, Determination for Lead Arsenate and Calcium Arsenate of lowest reasonable.....	11- 9-34	XIX	546
	Price filing provisions for inter-industry sales, Temporary stay for.....	11-22-34	XIX	592
	Sales, Stay of provisions relevant to Inter-Industry.....	7-30-34	XIV	583
	Written agreements with jobbers, Extending application of provisions requiring.....	11-30-34	XIX	612
	Supplement, No. 2, For Carbon Dioxide.....	5- 4-34	X	723
	Amendment, No. 1.....	8-16-34	XV	313
	Written Agreements with jobbers, Extending application of provisions requiring.....	12- 3-34	XIX	617
	Written agreements with jobbers, Further extension of provisions requiring.....	1- 2-35	XX	428
	Supplement No. 3 for Industrial Alcohol.....	8-21-34	XV	557
355	Chemical, Rug — Processing Trade ( <i>see also</i> Rug Chemical Processing Trade).....	3-23-34	VIII	365
460	Cherry, Preserve, Maraschino — and Glace Fruit ( <i>see also</i> Preserve, Maraschino Cherry and Glace Fruit).....	6- 8-34	XI	241
549	Chewing, Cigarette, Snuff — and Smoking Tobacco Manufacturing ( <i>see also</i> Cigarette, Snuff Chewing and Smoking Tobacco Manufacturing).....	2- 9-35	XXI	95
241	Chewing Gum.....	1-30-34	V	613
	Amendment, No. 1.....	2- 2-35	XXI	251
373	Children's Wear, Infants' and ( <i>see also</i> Infants' and Children's Wear).....	3-27-34	VIII	607
292	Chilled Car Wheel.....	2-17-34	VII	129
	Chimneys, Lamp — and Lantern Globes Division. ( <i>See</i> American Glassware.)			
	China Accessories Division. ( <i>See</i> Floor and Wall Clay Tile Manufacturing Amendment, No. 1.)			
520	China Clay Producing.....	9-18-34	XVII	1
126	Chinaware and Porcelain Manufacturing.....	11-27-33	III	273
	Amendment, No. 1.....	3-16-34	VIII	635
	Amendment, No. 2.....	10-19-34	XVIII	231
	Amendment, No. 3.....	12- 3-34	XIX	319
	Amendment, No. 4.....	2- 8-35	XXI	297
	Amendment, No. 5.....	2-11-35	XXI	309
	Trade practice provisions applicable to the Vitrified China Branch, Temporary stay relevant to.....	3- 2-35	XXI	641
	China, Vitreous — Plumbing Fixtures Division. ( <i>See</i> Plumbing Fixtures.)			
536	Chlorine Control Apparatus Industry and Trade.....	12-18-34	XIX	55
464	Chocolate, Cocoa and — Manufacturing ( <i>see also</i> Cocoa and Chocolate Manufacturing).....	6-15-34	XII	1
	Chromium Plate, Pewter, — Miscellaneous Division. ( <i>See</i> Silverware Manufacturing.)			
	Church Envelope System. ( <i>See</i> Graphic Arts.)			
135	Cigar Container.....	11-27-33	III	433
	Amendment, No. 1.....	8-31-34	XVI	231
	Amendment, No. 2.....	4-30-35	XXIII	43
	Cost inclusion and application: Approving uniform method of.....	8-16-34	XV	669
	Report time extended.....	12-13-34	XIX	646
	Report time extended.....	4-15-35	XXII	667

Code No.	Industry	Date	Volume	Page
467	Cigar Manufacturing.....	6-19-34	XII	61
	Amendment, No. 1.....	9-21-34	XVII	155
	Amendment, No. 2.....	4-17-35	XXII	451
	Hazardous occupations, Approving a list of.....	11-12-34	XIX	555
	Hours, Approving peak period.....	10-30-34	XVIII	682
	Hours of labor and rates of pay, postponement of review relevant to.....	4-25-35	XXIII	280
	Hours of labor, Stay of Sunday Provisions relevant to.....	2- 9-35	XXI	600
	Hours, Wages and Merchandising Plan, Extending stays provided in order of Code approval relevant to.....	6-23-34	XII	660
	Hours and wages, Temporary stay or provisions for bunch makers and rollers engaged in manufacturing two for five cent cigars by hand relevant to.....	12- 3-34	XIX	618
	Extended.....	1-11-35	XX	447
	Extended.....	2-14-35	XXI	608
	Extended.....	3-16-35	XXII	580
	Overtime work, Staying code provisions relevant to Sundays and Legal Holidays.....	11- 6-34	XVIII	701
	Prices and discounts, Terminating provisions of the cigar merchandising plan relevant to.....	9-11-34	XVI	577
	Wage Exemptions, Granting higher — for slow workers.....	8-10-34	XV	655
549	Cigarette, Snuff, Chewing and Smoking Tobacco Manufacturing.....	2- 9-35	XXI	95
	Cinder Unit Division. (See Concrete Masonry Amendment, No. 2.)			
191	Cinders, Ashes, and Scavenger Trade.....	12-30-33	IV	569
	Code cancelled.....	12-19-34	XIX	459
207	Clay, Ball — Production (see also Ball Clay Production).....	1-16-34	V	165
520	Clay, China — Producing (see also China Clay Producing).....	9-18-34	XVII	1
364	Clay Drain Tile Manufacturing.....	3-24-34	VIII	483
	Amendment, No. 1.....	1- 5-35	XX	167
	Code Authority, Extension of time for election of permanent.....	5-17-34	X	976
	Hazardous occupations, Approving a list of.....	11-16-34	XIX	570
	Clay, Fire. (See Refractories.)			
92	Clay, Floor and Wall — Tile Manufacturing (see also Floor and Wall Clay Manufacturing).....	11- 4-33	II	443
	Clay Flower Pot Division. (See Earthenware Manufacturing.)			
343	Clay Machinery.....	3-17-34	VIII	183
	Amendment, No. 1.....	10-10-34	XVIII	125
389	Clay and Shale Roofing Tile.....	4- 6-34	IX	219
	Amendment, No. 1.....	7-17-34	XIII	333
	Amendment, No. 2.....	12- 7-34	XIX	359
123	Clay, Structural — Products (see also Structural Clay Products).....	11-27-33	III	197
136	Clay, Vitrified — Sewer Pipe Manufacturing (see also Vitrified Clay Sewer Pipe Manufacturing).....	11-27-33	III	445
	Cleaner, Banana and Dry — or Garment Delivery Bag Division. (See Paper Bag Manufacturing.)			
317	Cleaner, Vacuum — Manufacturing (see also Vacuum Cleaner Manufacturing).....	3- 2-34	VII	449
101	Cleaning and Dyeing Trade.....	11- 8-33	II	547
	Amendment, No. 1.....	4-19-34	X	409
	Suspension of Code, Partial.....	5-28-34	XI	797

Code No.	Industry	Date	Volume	Page
34	Cleaning, Laundry and Dry — Machinery Manufacturing (see also Laundry and Dry Cleaning Machinery Manufacturing)-----	10- 3-33	I	437
	Cleanser (see also Soap and Glycerine Manufacturing Consolidation, No. 1)-----	9- 1-34	XVI	425
200	Cleansing, Sanitary Napkin and — Tissue (see also Sanitary Napkin and Cleansing Tissue)-----	1-12-34	V	59
	Clipper, Hair — Manufacturing Subdivision. (See Machinery and Allied Products.)-----			
551	Clock Manufacturing-----	2-26-35	XXI	119
58	Closure, Cap and (see also Cap and Closure)-----	10-20-33	II	1
371	Closure, Sanitary Milk Bottle (see also Sanitary Milk Bottle Closure)-----	3-26-34	VIII	581
535	Cloth, Brattice — Manufacturing (see also Brattice Cloth Manufacturing)-----	11-26-34	XIX	45
457	Cloth, Cap and — Hat (see also Cap and Cloth Hat)-----	6- 5-34	XI	193
187	Cloth, Cotton — Glove Manufacturing (see also Cotton Cloth Glove Manufacturing)-----	12-30-33	IV	525
157	Cloth, Hair — Manufacturing (see also Hair Cloth Manufacturing)-----	12-15-33	IV	119
	Cloth, Industrial Wire — Manufacturing (see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Appendix, No. 5)-----	2- 8-35	XXI	469
416	Cloth, Leather — and Lacquered Fabrics, Window Shade Cloth and Impregnated Fabrics Industries (see also Leather Cloth and Lacquered Fabrics, Window Shade Cloth and Impregnated Fabrics Industries)-----	5- 3-34	IX	607
	Cloth, Pulp and Paper Mill Wire — Manufacturing (see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 44)-----	7-30-34	XIV	421
289	Cloth Reel-----	2-17-34	VII	85
	Amendment, No. 1-----	12- 3-34	XIX	323
255	Cloth, Table Oil (see also Table Oil Cloth)-----	2- 2-34	VI	125
298	Cloth, Wiping (see also Wiping Cloth)-----	2-17-34	VII	199
	Clothes, Work — Manufacturing Division. (See Cotton Garment Amendment, No. 5.)			
	Clothespin Division. (See Wood Turning and Shaping.)			
	Clothiers' Linings Division. (See Cotton Textile Supplement, No. 1.)			
	Clothing All-Cotton — Linings Division. (See Cotton Textile Supplement, No. 1.)			
222	Clothing, Card (see also Card Clothing)-----	1-23-34	V	357
341	Clothing, Fiber and Metal Work — Button Manufacturing (see also Fiber and Metal Work Clothing Button Manufacturing)-----	3-17-34	VIII	155
15	Clothing, Men's (see also Men's Clothing)-----	8-26-33	I	229
24	Coal, Bituminous (see also Bituminous Coal)-----	9-18-33	I	323
337	Coal Dock-----	3-16-34	VIII	99
	New England Division-----	3-16-34	VIII	99
	Northwest Division-----	3-16-34	VIII	99
	Vessel Fueling Division-----	3-16-34	VIII	99
	Amendment, No. 1-----	12-28-34	XX	139
	Bids, Staying application of Order relevant to — Rendered to governmental agencies-----	6-27-34	XII	665
	Code Authorities, Appointment of Administration Members on Coordination Boards of the Several-----	6-21-34	XII	655

Code No.	Industry	Date	Volume	Page
	Coal Mine Loading Machine ( <i>see also</i> Machinery and Allied Products Supplement, No. 45)-----	1- 4-35	XX	369
314	Coal, Wholesale ( <i>see also</i> Wholesale Coal)-----	3- 1-34	VII	409
546	Coast, Pacific — Dried Fruit ( <i>see also</i> Pacific Coast Dried Fruit)-----	1-26-35	XXI	39
5	Coat and Suit-----	8- 4-33	I	51
	Amendment, No. 1-----	8-20-34	XV	355
	Amendment, No. 2-----	10-19-34	XVIII	237
	Baltimore Cloak and Suit Association, Exemption from Area adjudication for the Code Authority elections, Staying code provisions until Infants' and Children's Wear code is amended-----	1-28-35	XXI	568
	Exemption, Denial of application for — by Associated Coat and Suit Manufacturers of Portland, Oregon-----	10-11-33	I	735
	Exemption, Denial of application for — by Connecticut Garment Manufacturers Association-----	9- 7-33	I	731
	Inter-Code Agency created with the Dress Manufacturing Industry to handle jurisdictional disputes-----	10- 8-34	XVII	545
	Inter-Code Agency's determinations stayed-----	4- 1-35	XXII	623
	Inter-Code Agency's determinations stayed further-----	5-13-25	XXIII	348
	Jurisdictional adjudication for chemically waterproofed clothing-----	12- 3-34	XIX	626
	Wages and Areas, Staying specified parts of provisions relevant to-----	2- 7-35	XXI	590
189	Coated Abrasives-----	12-30-33	IV	549
	Coating, Job Galvanizing Metal ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 28)-----	5-17-34	XI	455
70	Cock, Gas ( <i>see also</i> Gas Cock)-----	10-31-33	II	157
464	Cocoa and Chocolate Manufacturing-----	6-15-34	XII	1
	Amendment, No. 1-----	1- 9-35	XX	193
	Code Administration:			
	Alloy Casting, Exemption relevant to collection of expenses of-----	7-18-34	XIII	758
	Budgets for Code Authorities. <i>See</i> (Budgets and Basis of Contribution).			
	Code of fair competition, Making provisions for a clause in — relating to collection of expense-----	4-14-34	IX	879
	Interpretation-----	10-26-34	XVIII	668
	Expenses of, Regulations governing collection of-----	8-21-34	XV	679
	Code Authority assessment, Qualified exemption of principal line retail establishments from-----	4-11-35	XXII	652
	Employers covered by two or more codes for expense allocation, New regulations applicable to-----	4-10-35	XXII	650
	Label charges excluded-----	3-30-35	XXII	617
	Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating, Terminating exemption relevant to collection of expenses of-----	7-19-34	XIII	765
	General Contractors Division of the Construction Industry, Interpretation relevant to collection of expenses of-----	10-11-34	XVIII	614
	Governing collection of expenses of-----	5-26-34	X	987



Code No.	Industry	Date	Volume	Page
	Code Administration—Continued.			
	Gray Iron Foundry, Exemption for order providing method of meeting expenses of	6-22-34	XII	659
	Imported Date Packing, Termination relevant to collection of expenses of	7-31-34	XIV	587
	Live Poultry Industry of the Metropolitan Area in and about the City of New York, Partial exemption for collection of expenses of	7-16-34	XIII	754
	Mason Contractors Division of the Construction Industry, Interpretation relevant to collection of expenses of	10-11-34	XVIII	614
	Non-Ferrous Foundry, Termination of exemption for collection of expenses of	7-27-34	XIV	577
	Regulations governing collection of expenses of	4-14-34	IX	916
	Retail Solid Fuel, Exemption relevant to collection of expenses of	7- 7-34	XIII	725
	Tank Car Service, Termination of exemption relevant to collection of expenses of	7-17-34	XIII	757
	Termination of exemption for collection of expenses of	7-27-34	XIV	576
	Warm Air Furnace Manufacturing, Termination of exemption for collection of expenses of	7-24-34	XIV	566
	Washing and Ironing Machine Manufacturing, Termination of exemption relevant to collection of expenses of	8- 2-34	XIV	600
	Code Authorities, Agents, Attorneys, etc., Prescribing regulations governing removal and disqualification from service of	1-14-35	XX	456
	Code Authorities, Bulletin No. 7, Providing complaint procedure through "officially authorized"	5-12-34	X	964
	Code Authority, Appointment of Administrator to Serve on Each	9-29-33	I	732
	Code Authority assessment, Qualified exemption of principal line retail establishments from	4-11-35	XXII	652
	Code Authority funds, Rules and regulations for protection of	12- 5-34	XIX	628
	Code Authority, Providing for the selection of the General N. R. A. (See General N. R. A. Code Authority)	9- 7-34	XVI	563
	Code Blue Eagle Regulations, Creation, display and penalty	4-12-34	IX	914
	Code Eagles, Code Committees and — under Service Trades or Industries	6-28-34	XII	678
	Code Making:			
	Mandatory Provisions, Amplification of previous order relevant to	7-10-34	XIII	730
	Mandatory rules and regulations, Prescribing	7-10-34	XIII	739
	Plan for completion of	7-10-34	XIII	734
	Codes of Fair Competition:			
	Apprentice training, Application of Labor Provisions affecting	6-27-34	XII	613
	Apprentices and Learners, Interpretation of provisions in various codes prescribing term of employment of	3-15-35	XXII	579
	Bribery, Commercial — provisions to be included in codes heretofore approved	11-27-33	III	659
	Budgets for Code Authorities. (See Budgets and Basis of Contribution.)			

Code No.	Industry	Date	Volume	Page
	Codes of Fair Competition—Continued.			
	Code Administration, Governing collection of expenses of.....	5-26-34	X	987
	Code Administration, Making provisions for a clause in — relating to collection of expense.....	4-14-34	IX	879
	Interpretation.....	10-26-34	XVIII	668
	Code Authorities, Agents, Attorneys, etc., Prescribing regulations governing removal and disqualification from service of.....	1-14-35	XX	456
	Constitutional Rights, Non-waiver of.....	1-22-35	XX	399
	Contractors, Compliance by Government — with approved.....	8-10-33	I	729
	Contracts, Government — and contracts involving the use of Government Funds ( <i>see also</i> Government contracts, and contracts involving the use of Government Funds).....	3-14-34	VIII	859
	Cooperative Organization, Defining effect of certain provisions in the Codes upon ( <i>see also</i> Cooperatives).....	10-23-33	II	698
	Exemptions, Rules and regulations concerning modifications of and — from approved Governmental agencies, Exemption for quotations made to — from.....	5- 5-34	X	957
	Homeworkers, Application of Labor Provisions of Codes to.....	6-12-34	XII	625
	Hospitals. ( <i>See</i> Hospitals.)	5-15-34	X	950
	Label provisions covering the use of labels under codes containing mandatory.....	2-25-35	XXI	626
	Labor Provisions. ( <i>See</i> Labor Provisions.)			
	Local codes for uncodified Service Trades or Industries.....	6-28-34	XII	615
	Piece-workers, Interpreting provisions in codes which extend minimum hourly rates of pay to.....	1- 4-35	XX	434
	President's Reemployment Agreement, Exception for retail and service trades in towns of less than 2,500 population.....	5-15-34	X	952
	Prohibiting dismissal of employees for reporting alleged violations.....	5-15-34	X	949
	Regulations.....	7-15-33	I	713
	Secretary of Agriculture and Administrator for Industrial Recovery, Delegating power for joint code approval, etc.....	6-29-34	XII	620
	Service Trades or Industries. ( <i>See</i> Service Trades or Industries.)			
	Statistical reports, Requiring certain — from members of industries subject to.....	3-16-34	VIII	870
	Territories. ( <i>See</i> Territories.)			
	Workshops. ( <i>See</i> Sheltered Workshops.)			
265	Coffee.....	2- 6-34	VI	267
	Amendment, No. 1.....	7- 3-34	XII	369
	Amendment, No. 2.....	2-19-35	XXI	403
	Amendment, No. 3.....	4-11-35	XXII	403
	Hazardous occupations, Approving a list of.....	10- 8-34	XVII	544
	Coffee Bag Division. ( <i>See</i> Paper Bag Manufacturing.)			
228	Coin Operated Machine Manufacturing.....	1-23-34	V	435
	Amendment, No. 1.....	7-17-34	XIII	337
	Cold Laid Bituminous Division, Approving. ( <i>See</i> Crushed Stone, Sand and Gravel, and Slag Industries.)			
479	Cold Storage Door Manufacturing.....	7-11-34	XIII	31

Code No.	Industry	Date	Volume	Page
345	Collapsible Tube.....	3-17-34	VIII	209
	Amendment, No. 1.....	8-29-34	XVI	195
	Collar, Harness and — Division. (See Leather Amendment, No. 2.)			
	Collar, Men's — Manufacturers Division. (See Cotton Garment.)			
	Collection, Code Administration, Making provisions for a clause in codes of fair competition relating to — of expense.....	4-14-34	IX	879
	Collection, Governing — of expenses of Code Administration.....	5-26-34	X	987
407	Color, Dry (see also Dry Color).....	4-25-34	IX	481
	Combed Thread. (See Cotton Textile Industry.)			
	Combed Yarn. (See Cotton Textile Industry.)			
	Combers Division. (See Wool Textile Amendment, No. 1.)			
	Comfortable Division. (See Light Sewing Industry except Garments.)			
513	Commercial Aviation.....	8-28-34	XVI	69
	Registration of members, Extending time for.....	11-16-34	XIX	572
	Wages, Extending time for submission of proposal for adjustment in.....	11-16-34	XIX	573
	Commercial bribery provisions to be included in codes heretofore approved.....	11-27-33	III	659
415	Commercial Fixture.....	5- 3-34	IX	591
	Amendment, No. 1.....	9-17-34	XVII	109
	Commercial Photography Division. (See Photographic and Photo Finishing.)			
181	Commercial Refrigerator.....	12-23-33	IV	441
	Amendment, No. 1.....	8-31-34	XVI	235
	Amendment, No. 2.....	12-12-34	XIX	385
	Commercial Relief Printing. (See Graphic Arts.)			
	Commercial Stationery and Office Outfitting Trade (see also Wholesaling or Distributing Trade Supplement, No. 3).....	3-16-34	VIII	761
486	Commercial Vehicle Body.....	7-16-34	XIII	159
	Committee, Creation of Industrial Emergency (see also Industrial Emergency Committee).....	6-30-34	XII	621
	Committees, Industrial Relations — for industries operating under approved codes.....	3-30-34	IX	890
	Compact of Fair Competition for the Prison Industries of the United States of America.....	4-19-34	IX	731
	Compensations. (See Administration.)			
	Complaints, Amendments to Bulletin No. 7, for handling and adjustment of.....	4- 6-34	IX	901
	Complaints, Labor — and Disputes, Procedure for handling.....	7-27-34	XIV	575
	Complete Wire and Iron Fence (see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 38).....	7- 3-34	XII	545
	Compliance Procedure, Providing price tolerance and — under Government contracts and contracts involving the use of government funds.....	6-29-34	XII	616
	Compliance. (See Administration; Codes of Fair Competition.)			
97	Composition, Buffing and Polishing (see also Buffing and Polishing Composition).....	11- 4-33	II	501
	Composition, Cork — and Cork Specialties Manufacturers Division. (See Cork.)			
55	Compressed Air.....	10-11-33	I	653

Code No.	Industry	Date	Volume	Page
	Concrete, Cold Laid Bituminous — Division, Approving. ( <i>See</i> Crushed Stone, Sand and Gravel, and Slag Industries.)			
133	Concrete Masonry.....	11-27-33	III	407
	Amendment, No. 1.....	8-13-34	XV	265
	Amendment, No. 2.....	10-10-34	XVIII	131
	Cinder Unit Division.....	10-10-34	XVIII	131
	Concrete Masonry Unit Division.....	10-10-34	XVIII	131
	Concrete Mixer ( <i>see also</i> Machinery and Allied Products Supplement, No. 37).....	8- 1-34	XIV	477
185	Concrete Pipe Manufacturing.....	12-30-33	IV	497
311	Concrete, Ready Mixed ( <i>see also</i> Ready Mixed Concrete).....	2-27-34	VII	371
	Conditioning, Heating, Piping, and Air — Contractors' ( <i>see also</i> Construction Supplement, No. 16).....	7-25-34	XIV	331
456	Cone, Ice Cream ( <i>see also</i> Ice Cream Cone).....	6- 4-34	XI	177
458	Confectioners', Wholesale ( <i>see also</i> Wholesale Confectioners').....	6- 6-34	XI	205
	Consolidations:			
	Iron and Steel:			
	Wire Reinforcement, No. 1.....	8-13-34	XVI	419
	Amendment, No. 1.....	9-12-34	XVI	369
	Effective date, Extending.....	8-22-34	XVI	521
	Modification and amplification of order approving.....	9-12-34	XVI	580
	Soap and Glycerine Manufacturing:			
	Cleanser, No. 1.....	9- 1-34	XVI	425
	Steel Casting:			
	Manganese Steel Casting, No. 1.....	9-14-34	XVI	431
	Constitutional Rights, Non-waiver of — in connection with Codes of Fair Competition.....	1-22-35	XX	399
244	Construction.....	1-31-34	V	649
	Agricultural pursuits, Exemption of persons engaged in.....	6-13-34	XII	627
	Amendment, No. 1.....	3- 5-34	VII	651
	Amendment, No. 2.....	4-13-34	IX	707
	Amendment, No. 3.....	5-10-34	X	531
	Amendment, No. 4.....	8- 3-34	XIV	307
	Amendment, No. 5.....	11- 6-34	XVIII	533
	Amendment, No. 6.....	1-10-35	XX	207
	Amendment, No. 7.....	5- 7-35	XXIII	85
	Amendment, No. 8.....	5- 9-35	XXIII	103
	Bids, Rules for accepting or rejecting.....	10-29-34	XVIII	675
	Contractors, Exempting specified — from compliance with the Code for Crushed Stone, Sand and Gravel, and Slag Industries, subject to payment of highest wages applicable.....	11- 9-34	XIX	548
	Contractors, Further exemption of specified — from compliance with the Code for Crushed Stone, Sand and Gravel, and Slag Industries, subject to payment of highest wages applicable.....	2- 6-35	XXI	589
	Planning and Adjustment Board, Appointing Chairman for the.....	6- 6-34	XI	789
	Supplement, No. 1 for General Contractors.....	2-17-34	VII	667
	Building Contractors Subdivision.....	2-17-34	VII	667
	Heavy Construction and Railroad Contractors Subdivision.....	2-17-34	VII	667
	Highway Contractors Subdivision.....	2-17-34	VII	667
	Expense, Interpretation relevant to collection of administrative.....	10-11-34	XVIII	614

Code No.	Industry	Date	Volume	Page
244	Construction—Continued.			
	Supplement, No. 1—Continued.			
	Subdivision, No. 1 for Highway Contractors.....	3-16-35	XXII	523
	Subdivision, No. 2 for Heavy Construction and Railroad Contractors.....	4-29-35	XXIII	237
	Supplement, No. 2, for Painting, Paperhanging, and Decorating.....	3-12-34	VIII	739
	Amendment, No. 1.....	7-10-34	XIII	265
	Supplement, No. 3, for Elevator Manufacturing.....	3-21-34	VIII	803
	Amendment, No. 1.....	1-26-35	XXI	183
	Supplement, No. 4, for Cement Gun Contractors.....	3-21-34	VIII	793
	Amendment, No. 1.....	7-19-34	XIII	417
	Amendment, No. 2.....	4-18-35	XXII	463
	Supplement, No. 5, for Tile Contracting.....	4- 2-34	IX	765
	Amendment, No. 1.....	7-12-34	XIII	299
	Sales, Staying one provision applicable to.....	4-11-35	XXII	658
	Trade practice provision, Stay of one.....	1-29-35	XXI	569
	Supplement, No. 6, for Electrical Contracting.....	4-19-34	IX	849
	Amendment, No. 1.....	7-23-34	XIV	107
	Supplement, No. 7, for Mason Contractors.....	4-19-34	IX	863
	Amendment, No. 1.....	7-23-34	XIV	111
	Expense, Interpretation relevant to collection of administrative.....	10-11-34	XVIII	614
	Supplement, No. 8, for Roofing and Sheet Metal Contracting.....	5-10-34	X	817
	Amendment, No. 1.....	3-20-35	XXII	193
	Supplement, No. 9, for Plumbing Contracting.....	5-15-34	X	895
	Amendment, No. 1.....	8-11-34	XV	253
	Amendment, No. 2.....	4-20-35	XXII	479
	Supplement, No. 10, for Resilient Flooring Contracting.....	5-29-34	XI	569
	Supplement, No. 11, for Wood Floor Contracting.....	5-29-34	XI	583
	Amendment, No. 1.....	1-14-35	XX	235
	Supplement, No. 12, for Insulation Contractors.....	6- 7-34	XI	653
	Supplement, No. 13, for Kalamein.....	6- 9-34	XI	703
	Amendment, No. 1.....	4-16-35	XXII	447
	Supplement, No. 14, for Plastering and Lathing Contracting.....	6-27-34	XII	487
	Supplement, No. 15, for Terazzo and Mosaic Contracting.....	7-13-34	XIII	583
	Supplement, No. 16, for Heating, Piping, and Air Conditioning Contractors.....	7-25-34	XIV	331
	Effective date, Partial extension of.....	9-20-34	XVII	478
	Supplement, No. 17, for Marble Contracting.....	8-11-34	XV	485
	Registration of members, Approval of extension of time limit for the.....	10- 4-34	XVII	537
	Supplement, No. 18, for Building Granite.....	8-20-34	XV	535
	Supplement, No. 19, for Construction News Service.....	12-20-34	XX	345
	Supplement, No. 20, for Stone Setting Contractors.....	12-31-34	XX	357
	Supplement, No. 21 for Cork Insulation Contractors.....	4- 1-35	XXII	537
	Wages applicable, Further exemption of specified contractors subject to compliance with superior.....	5- 3-35	XXIII	313

Code No.	Industry	Date	Volume	Page
223	Construction, Heavy — and Railroad Contractors ( <i>see also</i> Construction Supplement, No. 1, Subdivision, No. 2)-----	4-29-35	XXIII	237
	Construction Machinery Distributing Trade-----	1-23-34	V	369
	Amendment, No. 1-----	6-23-34	XII	281
	Amendment, No. 2-----	4-20-35	XXII	475
	Construction News Service ( <i>see also</i> Construction Supplement, No. 19)-----	12-20-34	XX	345
	Consumers', Definition of Farmers' and — Cooperatives-----	5-18-34	X	977
135	Container, Cigar ( <i>see also</i> Cigar Container)-----	11-27-33	III	433
245	Container, Corrugated and Solid Fiber Shipping ( <i>see also</i> Corrugated and Solid Fiber Shipping Container)-----	2- 1-34	VI	1
	Container, Cosmetic — Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Appendix, No. 6)-----	2-12-35	XXI	479
252	Container, Cylindrical Liquid Tight Paper ( <i>see also</i> Cylindrical Liquid Tight Paper Container)-----	2- 1-34	VI	83
36	Container, Glass ( <i>see also</i> Glass Container)-----	10- 3-33	I	457
370	Container, Open Paper Drinking Cup and Round Nesting Paper Food ( <i>see also</i> Open Paper Drinking Cup and Round Nesting Paper Food Container)-----	3-26-34	VIII	567
	Continuance. ( <i>See</i> Administration.)			
	Contracting, Electrical ( <i>see also</i> Construction Supplement, No. 6)-----	4-19-34	IX	849
	Contracting, Plastering and Lathing ( <i>see also</i> Construction Supplement, No. 14)-----	6-27-34	XII	487
	Contracting, Plumbing ( <i>see also</i> Construction Supplement, No. 9)-----	5-15-34	X	895
	Contracting, Tile ( <i>see also</i> Construction Supplement, No. 5)-----	4- 2-34	IX	765
	Contractors, Cement Gun ( <i>see also</i> Construction Supplement, No. 4)-----	3-21-34	VIII	793
	Contractors, Cork Insulation ( <i>see also</i> Construction Supplement, No. 21)-----	4- 1-35	XXII	537
	Contractors, General ( <i>see also</i> Construction Supplement, No. 1)-----	2-17-34	VII	667
	Contractors, Highway ( <i>see also</i> Construction Supplement, No. 1, Subdivision, No. 1)-----	3-16-35	XXII	523
	Contractors, Insulation ( <i>see also</i> Construction Supplement, No. 12)-----	6- 7-34	XI	653
	Contractors, Mason ( <i>see also</i> Construction Supplement, No. 7)-----	4-19-34	IX	863
	Contractors, Pump ( <i>see also</i> Machinery and Allied Products Supplement, No. 11)-----	6- 5-34	XI	631
	Contractors, Stone Setting ( <i>see also</i> Construction Supplement, No. 20)-----	12-31-34	XX	357
	Contracts, Government — and contracts involving the use of Government Funds-----	3-14-34	VIII	859
	Administrative or Executive Orders, Exemptions for those not covered by codes-----	6- 9-34	XI	822
	Agriculture, Cooperative agreements with the Department of-----	5-29-34	XI	800
	Alaska Juneau Gold Mining Company for delivery of fuel oil to Federal activities in Juneau-----	12-18-34	XIX	653
	American Crane Company, Exception for-----	5-16-34	X	972
	American Perforator Company contract with the consular service-----	9-21-34	XVII	484

Code No.	Industry	Date	Volume	Page
	Contracts, Government, etc.—Continued.			
	Animals and birds for laboratory use, Contracts for the procurement by all Government Departments of live.....	12-18-34	XIX	656
	Boston Terminal Company with the C. J. Maney Company.....	10-11-34	XVIII	616
	Canal Zone, Exempting contracts to be performed in.....	4-6-34	IX	903
	Chicago Title and Trust Company of Chicago, Illinois, in connection with slum clearance projects in Chicago, Illinois.....	11-14-34	XIX	561
	Chicago Title and Trust Company with the U. S. Government.....	10-23-34	XVIII	657
	Compliance and Enforcement Director, Delegation of authority to.....	12-15-34	XIX	650
	Compliance procedure, Providing price tolerance and.....	6-29-34	XII	616
	Contract with the 1200 Tire Company, Clarksdale, Miss., for government-owned automobile storage.....	11-15-34	XIX	568
	Copper and Brass Mill Products, Exception from.....	3-29-34	IX	884
	Defaulted contracts are to be remade on original terms.....	5-16-34	X	971
	Default, Exempting contracts subsequent to Detroit Edison Company of Detroit, Michigan, with the U. S. S. <i>Dubuque</i> , Naval Reserve Army and U. S. Naval Reserve Aviation Base, Grosse Ile, Michigan.....	6-29-34	XII	682
	Foreign Countries, Exempting contracts or leases to be performed in.....	4-11-34	IX	911
	Foreign origin, Materials and articles of.....	5-29-34	XI	802
	Gas to the Superintendent of Lighthouses from the Pintsch Compressing Company.....	8-20-34	XV	675
	Globe Wireless, Ltd., for furnishing telegraphic service to the Weather Bureau.....	8-20-34	XV	676
	Government freight or personnel, Exception for movements of.....	5-15-34	X	970
	Hay, Exception for cutting and baling of — produced on the reservations at Fort Riley, Kansas, Fort Sill, Oklahoma, and Fort Reno, Oklahoma.....	5-16-34	X	973
	Immigration and Naturalization Service, Exception for contracts negotiated by the —, U. S. Department of Labor.....	5-15-34	X	969
	Lease of Indianapolis, Indiana, stockyard space upon the premises of the Belt Railroad and Stockyards Company.....	8-2-34	XIV	596
	Lease of space in the premises owned by the Cincinnati Union Stockyards Company for the fiscal year 1935.....	10-9-34	XVII	549
	Lease of quarters in Terre Haute, Indiana.....	6-12-34	XII	626
	Lease of space in the Indianapolis, Indiana, stockyards.....	7-17-34	XIII	756
	Leases or agreements with Yale University.....	6-13-34	XII	628
	Lessor for quarters, American University.....	5-29-34	XI	801
	Luce's Press Clipping Bureau with the Bureau of Air Commerce and the R. F. C.....	10-17-34	XVIII	640
	Luce's Press Clipping Bureau furnishing Federal Aviation Commission with clipping service.....	11-16-34	XIX	574

Code No.	Industry	Date	Volume	Page
	Contracts, Government, etc.—Continued.			
	Memphis Garages, Inc., Front Street at Court, Memphis, Tennessee, with the Department of Agriculture.....	11- 1-34	XVIII	687
	Meridian and Bigbee River Railway Company, Exception extending to the Trustee of.....	4-26-34	IX	934
	Metropolitan Water District of Southern California with the R. F. C.....	10-22-34	XVIII	654
	Navy Department and the North Shore Gas Company of Chicago, Illinois.....	6-29-34	XII	683
	New Central Garage, Inc., with the Bureau of Internal Revenue.....	8-20-34	XV	677
	Pacific Gas and Electric Company for furnishing services to recondition gas meters, under N. S. A. Mare Island Requisition No. 3.....	11-27-34	XIX	608
	Peoples Ice and Fuel Company for furnishing Fort Riley with 500 tons of ice.....	12-12-34	XIX	645
	Petroleum Industry, Contracts Between the U. S. Government and.....	7-28-34	XIV	572
	Post Office lease at Blawnox, Pennsylvania, with Ben Sasinoski, extended.....	12-18-34	XIX	655
	Post Office lease at Pecos, Texas, from Luther E. Patterson, 114½ South Hudson Street, Oklahoma City.....	11-16-34	XIX	575
	Post Office Quarters, Exception for.....	4-19-34	IX	923
	Post Office Quarters, Leases for.....	6- 9-34	XI	823
	Public Utilities, Contracts for.....	8- 3-34	XIV	601
	Reconstruction Finance Corporation, Projects of the.....	6-25-34	XII	662
	Remington Arms Company and Winchester Repeating Arms Company contract for primers and caps.....	9-22-34	XVII	500
	Remington Arms Company and Winchester Repeating Arms Company with the War and Navy Departments for specified items.....	12- 7-34	XIX	637
	Retail Rubber Tire and Battery Trade, Modifying previous Order relevant to.....	7-16-34	XIII	755
	San Jose Water Works of San Jose, California, and the Naval Reserve Armory.....	6-29-34	XII	684
	Services and Transportation, Crowley Launch and Tugboat Company, Ship-owners and Merchants Towboat Company, and San Pedro Tugboat Company.....	7-10-34	XIII	740
	Services for \$100 or less.....	6-11-34	XI	826
	Services invited prior to March 14, 1934.....	6- 9-34	XI	824
	Services, Tug Boat and tow boat — with departments and agencies of the U. S. Government.....	7-18-34	XIII	759
	Seth Thomas Clock Company during period from July 1 to December 31, 1934.....	11- 7-34	XIX	543
	Seth Thomas Clock Company providing sounding apparatus for the Coast and Geodetic Survey.....	9-22-34	XVII	501
	Sparta Storage Warehouse, Sparta, Wisconsin, Lease at.....	8- 5-34	XVI	556
	Spengel Warehouse, Denver, Colorado, with the Department of Agriculture.....	10-23-34	XVIII	658
	Street-car tickets from the Nueces Transportation Company to the postmaster at Corpus Christi, Texas.....	8-20-34	XV	678
	Terre Haute, Indiana, Extension of the Weather Bureau lease in.....	9-14-34	XVI	583



Code No.	Industry	Date	Volume	Page
	Contracts, Government, etc.—Continued.			
	Towing of Target service by the Shipowners and Merchants Towboat Company .....	7-10-34	XIII	741
	Transportation of freight for the Government on the Pacific Coast.....	8-24-34	XV	725
	Union Railway Company of New York, Contract with the Bronx postal district .....	9-17-34	XVII	466
	United States Government is one of the contracting parties, Exempting specified situations when.....	4-11-34	IX	913
	Veterans' Administration Facility with the Florida Power and Light Company, at Lake City, Florida.....	6-29-34	XII	685
	Viking Pump Company, Cedar Falls, Iowa, for one Brine Pump.....	12-5-34	XIX	627
	Waterman Steamship Company, Mobile, Alabama, with the U. S. Government.....	10-17-34	XVIII	638
	Western Cartridge Company, East Alton, Illinois, with the United States Coast Guard.....	12-18-34	XIX	654
	Williams-Donohue, Inc., El Paso, Texas, for storage of Division of Investigation vehicles, etc.....	10-17-34	XVIII	639
	Wilson-Snyder Manufacturing Corporation with the District Engineer at Rock Island, Ill.....	10-10-34	XVIII	608
	Winchester Repeating Arms Company and the Remington Arms Company with the War Department.....	11-1-34	XVIII	688
	Winchester Repeating Arms Company and Western Cartridge Company contracts for shells and cartridges.....	9-21-34	XVII	496
	Winchester Repeating Arms Company contract with the War Department.....	10-9-34	XVII	548
	Winchester Repeating Arms Company with the Navy Department.....	10-23-34	XVIII	656
	Contributions. (See Budgets and Basis of Contribution.)			
536	Control Apparatus, Chlorine — Industry and Trade (see also Chlorine Control Apparatus Industry and Trade).....	12-18-34	XIX	55
271	Convactor. Nonferrous and Steel — Manufacturing (Concealed Radiator Industry).....	2-10-34	VI	341
	Converters, Rayon Yarn General — Division. (See Textile Processing Amendment, No. 3.)			
382	Converting, Cotton. (See Cotton Textile.)			
	Convertors, Transparent Materials (see also Transparent Materials Convertors).....	4-4-34	IX	103
	Conveyor and Material Preparation Equipment Manufacturing (see also Machinery and Allied Products Supplement, No. 22).....	6-19-34	XII	445
236	Cooking and Heating Appliance Manufacturing — Amendment, No. 1.....	1-30-34	V	549
		8-13-34	XV	269
	Cooler, Kiln, — and Dryer Manufacturing (see also Machinery and Allied Products Supplement, No. 21).....	6-12-34	XII	431
	Cooperation, Approval of Administrator's Territorial — Agreement (see also Administrator's Territorial Cooperation Agreement).....	8-27-34	XVI	522

Code No.	Industry	Date	Volume	Page
	Cooperatives:			
	Brokerage Commissions, Interpretations applicable to allowances for.....	10-12-34	XVIII	620
	Defining effect of Code provisions on — organizations.....	10-23-33	II	698
	Correction.....	5-19-35	XXII	557
	Effect on — of Codes of Fair Competition.....	2-17-34	VII	705
	Farmers' and Consumers', Definition of.....	5-18-34	X	977
401	Copper.....	4-21-34	IX	379
	Amendment, No. 1.....	4-26-35	XXIII	25
	Amendment, No. 2.....	5-24-35	XXIII	205
81	Copper and Brass Mill Products.....	11- 2-33	II	289
	Contracts, Exception from order pertaining to government — and contracts involving the use of government funds.....	3-29-34	IX	884
	Copper, Brass, Bronze and Related Alloys Trade (see also Wholesaling or Distributing Trade Supplement, No. 21).....	8-13-34	XV	511
	Copperplate, Steel and — Engraving and Printing. (See Graphic Arts.)			
303	Cordage and Twine.....	2-21-34	VII	257
	Binder Twine Division.....	2-21-34	VII	271
	Cordage and Wrapping Twine Division.....	2-21-34	VII	267
	Amendment, No. 1.....	3- 7-35	XXII	95
	Binder Twine Manufacturers, Exemption relevant to sales below price lists for the.....	6- 5-34	XI	812
	Cordage and Twine, Temporarily placed under Cotton Textile.....	7-27-33	I	725
	Cordage and Wrapping Twine Division, Stay of code provisions relevant to.....	9-22-34	XVII	499
	Hazardous occupations, Approving a list of.....	10- 1-34	XVII	530
	Modifying Agreement of July 27, 1933.....	10-20-33	II	695
	Temporarily placed under Cotton Textile.....	7-27-33	I	725
	Modification of Executive Order of July 27, 1933, placing Cordage and Twine Industry temporarily under Cotton Textile Industry.....	10-30-33	II	695
	Cordage, Twine and — Division. (See Wholesaling or Distributing Trade.)			
309	Cord, Solid Braided (see also Solid Braided Cord).....	2-26-34	VII	349
199	Cork.....	1-12-34	V	45
	Cork Bulletin and Display Board Manufacturers Division.....	1-12-34	V	45
	Cork Composition and Cork Specialties Manufacturers Division.....	1-12-34	V	45
	Cork Floor Tile Manufacturers Division.....	1-12-34	V	45
	Cork Insulation Manufacturers Division.....	1-12-34	V	45
	Cork Marine Goods Manufacturers Division.....	1-12-34	V	45
	Cork Stopper Manufacturers Division.....	1-12-34	V	45
	Amendment, No. 1.....	7-25-34	XIV	119
	Amendment, No. 2.....	1-16-35	XX	267
	Amendment, No. 3.....	4-13-35	XXII	417
	Amendment, No. 4.....	5-20-35	XXIII	197
	Cork Insulation Manufacturers' Division, Merchandising Plan, Approving a.....	1-16-35	XX	462
	Cork Marine Goods Manufacturers Division, Merchandising Plan approved for the.....	3-30-35	XXII	616
	Cork Insulation Contractors (see also Construction Supplement, No. 21).....	4- 1-35	XXII	537
498	Corn Cob Pipe.....	8- 7-34	XV	13
511	Corrugated Rolled-Metal Culvert Pipe.....	8-27-34	XVI	39
245	Corrugated and Solid Fiber Shipping Container.....	2- 1-34	VI	1
	Amendment, No. 1.....	11- 5-34	XVIII	519

Code No.	Industry	Date	Volume	Page
7	Corset and Brassiere .....	8-14-33	I	69
	Amendment, No. 1 .....	3-29-34	IX	639
	Amendment, No. 2 .....	12-21-34	XX	111
	Amendment, No. 3 .....	1-15-35	XX	253
	Amendment, No. 4 .....	4- 8-35	XXII	395
	Denial of application for exemption by Gem- Dandy Garter Co. ....	9-18-33	I	732
	Prices, Temporary stay relevant to Whole- sale .....	12-22-34	XX	405
	Corset, Brassiere, and Allied Trades Fabrics Division. (See Cotton Textile Supplement, No. 1.) .....			
	Cosmetic Container Manufacturing (see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Ap- pendix, No. 6) .....	2-12-35	XXI	479
361	Cosmetic, Perfume, — and Other Toilet Pre- parations (see also Perfume, Cosmetic, and Other Toilet Preparations) .....	3-23-34	VIII	435
299	Costume, Academic (see also Academic Costume). Cotton, All — Clothing Linings Division. (See Cotton Textile Supplement, No. 1.) .....	2-19-34	VII	209
404	Cotton Batting, Dry Goods (see also Dry Goods Cotton Batting) .....	4-21-34	IX	441
187	Cotton Cloth Glove Manufacturing .....	12-30-33	IV	525
	Amendment, Nos. 1 and 2 .....	5- 5-34	X	523
	Amendment, No. 3 .....	7- 9-34	XIII	247
	Amendment, No. 4 .....	9- 8-34	XVI	299
	Amendment, No. 5 .....	11-24-34	XIX	265
	Amendment, No. 6 .....	5-10-35	XXIII	113
	Piecework rates, Approving minimum .....	11-14-34	XIX	558
	Staying, Further — application of subsection (b), Section 1, Article IV, to mem- bers of the — in the South .....	2- 6-34	VI	661
	Stay of wage provisions for the Southern Section under the .....	12-30-33	IV	712
	Wages, Method of adjusting employee — above the minimum .....	4-25-34	IX	931
	Cotton Converting. (See Cotton Textile.) .....			
118	Cotton Garment .....	11-17-33	III	77
	Athletic Underwear Manufacturers Division .....	11-17-33	III	77
	Boys' Shirts and Blouse Manufacturers Division .....	11-17-33	III	77
	Cotton Wash Dress Manufacturers Division .....	11-17-33	III	77
	Heavy Cotton Outerwear and Combination Leather Garment Manufacturers Division .....	11-17-33	III	77
	Men's Collar Manufacturers Division .....	11-17-33	III	77
	Men's Shirt Manufacturers Division .....	11-17-33	III	77
	Men's Wash Suit Manufacturers Division .....	11-17-33	III	77
	Pajama Manufacturers Division .....	11-17-33	III	77
	Union-Made Garment Manufacturers Divi- sion .....	11-17-33	III	77
	Waterproof Cotton Garment Manufac- turers Division .....	11-17-33	III	77
	Work Garment Manufacturers Divison .....	11-17-33	III	77
	Work Shirt Manufacturers Division .....	11-17-33	III	77
	Amendment, No. 1 .....	12-18-33	IV	649
	Amendment, No. 2 .....	3-10-34	VII	655
	Amendment, No. 3 .....	3-15-34	VIII	629
	Amendment, No. 4 .....	3-22-34	VIII	653

Code No.	Industry	Date	Volume	Page
118	Cotton Garment—Continued.			
	Amendment, No. 5.....	8-16-34	XV	321
	Cotton Undergarment and Sleeping Garment Division.....	8-16-34	XV	321
	Men's and Boys' Shirt and Blouse Division.....	8-16-34	XV	321
	Sheep Lined and Leather Garment Division.....	8-16-34	XV	321
	Work Clothes Manufacturing Division.....	8-16-34	XV	321
	Work Shirt Manufacturing Division.....	8-16-34	XV	321
	Amendment, No. 6.....	8-21-34	XV	383
	Amendment, No. 7.....	8-21-34	XV	387
	Amendment, No. 8.....	9-27-34	XVII	233
	Amendment, No. 9.....	3-7-35	XXII	99
	Amendment, No. 10.....	5-11-35	XXIII	153
	Amendment, No. 11.....	5-25-35	XXIII	213
	Classification, Prescribing rules for.....	9-27-34	XVII	514
	Code Authority, Modifying method of selecting.....	12-6-34	XIX	634
	Code Authority, Providing for the reor- ganization of the.....	1-12-35	XX	451
	Code Authority, Providing temporary ad- ministration by the General NRA Code Authority subsequent to removal of cer- tain members on the.....	12-6-34	XIX	632
	Commission on contractors, Extending time for submission of report by the.....	11-22-34	XIX	596
	Commission provided to report on specified provisions and specified previous orders stayed.....	3-29-35	XXII	610
	Commission provided to report on specified provisions and specified previous orders terminated.....	5-17-35	XXIII	364
	Commission revised and delegated to report on specified provisions and specified pre- vious orders stayed.....	5-10-35	XXIII	336
	Determination of Northern and Southern Sections as to the operation of Section G of Article IV.....	3-13-34	VIII	865
	Effective date, Extension of — as contained in Amendment Number 2.....	3-30-34	IX	889
	Home-work provision of Code, Further stay of.....	6-19-34	XII	644
	Hours of labor for the production of Knitted Polo Shirts, Exemption relevant to.....	4-12-35	XXII	659
	Hours of labor for the production of Knitted Polo Shirts, Underwear and Allied Prod- ucts Manufacturing Industry exemption from provisions relevant to.....	4-12-35	XXII	661
	Hours and wages, Stay of amendments rele- vant to.....	9-28-34	XVII	523
	Impartial Commission created to consider and make recommendations on certain ap- plications for exemption.....	2-19-35	XXI	611
	Impartial Commission, Extending the duties and functions of the.....	3-15-35	XXII	576
	Jurisdictional adjudication for rubberized suedine jackets.....	11-19-34	XIX	581
	Piece rates, Extension of partial stay rele- vant to.....	5-22-35	XXIII	376
	Piece rates, Partial stay relevant to.....	3-1-35	XXI	640
	Extended.....	3-23-35	XXII	593
	Relief, Temporary — under Article XI, Sec- tion (b) for the — Industry.....	1-27-34	V	785

Code No.	Industry	Date	Volume	Page
118	Cotton Garment—Continued.			
	Sheep Lined and Leather Garment Division, Hours and Wages, Granting temporary exemption for.....	11-26-34	XIX	604
	Southern Division, Allocation of States to the — under the — Industry.....	12-30-33	IV	710
	Stay for the Dress Manufacturing Industry and — Industry.....	12-14-33	IV	699
	Stay of application of determination of Northern and Southern Sections as to the operation of Section G of Article IV.....	3-16-34	VIII	868
	Terms of sale, Approving stay for Union Made Garments of provisions relevant to.....	1-26-35	XXI	565
	Terms of sale, Stay extended for Union Made Garments of provisions relevant to.....	4- 6-35	XXII	641
	Terms of sale, Stay relevant to.....	5- 2-35	XXIII	304
	Wage and hour provisions, Accepting committee report on.....	10-12-34	XVIII	621
	Wage and hour provisions, Appointing a committee to report on amended.....	9-29-34	XVII	525
	Work Clothes Manufacturing Division, Terms of sale, Stay relevant to.....	1-15-35	XX	458
485	Cotton Ginning Machinery Manufacturing.....	7-16-34	XIII	145
433	Cotton Pickery.....	5-17-34	X	227
	Budget and Expenditures rules stayed.....	5- 6-35	XXIII	318
	Cotton Rag Trade Division. ( <i>See</i> Scrap Iron, Non-ferrous Scrap Metals and Waste Materials Trade.)			
1	Cotton Textile.....	7- 9-33	I	1
	Amendment, No. A-1.....	8-25-33	IX	625
	Amendment, No. 1.....	11- 8-33	II	677
	Amendment, No. 2.....	12-27-33	IV	675
	Amendment, No. 3.....	12-29-33	VI	583
	Amendment, No. 4.....	2-21-34	VII	635
	Amendment, No. 5.....	2-21-34	VII	637
	Amendment, No. 6.....	7- 6-34	XIII	233
	Amendment, No. 7.....	7-10-34	XIII	261
	Amendment, No. 8.....	7-17-34	XIII	343
	Amendment, No. 9.....	8- 2-34	XIV	267
	Amendment, No. 10.....	9-11-34	XVI	339
	Amendment, No. 11.....	10-16-34	XVIII	189
	Amendment, No. 12.....	1-22-35	XX	301
	Amendment, No. 13.....	1-31-35	XXI	205
	Amendment, No. 14.....	3- 2-35	XXI	445
	Amendment, No. 15.....	4-23-35	XXIII	1
	Carded Yarn Group, Emergency requirement as to further limitation of hours of machine operation in — of the — Industry.....	12-15-33	IV	703
	Carded Yarn Group, Modification of emergency requirement as to limitation of hours of the machine operation in the — of the — Industry.....	1-23-34	V	783
	Combed Sales Yarn Group, Temporary limitation of hours of machine operation in the — of the — Industry.....	1-10-34	V	771
	Combed Thread Producers Group, Temporary limitation of machine operation of the — of the — Industry in respect of the production of Combed Yarn.....	1-10-34	V	772
	Cordage and Twine, Temporarily placed under.....	7-27-33	I	725

Code No.	Industry	Date	Volume	Page
1	Cotton Textile—Continued.			
	Cotton Thread Industry, Temporary placing under	7-16-33	I	21
	Emergency declared, Industry Committee authorized to determine temporary adjustments and Research and Planning Committee designated to report remedial possibilities	3-26-35	XXII	603
	Exemption, Denial of application for — by Alabama Mills Company	8- 4-33	I	728
	Exemption, Denial of application for — by Crystal Springs Bleachers	8- 4-33	I	726
	Exemption, Denial of application for — by Dwight Manufacturing	8- 4-33	I	727
	Exemption, Denial of application for — from — Industry	12- 4-33	III	661
	Fine Goods Group, Further limitation of machine operation in the — of the — Industry	1-29-34	V	786
	Finishing Branch, Emergency requirement as to further limitation of hours of printing machine operation in the — of the — Industry	12-18-33	IV	704
	Finishing Branch, Further limitation of hours of printing machine operation in the — of the — Industry	1-23-34	V	781
	Finishing Branch, Further limitation of hours of printing machine operation in the — of the — Industry	2-23-34	VII	717
	Garment Mfr., Temporarily placed under	7-26-33	I	722
	Hours, Limitation of machine — for the — Industry	12- 2-33	IV	693
	Hours of operation of productive machinery, Stay for Venetian Blind Ladder Tape looms relevant to	1-15-35	XX	459
	Information allowed to be given to governmental agencies authorized to supply credit to members	8-29-34	XVI	533
	Jurisdictional exclusion from code for Textile Examining, Shrinking, and Refinishing	11-24-34	XIX	601
	Loom hour provisions, Stay relevant to	5-10-35	XXIII	338
	Mercerizers Group, Temporary limitation of machine operation of the — of the — Industry in respect of the production of Combed Yarn	1-10-34	V	773
	Pajama Manufacturers, Temporarily placed under	7-26-33	I	723
	Productive machinery, Approving exemption from Order curtailing the use of — Knitters of Underwear	6-22-34	XII	658
	Productive machinery, Exemption from limitation in the operation of	6- 5-34	XI	813
	Productive machinery, Exemption from limitation in the operation of	6- 8-34	XI	817
	Productive machinery, Limiting hours of operation of	5-22-34	X	980
	Productive machinery, Limiting hours of operation of	5-25-34	X	983
	Productive machinery operation, Partial stay relevant to	1-22-35	XX	471
	Productive Machinery, Partial approval of Order curtailing	7-26-34	XIV	569
	Rayon Weaving Industry, Temporary placing under	7-14-33	I	19

Code No.	Industry	Date	Volume	Page
1	Cotton Textile—Continued.			
	Reports, Regulations for registration of machinery and filing of monthly — in Finishing, Thread Manufacturing and Yarn Mercerizing Branches of the — Industry	1-15-34	V	777
	Rubber Tire Yarns, Extension of stay limiting Machine Hours in the — Industry as applying to	11-13-33	II	655
	Silk Industry, Temporary placing under	7-15-33	I	20
	Stay, Disapproval of exception and termination of — under the code of fair competition for the — Industry	11- 6-33	IV	685
	Stay, Extending termination date of — limiting machine hours in — Industry	11-27-33	III	658
	Stay of code provisions as to productive machinery operation for the — Industry	7-20-33	IV	691
	Supplement, No. 1, for Cotton Converting	1-24-34	V	713
	All-Cotton Clothing Linings Division	1-24-34	V	720
	Clothiers' Linings Division	1-24-34	V	718
	Corset, Brassiere, and Allied Trades Fabrics Division	1-24-34	V	719
	Curtain and Drapery Fabrics Division	1-24-34	V	721
	Interlinings Division	1-24-34	V	724
	Shirtings Division	1-24-34	V	722
	Wash Goods Division	1-24-34	V	723
	Amendment, No. 1	12-27-34	XX	131
	Throwing Industry, Temporary placing under	7-14-33	I	20
	Wide Bed Sheeting Group, Temporary limitation of hours of machine operation in the — of the — Industry	1-23-34	V	784
	Work Assignment Board, Reports, Extending time to submit	12-27-34	XX	418
	Work Assignment Board, Rules and regulations for the	10-16-34	XVIII	635
	Cotton Thread. (See Cotton Textile.)			
396	Cotton Wrappings, Milk Filtering Materials and the Dairy Products (see also Milk Filtering Materials and the Dairy Products Cotton Wrappings)	4-19-34	IX	307
	Cotton Warps Division. (See Wool Textile Amendment, No. 1.)			
	Cotton Yarn Dyers and Bleachers Division. (See Textile Processing Amendment, No. 3.)			
	Council, Consolidation and definition of the purview of the National Emergency Council and the Executive (see also National Emergency Council and Executive Council)	10-29-34	XVIII	605
	Counters, Grain Insoles, —, Fox Toes and Heels. (See Leather Amendment, No. 2.)			
418	Counter Type Ice-Cream Freezer	5- 5-34	X	13
	Country Grain Elevator. (See Labor Provisions.)			
	Single assessment rule for participants in retail distribution, Exemption relevant to	2-27-35	XXI	637
	Wage provision, Granting temporary stay of — for the	9-25-34	XVII	503
	Coupon, Ticket and. (See Graphic Arts.)			
	Court, Supreme — Decision (see also Supreme Court Decision)	5-27-35	XXIII	383
	Cover Manufacturing. (See Graphic Arts.)			
	Cover, Mattresses — Division. (See Light Sewing Industry except Garments.)			
336	Covered Button	3-16-34	VIII	87

Code No.	Industry	Date	Volume	Page
	Covered Carpet Padding Division. ( <i>See Light Sewing Industry Except Garments.</i> )			
	Covering, Floor — Division. ( <i>See Wholesaling or Distributing Trade.</i> )			
283	Covers, Ready-Made Furniture Slip — Manufacturing ( <i>see also Ready-Made Furniture Slip Covers Manufacturing</i> )	2-16-34	VI	527
	Crab, Blue ( <i>see also Fishery Supplement, No. 5</i> )	5- 5-34	X	747
	Crane, Electric Overhead — Subdivision. ( <i>See Machinery and Allied Products Amendment, No. 3.</i> )			
102	Crane, Shovel, Dragline and ( <i>see also Shovel, Dragline and Crane</i> )	11- 8-33	II	563
	Cream, Can, Milk and Ice — Manufacturing ( <i>see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 30</i> )	5-17-34	XI	481
456	Cream Cone, Ice ( <i>see also Ice Cream Cone</i> )	6- 4-34	XI	177
	Creation of the National Recovery Review Board.	3- 7-34	VII	709
	Cricket. ( <i>See Athletic Goods Manufacturing.</i> )			
	Crossarm Division. ( <i>See Lumber and Timber Products Amendment, No. 14.</i> )			
77	Crown Manufacturing	11- 1-33	II	243
63	Crucible, Plumbago ( <i>see also Plumbago Crucible</i> )	10-23-33	II	67
109	Crushed Stone, Sand and Gravel, and Slag Industries	11-10-33	II	641
	Amendment, No. 1	8-24-34	XV	423
	Cold Laid Bituminous Concrete Division, Approving	4- 4-34	IX	891
	Contractors, Exempting specified — from compliance, subject to payment of highest wages provided for by this Code or the Construction Code	11- 9-34	XIX	548
	Contractors, Further exemption of specified — from compliance, subject to payment of highest wages provided for by this Code or the Construction Code	2- 6-35	XXI	589
	Cost Accounting, Extending time to file a — system and a list of hazardous occupations	4-12-34	IX	915
	Industrial Sand Division, Administrative approval of — of the	12-27-33	IV	707
	Wages applicable, Further exemption of specified contractors subject to compliance with superior	5- 3-35	XXIII	313
	Crusher, Rock and Ore — Subdivision. ( <i>See Machinery and Allied Products.</i> )			
76	Crusher, Rock — Manufacturing ( <i>see also Rock Crusher Manufacturing</i> )	11- 1-33	II	231
452	Crushers, Oyster Shell ( <i>see also Oyster Shell Crushers</i> )	6- 2-34	XI	125
511	Culvert, Corrugated Rolled-Metal — Pipe ( <i>see also Corrugated Rolled-Metal Culvert Pipe</i> )	8-27-34	XVI	39
296	Cup, Fluted —, Pan Liner and Lace Paper ( <i>see also Fluted Cup, Pan Liner and Lace Paper</i> )	2-17-34	VII	175
370	Cup, Open Paper Drinking — and Round Nesting Paper Food Container ( <i>see also Open Paper Drinking Cup and Round Nesting Paper Food Container</i> )	3-26-34	VIII	567
427	Curled Hair Manufacturing Industry and Horse Hair Dressing	5-14-34	X	139
	Amendment, No. 1	2- 6-35	XXI	275
	Horse Hair Dressing, Granting a conditional exemption for	11-26-34	XIX	605



Code No.	Industry	Date	Volume	Page
	Curtain and Drapery Fabrics Division. ( <i>See</i> Cotton Textile Supplement, No. 1.)			
78	Curtain, Nottingham Lace ( <i>see also</i> Nottingham Lace Curtain)-----	11- 1-33	II	253
79	Curtain, Novelty —, Draperies, Bedspreads, and Novelty Pillow ( <i>see also</i> Novelty Curtain, Draperies, Bedspreads, and Novelty Pillow)-----	11- 1-33	II	263
	Custom, Retail — Fur Manufacturing Trade ( <i>see also</i> Retail Trade Supplement, No. 2)-----	9-25-34	XVII	435
494	Custom Tailoring, Merchant and ( <i>see also</i> Merchant and Custom Tailoring)-----	7-31-34	XIV	47
	Cut Tack, Wire Tack, and Small Staple Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 40)-----	7- 6-34	XIII	495
	Cutlery, Manicure Implement and Painters and Paperhangers Tool Manufacturing and Assembling ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement No. 10)-----	3-26-34	VIII	823
	Cutting, Coal — Machine ( <i>see also</i> Machinery and Allied Products Supplement, No. 46)-----	1- 4-35	XX	379
	Cutting Die Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 35)-----	6- 8-34	XI	691
	Cutting, Glassware — and Decorating Division. ( <i>See</i> American Glassware.)			
256	Cutting, Schiffli, the Hand Machine Embroidery, and the Embroidery Thread and Scallop ( <i>see also</i> Schiffli, the Hand Machine Embroidery, and Embroidery Thread and Scallop Cutting)-----	2- 2-34	VI	133
	Cycle Jobbers Division. ( <i>See</i> Wholesaling or Distributing Trade.)			
358	Cylinder Mould and Dandy Roll-----	3-23-34	VIII	397
	Amendment, No. 1-----	7-20-34	XIII	429
	Classification of members-----	8-17-34	XV	671
	Hazardous occupations, Approving a list of-----	8- 1-34	XIV	590
252	Cylindrical Liquid Tight Paper Container-----	2- 1-34	VI	83
	Amendment, No. 1-----	9- 8-34	XVI	303
	Cypress Division. ( <i>See</i> Lumber and Timber Products.)			
	Daily Newspaper Publishing and Printing. ( <i>See</i> Graphic Arts.)			
288	Daily Newspaper Publishing Business-----	2-17-34	VII	69
	Amendment, No. 1-----	2-24-34	VII	639
	Amendment, No. 2-----	5- 2-35	XXIII	55
	Amendment, No. 3-----	5- 6-35	XXIII	63
	Newspaper Industrial Board, Additional members on the-----	5-28-34	XI	796
	Newspaper Industrial Board, Cancellation of Order adding two members to the-----	7-25-34	XIV	567
	Stay of effective date for certain divisions-----	2-26-34	IX	883
396	Dairy Products, Milk Filtering Materials and the — Cotton Wrappings ( <i>see also</i> Milk Filtering Materials and the Dairy Products Cotton Wrappings)-----	4-19-34	IX	307
140	Dampproofing, Waterproofing, — Caulking Compounds, and Concrete Floor Treatments Manufacturing ( <i>see also</i> Waterproofing, Damp-proofing, Caulking Compounds, and Concrete Floor Treatments Manufacturing)-----	11-27-33	III	497

Cole No.	Industry	Date	Volume	Page
490	Date, Imported — Packing (see also Imported Date Packing) ----- Decalcomania and Transparency. (See Graphic Arts.)	7-22-34	XIII	217
	Decorating, Glassware Cutting and — Division. (See American Glassware.)			
	Decorative, Domestic — Linens Branch. (See Novelty Curtains, Draperies, Bedspreads and Novelty Pillows Amendment, No. 2.)			
	Decorative Fabrics, Upholstery and — Division. (See Wholesaling or Distributing Trade.)			
	Delegation of Authority. (See Administration, Executive Orders.)			
	Delivery, Banana and Dry Cleaner or Garment — Bag Division. (See Paper Bag Manufacturing.)			
482	Dental Goods and Equipment Industry and Trade -----	7-13-34	XIII	99
	Dental, Industrial, Jewelers' and — Brush Manufacturers' Division. (See Brush Manufacturing.)			
217	Dental Laboratory -----	1-22-34	V	283
	Amendment, No. 1 -----	10-23-34	XVIII	293
	Device, Wiring (see also Electrical Manufacturing Supplement, No. 3) -----	1-15-35	XX	389
59	Devices, Marking (see also Marking Devices) -----	10-20-33	II	13
	Diamond Core Drill Manufacturing (see also Machinery and Allied Products Supplement, No. 9) -----	5-31-34	XI	597
323	Die Casting Manufacturing -----	3- 8-34	VII	527
	Amendment, No. 1 -----	8-29-34	XVI	199
	Die, Cutting — Manufacturing (see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 35) -----	6- 8-34	XI	691
221	Die, Metal Hat — and Wood Hat Block (see also Metal Hat Die and Wood Hat Block) -----	1-23-24	V	347
122	Die, Special Tool — and Machine Shop (see also Special Tool Die and Machine Shop) -----	11-17-33	III	187
250	Die, Wire, Rod and Tube (see also Wire, Rod and Tube Die) -----	2- 1-34	VI	65
	Diesel Engine Manufacturing (see also Machinery and Allied Products Supplement, No. 40) -----	8- 1-34	XIV	493
	Dioxide, Carbon (see also Chemical Manufacturing Supplement, No. 2) -----	5- 4-34	X	723
246	Disc, Paper — Milk Bottle Cap (see also Paper Disc Milk Bottle Cap) -----	2- 1-34	VI	15
247	Dish, Food — and Pulp and Paper Plate (see also Food Dish and Pulp and Paper Plate) -----	2- 1-34	VI	29
391	Disinfectant, Insecticide and — Manufacturing (see also Insecticide and Disinfectant Manufacturing) -----	4- 6-34	IX	245
	Dismissal, Prohibiting — of employees for reporting alleged violation of Approved Codes of Fair Competition -----	5-15-34	X	949
334	Dispensing, Beverage — Equipment (see also Beverage Dispensing Equipment) -----	3-16-34	VIII	59
240	Display, Advertising — Installation (see also Advertising Display Installation) -----	1-30-34	V	601
	Display, Advertising Metal Sign and — Manufacturing (see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 17) -----	4-20-34	IX	869

Code No.	Industry	Date	Volume	Page
	Display Board, Cork Bulletin and — Manufacturers Division. ( <i>See</i> Cork.)			
110	Distillation, Hardwood ( <i>see also</i> Hardwood Distillation).....	11-10-33	II	661
	Distilled Spirits (Labor Provisions).....	3-21-34	VIII	719
	Distilled Spirits Rectifying (Labor Provision).....	5- 3-34	IX	739
	Distributing:			
297	Advertising Distributing Trade.....	2-17-34	VII	187
	Athletic Goods Distributing Trade.....	7-17-34	XIII	619
530	Bituminous Road Material Distributing.....	10-26-34	XVIII	87
	Charcoal and Package Fuel Distributing Trade.....	8- 7-34	XV	473
223	Construction Machinery Distributing Trade.....	1-23-34	V	369
	Fur Wholesaling and Distributing Trade.....	6- 9-34	XI	737
508	Industry of Wholesale Plumbing Products, Heating Products and/or Distributing Pipe, Fittings and Valves.....	8-25-34	XV	163
176	Paper Distributing Trade.....	12-23-33	IV	375
375	Roaming Granule Manufacturing and Distributing.....	3-31-34	IX	11
	Sheet Metal Distributing Trade.....	7-27-34	XIV	381
542	Used Machinery and Equipment Distributing Trade.....	1-10-35	XX	59
380	Used Textile Machinery and Accessories Distributing Trade.....	4- 4-34	IX	81
201	Wholesaling or Distributing Trade.....	1-12-34	V	69
	Woolens and Trimmings Distributing Trade.....	7-23-34	XIV	321
	Distribution, Establishing Single Assessment Principle for Establishments Engaged in Retail Distribution, Industry of Collective Manufacturing for Door-To-Door ( <i>see also</i> Industry of Collective Manufacturing for Door-To-Door Distribution).....	8- 3-34	XIV	93
496	Distributors, Industrial Supplies and Machinery — Trade ( <i>see also</i> Industrial Supplies and Machinery Distributors Trade).....	10-23-33	II	47
507	Distributors, Surgical — Trade ( <i>see also</i> Surgical Distributors Trade).....	8-24-34	XV	147
	Distributors, Tire Manufacturers and —, Agreement among.....	4-19-34	IX	882
337	Dock, Coal ( <i>see also</i> Coal Dock).....	3-16-34	VIII	99
	Documents, Certification and Exemplification of —, Rules and Regulations governing.....	4-11-34	IX	910
	Documents, Prescribing Rules for Certification of Dog and Long Haired Fur Dyers Division. ( <i>See</i> Fur Dressing and Fur Dyeing.)	11-18-33	III	656
450	Dog Food.....	5-31-34	XI	97
	Code Authority Organization, Stay of Code Provisions relevant to.....	11-19-34	XIX	583
	Labeling Requirements, Providing Additional Time to Report on.....	11- 6-34	XVIII	702
	Product Standards, Providing Additional Time to Report on.....	11- 6-34	XVIII	703
	Dolomite Division. ( <i>See</i> Lime Industry Amendment, No. 1.)			
162	Domestic Freight Forwarding.....	12-18-33	IV	175
	Amendment, No. 1.....	5- 8-35	XXIII	93
	Wages above the minimum, Approving a proposal for adjustment of.....	4-19-35	XXII	677
479	Door, Cold Storage — Manufacturing ( <i>see also</i> Cold Storage Door Manufacturing).....	7-11-34	XIII	31
171	Door, Rolling Steel ( <i>see also</i> Rolling Steel Door).....	12-21-33	IV	297
435	Door, Shower ( <i>see also</i> Shower Door).....	5-19-34	X	253

Code No.	Industry	Date	Volume	Page
502	Door, Upward-Acting ( <i>see also</i> Upward-Acting Door)	8-11-34	XV	71
496	Door-To-Door, Industry of Collective Manufacturing for — Distribution ( <i>see also</i> Industry of Collective Manufacturing for Door-To-Door Distribution)	8- 3-34	XIV	93
	Dowel ( <i>see also</i> Wood Turning and Shaping Industries Supplement, No. 1)	8-20-34	XV	549
440	Dowel Pin Manufacturing	5-22-34	X	329
	Hazardous Occupations, Approval of a list of	11- 5-34	XVIII	695
102	Dragline, Shovel, — and Crane ( <i>see also</i> Shovel, Dragline, and Crane)	11- 8-33	II	536
S	Dramatic, Legitimate Full Length — and Musical Theatrical ( <i>see also</i> Legitimate Full Length Dramatic and Musical Theatrical)	8-16-33	I	81
	Dramatic, Play and — Text Publishing Division. ( <i>See</i> Book Publishing.)			
79	Draperies, Novelty Curtain, — Bedspreads and Novelty Pillow ( <i>see also</i> Novelty Curtain, Draperies, Bedspreads, and Novelty Pillow)	11- 1-33	II	263
	Drapery and Carpet Hardware Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 22)	5- 9-34	X	793
	Drapery, Curtain and — Fabrics Division. ( <i>See</i> Cotton Textile Supplement, No. 1.)			
125	Drapery, Upholstery and — Textile ( <i>see also</i> Upholstery and Drapery Textile)	11-27-33	III	259
212	Drapery and Upholstery Trimming	1-16-34	V	225
	Amendment, No. 1	7-17-34	XIII	353
	Code termination extended	7-23-34	XIV	560
	Further Extension	10-26-34	XVIII	669
	Further Extension	1-18-35	XX	466
	Further Extension	3-25-35	XXII	597
	Home Work, Extension of Time Permitting	4-25-34	IX	933
	Dress, Cotton Wash — Manufacturers Division. ( <i>See</i> Cotton Garment.)			
64	Dress Manufacturing	10-31-33	II	77
	Amendment, No. 1	4-10-34	IX	701
	Amendment, No. 2	10-31-34	XVIII	437
	Amendment, No. 3	11-24-34	XIX	269
	Amendment, No. 4	1- 4-35	XX	163
	Amendment, No. 5	1-23-35	XX	305
	Amendment, No. 6	1-23-35	XX	309
	Amendment, No. 7	2-26-35	XXI	429
	Amendment, No. 8	3- 2-35	XXI	449
	Classification, Prescribing Rules For	9-27-34	XVII	514
	Commission provided to report on specified provisions and specified previous orders stayed	3-29-35	XXII	610
	Commission provided to report on specified provisions and specified previous orders terminated	5-17-35	XXIII	364
	Commission revised and delegated to report on specified provisions and specified previous orders stayed	5-10-35	XXIII	336
	Definition of Areas, Hours, and Wages for the — Industry	12-14-33	IV	697
	Impartial Commission Created to Consider and make Recommendations on Certain Applications for Exemption	2-19-35	XXI	611
	Impartial Commission, Extending the duties and functions of the	3-15-35	XXII	576

Code No.	Industry	Date	Volume	Page
64	Dress Manufacturing—Continued.			
	Inter-Code Agency Created with the Coat and Suit Industry to Handle Jurisdictional Disputes.....	10- 8-34	XVII	545
	Inter-Code Agency's determinations stayed.....	4- 1-35	XXII	623
	Inter-Code Agency's determinations stayed further.....	5-13-35	XXIII	348
	Stay for the — Industry and Cotton Garment Industry.....	12-14-33	IV	699
	Wage differentials, Extending time to report on.....	7- 9-34	XIII	728
	Further Extension.....	8-24-34	XV	724
	Further Extension.....	12-14-34	XIX	647
	Further Extension.....	3-21-35	XXII	592
69	Dress, Millinery and — Trimming Braid and Textile ( <i>see also</i> Millinery and Dress Trimming Braid and Textile).....	10-21-33	II	149
534	Dressing, Horse Hair ( <i>see also</i> Horse Hair Dressing).....	11-24-34	XIX	37
231	Dressings, Surgical ( <i>see also</i> Surgical Dressings).....	1-27-34	V	485
546	Dried Fruit, Pacific Coast ( <i>see also</i> Pacific Coast Dried Fruit).....	1-26-35	XXI	39
	Drill, Diamond Core — Manufacturing ( <i>see also</i> Machinery and Allied Products Supplement, No. 9).....	5-31-34	XI	597
459	Drink, Bottled Soft ( <i>see also</i> Bottled Soft Drink).....	6- 7-34	XI	225
331	Drinking, Bulk Drinking Straw, Wrapped — Straw, Wrapped Toothpick, and Wrapped Manicure Stick ( <i>see also</i> Bulk Drinking Straw, Wrapped Drinking Straw, Wrapped Toothpick, and Wrapped Manicure Stick).....	3-14-34	VIII	13
	Drive, Multiple V-Belt ( <i>see also</i> Machinery and Allied Products Supplement, No. 30).....	7-13-34	XIII	605
	Drop-Forged Wrenches (Alloy) Division. ( <i>See</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 15.).....			
423	Drop Forging.....	5-10-34	X	85
	Amendment, No. 1.....	8- 1-34	XIV	241
	Cost Accounting, Approving Uniform System of.....	8-27-34	XVI	528
	Drug, Botanical — Division. ( <i>See</i> Natural Organic Products.).....			
60	Drug, Retail — Trade ( <i>see also</i> Retail Drug Trade).....	10-21-33	II	27
	Drum, Standard Steel Barrel and — Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 26).....	5-16-34	X	921
	Dry, Banana and — Cleaner or Garment Delivery Bag Division. ( <i>See</i> Paper Bag Manufacturing.).....			
34	Dry Cleaning, Laundry and — Machinery Manufacturing ( <i>see also</i> Laundry and Dry Cleaning Machinery Manufacturing).....	10- 3-33	I	437
407	Dry Color.....	4-25-34	IX	481
	Amendment, No. 1.....	9-14-34	XVI	395
404	Dry Goods Cotton Batting.....	4-21-34	IX	441
	Dry Goods, Wholesale — Trade ( <i>see also</i> Wholesaling or Distributing Trade Supplement, No. 8).....	5-14-34	X	885
	Dry Ground Mica Division. ( <i>See</i> Mica.).....			
159	Dry and Polishing Mop Manufacturing.....	12-15-33	IV	141
	Amendment, No. 1.....	10-25-34	XVIII	331

Code No.	Industry	Date	Volume	Page
	Dry Transfer Manufacturers. ( <i>See</i> Graphic Arts.)			
	Dryer, Kiln, Cooler and — Manufacturing ( <i>see also</i> Machinery and Allied Products Supplement, No. 21)-----	6-12-34	XII	431
101	Dyeing, Cleaning and — Trade ( <i>see also</i> Cleaning and Dyeing Trade)-----	11- 8-33	II	547
172	Dyeing, Rayon and Silk — and Printing ( <i>see also</i> Rayon and Silk Dyeing and Printing)-----	12-21-33	IV	311
	Temporary Code Approved-----	7-22-33	I	718
	Dyers, Cotton and Rayon Tubular Knit Goods — and Finishers Division. ( <i>See</i> Textile Processing Amendment, No. 3.)			
356	Earth, Fuller's — Producing and Marketing ( <i>see also</i> Fuller's Earth Producing and Marketing)-----	3-23-34	VIII	377
322	Earthenware Manufacturing-----	3- 8-34	VII	513
	Clay Flower Pot Division-----	3- 8-34	VII	513
	Earthenware Division-----	3- 8-34	VII	513
	Stoneware Division-----	3- 8-34	VII	513
	Amendment, No. 1-----	8-31-34	XVI	241
	Amendment, No. 2-----	10-31-34	XVIII	441
	Amendment, No. 3-----	1-23-35	XX	313
	Cost Finding, Approving Method of-----	9- 5-34	XVI	554
	Cost Finding, Extending Approved method of-----	2- 1-35	XXI	573
	Hazardous Occupations, Approving a list of	1-25-35	XXI	558
	Effect on Cooperatives of Codes of Fair Competition-----	2-17-34	VII	705
	Elastic, Woven — Division. ( <i>See</i> Narrow Fabrics.)			
483	Electric Hoist and Monorail Manufacturing-----	7-13-34	XIII	115
	Amendment, No. 1-----	10-12-34	XVIII	159
	Amendment, No. 2-----	3-30-35	XXII	271
	Electric Industrial Truck Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 4)-----	1-31-34	V	751
	Electric Lamp, Portable — and Shade ( <i>see also</i> Electrical Manufacturing Supplement, No. 2)-----	6-27-34	XII	501
506	Electric and Neon Sign-----	8-24-34	XV	131
	Amendment, No. 1-----	11-24-34	XIX	273
	Effective Date, Extending the-----	12- 7-34	XIX	636
	Stay of All Provisions, Indefinite-----	12-19-34	XIX	662
	Electric Overhead Crane Subdivision. ( <i>See</i> Machinery and Allied Products Amendment, No. 3.)			
40	Electric Storage and Wet Primary Battery-----	10- 3-33	I	499
	Amendment, No. 1-----	7-27-34	XIV	147
	Amendment, No. 2-----	12-20-34	XX	101
	Electrical Contracting ( <i>see also</i> Construction Supplement, No. 6)-----	4-19-34	IX	849
4	Electrical Manufacturing-----	8- 4-33	I	43
	Amendment, No. 1-----	4-25-35	XXIII	17
	Hours and general labor provisions, Refrigerating Machinery, granted provisional exemption relevant to-----	4-13-35	XXII	666
	Jurisdictional Conflicts, Extending Time to Report on-----	11-26-34	XIX	606
	Jurisdictional Conflicts, Further Extension of Time to Report on-----	2- 8-35	XXI	594
	Jurisdictional conflicts, Further stay of part of the code and further extension of time to report on-----	5- 4-35	XXIII	315

Code No.	Industry	Date	Volume	Page
4	Electrical Manufacturing—Continued.			
	Jurisdictional Interpretation in Conjunction with the Aluminum Industry.....	11- 5-34	XVIII	692
	Signalling Apparatus Subdivision, Stay Granted to the.....	4-21-34	IX	927
	Supplement, No. 1 for Refrigeration.....	6- 9-34	XI	715
	Jurisdictional Adjudication for Equipment with one Horsepower, or Less, Motors.....	1-22-35	XX	474
	Supplement, No. 2 for Portable Electric Lamp and Shade.....	6-27-34	XII	501
	An.endment, No. 1.....	2-12-35	XXI	325
	Supplement, No. 3 for Wiring Device.....	1-15-35	XX	389
	Imports, Continuing stay relevant to.....	3-13-35	XXII	575
	Imports, Permanent stay relevant to.....	4-22-35	XXII	682
	Wire and Cable Subdivision, Granting Exemption to the.....	3-13-34	VIII	867
	Wire and Cable Subdivision, Granting Permanent stay of Certain Provisions to the.....	4- 9-34	IX	908
	Electrical, Structural and — Division. (See Slate.)			
	Electrical Supplies Division. (See Wholesaling or Distributing Trade Supplement, No. 20.)			
	Electrical Wholesale Trade (see also Wholesaling or Distributing Trade Supplement, No. 20)	8-13-34	XV	525
	Electro Plating — and Metal Polishing and Metal Finishing (see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 46).....	8-22-34	XV	585
179	Electrotyping and Stereotyping.....	12-23-33	IV	415
	Amendment, No. 1.....	2-17-34	VII	623
	Amendment, No. 2.....	8-23-34	XV	411
	Continuing in Effect as a Separate Code.....	4-21-34	IX	928
	Standard Scale, Amendment to.....	8-23-34	XV	720
	Elevator, Country Grain. (See Labor Provisions.)			
	Elevator, Lift Truck and Portable — Manufacturing (see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 36).....	6-23-34	XII	461
	Elevator Manufacturing (see also Construction Supplement, No. 3).....	3-21-34	VIII	803
	Embroidery and Lace Division. (See Wholesaling or Distributing Trade.)			
276	Embroidery, Pleating, Stitching and Bonnaz and Hand (see also Pleating, Stitching and Bonnaz and Hand Embroidery).....	2-10-34	VI	403
256	Embroidery, Schiffli, the Hand Machine — and the Embroidery Thread and Scallop Cutting (see also Schiffli, the Hand Machine Embroidery and the Embroidery Thread and Scallop Cutting).....	2- 2-34	VI	133
	Embroidery, Wholesale — Trade (see also Wholesaling or Distributing Trade Supplement, No. 23).....	8-24-34	XV	615
	Emergency, Industrial — Committee, Creation of (see also Industrial Emergency Committee).....	6-30-34	XII	621
	Emergency, National — Council and the Executive Council, Consolidation and Definition of the Purview of the (see also National Emergency Council).....	10-29-34	XVIII	605
	Empty Picture Frame Division. (See Picture Moulding and Picture Frame.)			

Code No.	Industry	Date	Volume	Page
	Enameled Cast Iron Plumbing Fixtures Division. (See Plumbing Fixtures.)			
	Enameled Ware, Vitreous — Manufacturing (see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 43)	7-22-34	XIII	709
	Enameling, Porcelain — Manufacturing (see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 13)	3-31-34	IX	749
186	End Grain Strip Wood Block	12-30-33	IV	511
	Amendment, No. 1	8-16-34	XV	335
	Amendment, No. 2	1-26-35	XXI	187
	Enforcement of Section 7 (a) of the National Industrial Recovery Act	2- 1-34	VI	652
	Enforcement of Section 7 (a) of the National Industrial Recovery Act	2-23-34	VII	708
	Engine, Diesel — Manufacturing (see also Machinery and Allied Products Supplement, No. 40)	8- 1-34	XIV	493
	Engine, Hoisting — Manufacturing (see also Machinery and Allied Products Supplement, No. 19)	6-12-34	XII	417
	Engine, Steam — Manufacturing (see also Machinery and Allied Products Supplement, No. 16)	6-11-34	XI	747
	Engineering, Chemical — Equipment (see also Machinery and Allied Products Supplement, No. 23)	7- 5-34	XII	573
	Engineering, Chemical — Equipment Subdivision. (See Machinery and Allied Products Amendment, No. 3.)			
180	Engraving, Photo (see also Photo Engraving)	12-23-33	IV	429
	Engraving, Steel and Copperplate — and Printing. (See Graphic Arts.)			
324	Engraving, Textile Print Roller (see also Textile Print Roller Engraving)	3- 8-34	VII	539
220	Envelope	1-23-34	V	331
	Hazardous occupations, Approving a list of	4- 2-35	XXII	627
	Envelope, Church — System. (See Graphic Arts.)			
	Envelope Machine Manufacturing (see also Machinery and Allied Products Supplement, No. 31)	7-20-34	XIII	659
	Envelope, Transparent Bag and — Division. (See Transparent Materials Converters.)			
	Equipment:			
	Artistic Lighting Equipment Manufacturing	6-28-34	XII	509
105	Automotive Parts and Equipment Manufacturing	11- 8-33	II	599
	Automotive Shop Equipment Manufacturing	11-30-34	XIX	505
	Bakery Equipment Manufacturing	7-13-34	XIII	595
	Beauty and Barber Equipment and Supplies Trade	4- 4-34	IX	803
286	Beauty and Barber Shop Mechanical Equipment	2-16-34	VI	569
	Beater and Jordan and Allied Equipment	5-14-34	X	871
334	Beverage Dispensing Equipment	3-16-34	VIII	59
379	Bottling Machinery and Equipment Manufacturing	4- 4-34	IX	71



Code No.	Industry	Date	Volume	Page
	Equipment—Continued.			
557	Bowling and Billiard Equipment Industry and Trade.....	3-30-35	XXII	73
88	Business Furniture, Storage Equipment and Filing Supply.....	11- 4-33	II	383
	Chemical Engineering Equipment.....	7- 5-34	XII	573
	Chemical Engineering Equipment Subdivision. (See Machinery and Allied Products Amendment, No. 3.)			
	Conveyor and Material Preparation Equipment Manufacturing.....	6-19-34	XII	445
482	Dental Goods and Equipment Industry and Trade.....	7-13-34	XIII	99
	Fabric Auto Equipment Division. (See Light Sewing Industry Except Garments.)			
39	Farm Equipment.....	10- 3-33	I	489
264	Foundry Equipment.....	2- 6-34	VI	255
493	Industrial Oil Burning Equipment Manufacturing.....	7-30-34	XIV	31
315	Industrial Safety Equipment Industry and Industrial Safety Equipment Trade.....	3- 1-34	VII	421
139	Machine Tool and Equipment Distributing Trade.....	11-27-33	III	485
509	Marine Equipment Manufacturing.....	8-27-34	XVI	1
89	Office Equipment Manufacturing.....	11- 4-33	II	413
	Painters and Paperhangers Tool Equipment Section. (See Cutlery, Manicure Implement and Painters and Paperhangers Tool Manufacturing and Assembling Supplement, No. 10.)			
85	Petroleum Equipment Industry and Trade (American).....	11- 2-33	II	339
257	Printing Equipment Industry and Trade.....	2- 2-34	VI	151
	Prison Equipment Manufacturing.....	7- 5-34	XII	561
	Pulverizing Machinery and Equipment.....	6- 9-34	XI	723
385	Railroad Special Track Equipment Manufacturing.....	4- 6-34	IX	165
197	Retail Farm Equipment Trade.....	1- 6-34	V	17
	Rolling Mill Machinery and Equipment.....	6- 7-34	XI	679
	School Supplies and Equipment Trade.....	7- 5-34	XII	599
397	Spray Painting and Finishing Equipment Manufacturing.....	4-19-34	IX	317
279	Steam Heating Equipment.....	2-12-34	VI	455
158	Stone Finishing Machinery and Equipment.....	12-15-33	IV	129
542	Used Machinery and Equipment Distributing Trade.....	1-10-35	XX	59
	Waterpower Equipment.....	6- 7-34	XI	665
505	Eraser, Blackboard and Blackboard — Manufacturing (see also Blackboard and Blackboard Eraser Manufacturing).....	8-23-34	XV	117
	Establishment and use of Official N. R. A. Bulletin Board.....	1- 6-34	V	768
	Establishment of Trade Zones. (See Fertilizer.)			
455	Etching, Metal (see also Metal Etching).....	6- 4-34	XI	163
146	Excelsior and Excelsior Products.....	12- 7-33	III	565
	Amendment, No. 1.....	10-31-34	XVIII	445
	Amendment, No. 2.....	4- 3-35	XXII	339
	Grade Standards and Classification of Industry Products applicable to used material, Stay of those provisions of the.....	10-29-34	XVIII	677
	Production Control, Extension of the provisions for.....	7- 2-34	XII	689

Code No.	Industry	Date	Volume	Page
95	Exchange, Stock — Firms ( <i>see also</i> Stock Exchange Firms).....	11- 4-33	II	481
	Executive Council and the National Emergency Council, Consolidation and definition of the purview of the.....	10-29-34	XVIII	605
	Executive Orders:			
	Administration, Providing for notice of proceedings and matters in the — of the National Industrial Recovery Act.....	12-21-33	IV	687
	Administrator, Appointment of — and Special Industrial Recovery Board.....	6-16-33	I	711
	Administrator, Delegating further functions and powers to the — for Industrial Recovery.....	12-30-33	IV	689
	Artificial Flower and Feather, Denial of application of Kaplan Brothers for exemption from — Industry.....	11- 4-33	II	701
	Baking Industry, Staying effective date and increasing time for the Code Authority to file reports.....	6-16-34	XII	611
	Bribery, Commercial — provisions to be included in codes heretofore approved.....	11-27-33	III	659
	Central Statistical Board:			
	Appointment of.....	7-27-33	I	724
	Enumeration of function.....	5- 4-34	X	947
	Providing Additional funds.....	5-25-34	X	953
	Certification, Prescribing Rules for — of Documents.....	11-18-33	III	656
	Coat and Suit:			
	Associated Cloak and Suit Manufacturers of Portland, Oregon, denied exemption.....	10-11-33	I	735
	Connecticut Garment Manufacturers Association denied exemption.....	9- 7-33	I	731
	Code Administration, Making provisions for a clause in codes of fair competition relating to collection of expense.....	4-14-34	IX	879
	Code authority, Appointment of Hugh S. Johnson to serve temporarily as member of each.....	9-29-33	I	733
	Codes of Fair Competition, Non-Waiver of Constitutional Rights in connection with.....	1-22-35	XX	399
	Codes of Fair Competition, Prohibiting dismissal of employees for reporting alleged violations.....	5-15-34	X	949
	Construction, Appointing Chairman for Planning and Adjustment Board for the.....	6- 6-34	XI	789
	Contractors, Compliance by Government — with approved codes of fair competition.....	8-10-33	I	792
	Contracts, Government — and Contracts involving the use of Government Funds.....	3-14-34	VIII	859
	Cooperative organizations, Defining effect of certain provisions in the Codes of Fair Competition upon.....	10-23-33	II	698
	Cooperatives, Effect on — of Codes of Fair Competition.....	2-17-34	VII	705
	Corsets and Brassiere, Denial of application of Gem-Dandy Garter Co. for exemptions from.....	9-18-33	I	732

Code No.	Industry	Date	Volume	Page
	Executive Orders—Continued.			
	Cotton Garment, Wage and hour provisions, Accepting committee report on-----	10-12-34	XVIII	621
	Cotton Textile:			
	Exemption denied:			
	Alabama Mills Company-----	8- 4-33	I	728
	Crystal Springs Bleachery-----	8- 4-33	I	726
	Dwight Manufacturing Company--	8- 4-33	I	727
	Inclusions under the code:			
	Cordage and Twine Industry-----	7-27-33	I	725
	Modified-----	10-20-33	II	695
	Garment Manufacturers-----	7-26-33	I	722
	Pajama Manufacturers-----	7-25-33	I	723
	Textile Finishing Industry-----	7-21-33	I	716
	Underwear and Allied Products Industry-----	7-21-33	I	717
	Machine hours for production of tire yarns and fabrics:			
	Stay terminated-----	11- 6-33	II	702
	Modified for continuance-----	11-13-33	III	655
	Modified for continuance-----	11-27-33	III	658
	Stay terminated-----	12- 4-33	III	661
	Work Assignment Board, rules and regulations for the-----	10-16-34	XVIII	635
	Delegation of Authority, Rules and Regulations under Section 10 (a) and — under Section 2 (b) of the National Industrial Recovery Act-----	10-14-33	VI	646
	Enforcement of Section 7 (a) of the National Industrial Recovery Act-----	2- 1-34	VI	652
	Enforcement of Section 7 (a) of the National Industrial Recovery Act-----	2-23-34	VII	708
	Executive Council and the National Emergency Council, Consolidating the-----	10-29-34	XVIII	605
	Federal Alcohol Control Administration, Delegating further functions and powers to the-----	8-21-34	XV	624
	Garment Manufacturers, International Association of — temporarily placed under Cotton Textile Industry-----	7-26-33	I	722
	Government contracts and contracts involving the use of government funds, Providing price tolerance and compliance procedure-----	6-29-34	XII	616
	Hearings, Authorization of Administrator to appoint personnel, fix compensations, and conduct-----	7-15-33	V	763
	Homeworkers, Application of Labor provisions of Codes to-----	5-15-34	X	950
	Hosiery manufacturers, Temporary approval given to certain provisions of a code of fair competition to be submitted by national association of-----	7-26-33	I	719

Code No.	Industry	Date	Volume	Page
	Executive Orders—Continued			
	Hosiery manufacturers—Continued.			
	Industrial Emergency Committee:			
	Amendment of the order creating...	9-27-34	XVII	462
	Amendment to order creating.....	8-31-34	XVI	519
	Creation of.....	6-30-34	XII	521
	Further amendment of the order creating.....	9-27-34	XVII	462
	Labor provisions, Application of — of Codes of Fair Competition affecting apprentice training.....	6-27-34	XII	613
	Labor Provisions, Prescribing Rules and Regulations for the Interpretation and Application of Certain — of Codes of Fair Competition as they may affect Handicapped Workers.....	2-17-34	VII	706
	Lumber and Timber Products, Denial of application of Greensboro Lumber Com- pany for exemptions from the — Industry	10-20-33	II	696
	Modify Agreements, Authorizing Adminis- trator to — entered into or approved by the President under Title I of the National Industrial Recovery Act.....	11-22-33	III	657
	National Emergency Council and the Executive Council, Consolidating the.....	10-29-34	XVIII	605
	National Emergency Council and the Na- tional Recovery Administration, Con- sumers' Agencies reorganized.....	7-30-35	XXIII	408
	National Industrial Recovery Board:			
	Board terminated and Administration reorganized.....	6-15-35	XXIII	405
	Creation of the.....	9-27-34	XVII	463
	Member of the —, Charles Edison appointed as a.....	4-29-35	XXIII	269
	Order and Agencies previously created by the authority of — continued....	6-15-35	XXIII	407
	Reconstituting the.....	3-21-35	XXII	551
	Expenditures out of allocations from the appropriaticus for.....	3-27-34	VIII	863
	National Labor Board, Continuance of the —, Etc.....	12-16-33	VI	648
	National Labor Relations Board, Creation of	6-29-34	XII	617
	National Recovery Review Board, Abolition of.....	6-30-34	XII	622
	Needlework Industry in Puerto Rico, Needlework Commission, Modifying code approval relevant to the selection of a....	10-11-34	XVIII	618
	Petroleum, Administration of the — Indus- try given to Secretary of the Interior.....	8-29-33	I	730
	Petroleum, Prohibition of transportation in interstate and foreign commerce of — and the products thereof unlawfully produced or withdrawn from storage.....	7-11-13	I	713
	Petroleum, Prohibition of transportation in interstate and foreign commerce of — and the products thereof unlawfully produced or withdrawn from storage (with authori- zation).....	7-14-33	I	714

Code No.	Industry	Date	Volume	Page
	Executive Orders—Continued.			
	President's Reemployment Agreement:			
	Employers in towns of less than 2,500 exempted.....	10-23-33	I	699
	Extended to April 30, 1934.....	12-19-33	XV	623
	Extension.....	4-14-34	IX	881
	Modification.....	10-11-33	I	734
	Retail and service trades in towns of less than 2,500, exempted.....	5-15-34	X	952
	Retail Trade, Extension of effective date of Code of Fair Competition for the.....	11-27-33	III	660
	Review Board, Creation of the National Recovery.....	3- 7-34	VII	709
	Review Board, Funds for the National Re- covery.....	3- 9-34	VII	710
	Secretary of Agriculture:			
	Codes, Transferring specified — from the jurisdiction of the — back to the National Recovery Administration.....	3-30-35	XXII	552
	Delegation of certain functions and powers to.....	6-26-33	I	712
	Amendment.....	10-20-33	VI	647
	Amendment.....	1- 8-34	VI	649
	Continuation.....	7-21-33	VI	645
	Joint code approval with the Adminis- trator for Industrial Recovery.....	6-29-34	XII	620
	Secretary of the Interior, Delegation of authority under section 9 of the National Industrial Recovery Act.....	6-30-34	XII	623
	Service Trades or Industries, Local codes for uncodified.....	6-28-34	XII	615
	Service Trades or Industries, Partial Sus- pension of Codes for.....	5-26-34	X	954
	Silk and Rayon Dyeing and Printing Indus- try, Temporary approval given to certain section of a submitted code of fair compe- tition for the — Industry.....	7-22-33	I	718
	Silk Textile, Work Assignment Board, Rules and regulations for the.....	10-16-34	XVIII	635
	Special Adviser on Foreign Trade, Estab- lishing the office of.....	3-23-34	VIII	861
	Statistical, Providing for Submission of — Information by Persons subject to Codes of Fair Competition.....	12- 7-33	III	662
	Stay, Authority granted to Administrator to — application of codes within 10 days after effective date.....	7-15-33	I	715
	Tariff relief, Procedure to be followed for — under Section 3 (e) of the National Industrial Recovery Act.....	10-23-33	II	700
	Territories, Delegating authority to the Administrator to enter into agreements for.....	6-27-34	XII	612
	Textile Finishing Industry temporarily placed under Cotton Textile Industry.....	7-21-33	I	716
	Textile Labor Relations Board, Creation of the.....	9-26-34	XVII	459
	Tire Manufacturers and Distributors, Agree- ment among.....	4-19-34	IX	882
	Underwear and Allied Products Industry temporarily placed under Cotton Textile Industry.....	7-21-33	I	717

Code No.	Industry	Date	Volume	Page
	Executive Orders—Continued.			
	Underwear and Allied Products Manufacturing, Extension of stay for — Industry	10-20-33	II	697
	Upholstery and Drapery Textile, Further extension of time for certain manufacturers to elect not to be bound under the code of fair competition for the — Industry	12-11-33	IV	686
	Wool Textile, Work Assignment Board:			
	Creation of the	10-16-34	XVIII	633
	Reports, Extending time to submit	12-27-34	XX	418
	Rules and Regulations for the	10-16-34	XVIII	635
	Exemplification, Certification and — of Documents, Rules and Regulations governing	4-11-34	IX	910
	Exemption:			
	Amendment to the — from the President's Reemployment Agreement in towns less than 2,500 in population	5-15-34	X	952
	Granting limited — from provisions of Codes of Fair Competition in connection with sales to Hospitals	1-23-34	V	782
	Granting permanent stay of — from Codes of Fair Competition in connection with sales to Hospitals for certain Industries	3- 3-34	VII	726
	Granting Sheltered Workshops Conditional — from Codes of Fair Competition	3- 3-34	VII	727
	Stay of order granting limited — from provisions of codes of fair competition in connection with sales to hospitals	2- 2-34	VI	659
	Exemptions from the President's Reemployment Agreement of employers in towns less than 2,500 in population	10-23-33	II	699
	Exemptions, Rules and regulations concerning modifications of and — from approved Codes of Fair Competition	5- 5-34	X	957
369	Expanding and Specialty Paper Products	3-26-34	VIII	553
	Amendment, No. 1	10-25-34	XVIII	335
	Expense, Governing collection of — of Code Administration ( <i>see also</i> Code Administration)	5-26-34	X	987
98	Extinguishing, Fire — Appliance Manufacturing ( <i>see also</i> Fire Extinguishing Appliance Manufacturing)	11- 4-33	II	511
374	Extract, Tanning ( <i>see also</i> Tanning Extract) — Fabric Auto Equipment Division. ( <i>See</i> Light Sewing Industry except Garments.)	3-29-34	IX	1
473	Fabric Shade, Woven Wood ( <i>see also</i> Woven Wood Fabric Shade)	6-28-34	XII	161
214	Fabric, Slit — Manufacturing ( <i>see also</i> Slit Fabric Manufacturing)	1-16-34	V	245
84	Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating	11- 2-33	II	327
	Amendment, No. 1	6- 1-34	XI	373
	Amendment, No. 2	6-27-34	XII	311
	Appendix, No. 1, for Fly Swatter Manufacturing	9- 7-34	XVI	413
	Appendix, No. 2, for Metal Spinning and Stamping Manufacturing	11-22-34	XIX	453
	Appendix, No. 3, for Fireplace Furnishings Manufacturing	12-21-34	XX	319
	Appendix, No. 4, for Mine Tool Manufacturing	1- 4-35	XX	327
	Appendix, No. 5, for Industrial Wire Cloth Manufacturing	2- 8-35	XXI	469

Code No.	Industry	Date	Volume	Page
84	Fabricated Metal Products—Continued.			
	Appendix, No. 6, for Cosmetic Container Manufacturing.....	2-12-35	XXI	479
	Fitting up charges, Extending stay relevant to.....	3- 8-35	XXII	562
	Appendix, No. 7 for Metal Safety Tread Manufacturing.....	2-15-35	XXI	487
	Budget and Expenditure rules stated.....	5- 6-35	XXIII	320
	Expenses of Code Administration, Terminating exemption relevant to collection of.....	7-19-34	XIII	765
	Supplement, No. 1 for Metallic Wall Structure Industrial Subdivision.....	1-10-34	V	703
	Amendment, No. 1.....	10-30-34	XVIII	417
	Amendment, No. 2.....	3- 7-35	XXII	103
	Supplement, No. 2 for Hand Chain Hoist Manufacturing.....	1-30-34	V	727
	Supplement, No. 3 for Chain Manufacturing.....	1-31-34	V	739
	Amendment, No. 1.....	3-27-35	XXII	257
	Tire Chain Consignment Plan approved.....	4- 1-35	XXII	622
	Supplement, No. 4 for Electric Industrial Truck Manufacturing.....	1-31-34	V	751
	Supplement, No. 5 for Railway Car Appliances.....	2- 9-34	VI	637
	Supplement, No. 6 for Shoe Shank Manufacturing.....	2-21-34	VII	677
	Amendment, No. 1.....	11- 6-34	XVIII	553
	Amendment, No. 2.....	1-31-35	XXI	231
	Supplement, No. 7, for Tool and Implement Manufacturing.....	3-15-34	VIII	747
	Axe Division.....	3-15-34	VIII	747
	Hammers Division.....	3-15-34	VIII	747
	Hatchet Division.....	3-15-34	VIII	747
	Scythe and Suate Division.....	3-15-34	VIII	747
	Shovel and Post Hole Digger Division.....	3-15-34	VIII	747
	Steel Goods Division.....	3-15-34	VIII	747
	Amendment, No. 1.....	9-19-34	XVII	137
	Amendment, No. 2.....	1-16-35	XX	277
	Supplement, No. 8 for Hack Saw Blade Manufacturing.....	3-17-34	VIII	779
	Amendment, No. 1.....	11- 1-34	XVIII	491
	Amendment, No. 2.....	5-17-35	XXIII	183
	Budget and expenditure rules stated.....	5- 6-35	XXIII	319
	Supplement, No. 9 for Forged Tool Manufacturing.....	3-24-34	VIII	811
	Amendment, No. 1.....	10-17-34	XVIII	213
	Supplement, No. 10 for Cutlery, Manicure Implement and Painters and Paperhangers Tool Manufacturing and Assembling.....	3-26-34	VIII	823
	Manicure Implement Section.....	3-26-34	VIII	823
	Painters and Paperhangers Tool Equipment Section.....	3-26-34	VIII	823
	Pocket Knife Section.....	3-26-34	VIII	823
	Scissors and Shears Section.....	3-26-34	VIII	823
	Selling prices, Partial stay of provisions relevant to.....	5-20-35	XXIII	372
	Straight Razor Section.....	3-26-34	VIII	823
	Table and Trade Knife Section.....	3-26-34	VIII	823
	Amendment, No. 1.....	11-12-34	XIX	159
	Amendment, No. 2.....	1-16-35	XX	273
	Price provisions, Partial stay relevant to.....	2-26-35	XXI	634
	Selling prices, Partial stay of provisions relevant to.....	5-20-35	XXIII	372
	Statement of quality, Approving a standard.....	5-10-35	XXIII	339

Code No.	Industry	Date	Volume	Page
84	Fabricated Metal Products—Continued.			
	Supplement, No. 11 for Tackle Block Manufacturing.....	3-26-34	VIII	849
	Supplement, No. 12 for Power and Gang Lawn Mower Manufacturing.....	3-26-34	VIII	837
	Amendment, No. 1.....	8- 8-34	XV	205
	Supplement, No. 13 for Porcelain Enameling Manufacturing.....	3-31-34	IX	749
	Frit Division.....	3-31-34	IX	749
	Jobbing Shop Division.....	3-31-34	IX	749
	Sign Division.....	3-31-34	IX	749
	Table Top Division.....	3-31-34	IX	749
	Amendment, No. 1.....	9-27-34	XVII	267
	Supplement, No. 14 for Non-Ferrous Hot Water Tank Manufacturing.....	4- 4-34	IX	775
	Amendment, No. 1.....	4- 6-35	XXII	379
	Supplement, No. 15 for Wrench Manufacturing.....	4- 4-34	IX	789
	Adjustable Monkey Wrenches Division.....	4- 4-34	IX	789
	Adjustable Pipe Wrenches Division.....	4- 4-34	IX	789
	Adjustable Wrenches and Pliers Division.....	4- 4-34	IX	789
	Adjustable Wrenches Division.....	4- 4-34	IX	789
	Chain Pipe Wrenches (Tongs) Division.....	4- 4-34	IX	789
	Detachable Socket Wrenches Division.....	4- 4-34	IX	789
	Drop-forged Wrenches (Alloy) Division.....	4- 4-34	IX	789
	Drop-forged Wrenches (Carbon) Division.....	4- 4-34	IX	789
	Ratchet and Miscellaneous Wrenches Division.....	4- 4-34	IX	789
	Amendment, No. 1.....	9- 6-34	XVI	295
	Sales to manufacturers of automobiles for use as original equipment, Partial stay relevant to.....	5-22-35	XXIII	380
	Terms of sales, Partial stay of provisions relevant to.....	2-11-35	XXI	604
	Supplement, No. 16 for Snap Fastener Manufacturing.....	4- 6-34	IX	811
	Amendment, No. 1.....	10-23-34	XVIII	303
	Budget and Expenditure rules stated.....	5-10-35	XXIII	342
	Supplement, No. 17 for Advertising Metal Sign and Display Manufacturing.....	4-20-34	IX	869
	Amendment, No. 1.....	10- 5-34	XVII	323
	Supplement, No. 18 for Screw Machine Products Manufacturing.....	4-28-34	X	659
	Amendment, No. 1.....	5-16-34	X	555
	Amendment, No. 2.....	9- 8-34	XVI	311
	Amendment, No. 3.....	10-12-34	XVIII	171
	Supplement, No. 19 for Cap Screw Manufacturing.....	5- 3-34	X	697
	Credit Terms, Approving uniform.....	10- 9-34	XVII	547
	Supplement, No. 20 for Machine Screw Nut Manufacturing.....	5- 5-34	X	733
	Amendment, No. 1.....	2-27-35	XXI	437
	Budget and expenditure rules stated.....	5-14-35	XXIII	353
	Supplement, No. 21 for Bright Wire Goods Manufacturing.....	5- 7-34	X	781
	Supplement, No. 22 for Drapery and Carpet Hardware Manufacturing.....	5- 9-34	X	793
	Amendment, No. 1.....	2-15-35	XXI	367
	Supplement, No. 23 for Machine Screw Manufacturing.....	5-10-34	X	829
	Amendment, No. 1.....	2-19-35	XXI	407



Code No.	Industry	Date	Volume	Page
84	Fabricated Metal Products—Continued.			
	Supplement, No. 24 for Wood Screw Manufacturing	5-10-34	X	843
	Supplement, No. 25 for Steel Package Manufacturing	5-16-34	X	907
	Amendment, No. 1	4-13-35	XXII	435
	Supplement, No. 26 for Standard Steel Barrel and Drum Manufacturing	5-16-34	X	921
	Amendment, No. 1	3-30-35	XXII	279
	Supplement, No. 27 for Galvanized Ware Manufacturing	5-17-34	XI	441
	Seconds, Approval of plan for the sale of Terms of payment for Industry products, Staying code provisions applicable to	1-23-35	XX	478
	Supplement, No. 28 for Job Galvanizing Metal Coating	10-31-34	XVIII	685
	Amendment, No. 1	5-17-34	XI	455
	Supplement, No. 29 for Washing Machine Parts Manufacturing	2-25-35	XXI	421
	Supplement, No. 30 for Milk and Ice Cream Can Manufacturing	5-17-34	XI	469
	Amendment, No. 1	2- 1-35	XXI	481
	Supplement, No. 31 for Warm Air Pipe and Fittings Manufacturing	5-18-34	XI	501
	Amendment, No. 1	11-15-34	XIX	197
	Supplement, No. 32 for Hog Ring and Ringer Manufacturing	5-22-34	XI	531
	Amendment, No. 1	11- 6-34	XVIII	537
	Supplement, No. 3 for Flexible Metal Hose and Tubing Manufacturing	5-24-34	XI	543
	Amendment, No. 1	10-31-34	XVIII	449
	Supplement, No. 34 for Wire Rope and Strand Manufacturing	5-24-34	XI	557
	Amendment, No. 1	10-31-34	XVIII	475
	Amendment, No. 2	5- 6-35	XXIII	81
	Selling practices, Equitable adjustments with the American Petroleum Equipment Industry for	3- 2-35	XXI	645
	Supplement, No. 35 for Cutting Die Manufacturing	6- 8-34	XI	691
	Supplement, No. 36 for Lift Truck and Portable Elevator Manufacturing	6-23-34	XII	461
	Supplement, No. 37 for Artistic Lighting Equipment Manufacturing	6-28-34	XII	509
	Price lists, Extending time to file	11-22-34	XIX	593
	Supplement, No. 38 for Complete Wire and Iron Fence	7- 3-34	XII	545
	Amendment, No. 1	1-22-35	XX	295
	Amendment, No. 2	3- 1-35	XXI	441
	Supplement, No. 39 for Prison Equipment Manufacturing	7- 5-34	XII	561
	Amendment, No. 1	11- 6-34	XVIII	543
	Supplement, No. 40 for Cut Tack, Wire Tack, and Small Staple Manufacturing	7- 6-34	XIII	495
	Price lists, Temporary stay relevant to	1-17-35	XX	465
	Extended	4-18-35	XXII	675
	Supplement, No. 41 for Open Steel Flooring (Grating) Manufacturing	7-11-34	XIII	559
	Supplement, No. 42, for Brass Forging Manufacturing	7-19-34	XIII	645

Code No.	Industry	Date	Volume	Page
84	Fabricated Metal Products—Continued.			
	Supplement, No. 43, for Vitreous Enameled Ware Manufacturing.....	7-22-34	XIII	709
	Amendment, No. 1.....	3-30-35	XXII	285
	Terms of payment for industry products, Staying code provisions relevant to.....	11-16-34	XIX	577
	Supplement, No. 44, for Pulp and Paper Mill Wire Cloth Manufacturing.....	7-30-34	XIV	421
	Supplement, No. 45, for Hand Bag Frame Manufacturing.....	8- 1-34	XIV	463
	Supplement, No. 46, for Electro Plating and Metal Polishing and Metal Finishing.....	8-22-34	XV	585
	Code Authority powers, duties and procedure, Approval stay partially discontinued.....	3-18-35	XXII	582
	Specifications of quality of electro deposited coating, Tentatively approval of.....	5-17-35	XXIII	365
	Supplement, No. 47, for Pipe Tool Manufacturing.....	8-23-34	XV	601
	Supplement, No. 48, for Perforating Manufacturing.....	8-31-34	XVI	437
	Price guarantees, Approving circumstances for making.....	4-30-35	XXIII	299
	Supplement, No. 49, for Socket Screw Products Manufacturing.....	9- 1-34	XVI	451
	Budget and expenditure rules stated.....	5-14-35	XXIII	356
	Supplement, No. 50, for Vise Manufacturing.....	9- 1-34	XVI	465
	Supplement, No. 51, for Refrigeration Valves and Fittings Manufacturing.....	9- 6-34	XVI	479
	Supplement, No. 52, for Tubular Split and Outside Pronged Rivet Manufacturing.....	9-22-34	XVII	405
	Supplement, No. 53, for Liquid Fuel Appliance Manufacturing.....	9-24-34	XVII	419
	Amendment, No. 1.....	3- 8-35	XXII	117
	Price list filing, Stating provisions relevant to.....	5-11-35	XXIII	345
	Supplement, No. 54, for File Manufacturing.....	10- 9-34	XVII	445
	Supplement, No. 55, for Architectural, Ornamental, and Miscellaneous Iron, Bronze, Wire and Metal Specialties Manufacturing.....	11-20-34	XIX	479
	Code Authority, Extending term of office for the temporary.....	2- 9-35	XXI	599
127	Fabricating, Reinforcing Materials ( <i>see also</i> Reinforcing Materials Fabricating).....	11-27-33	III	285
390	Fabricating, Steel Plate ( <i>see also</i> Steel Plate Fabricating).....	4- 6-34	IX	233
480	Fabricating, Structural Steel and Iron ( <i>see also</i> Structural Steel and Iron Fabricating).....	7-11-34	XIII	47
	Fabrics, Automobile —, Proofing and Backing Division. ( <i>See</i> Rubber Manufacturing.)			
	Fabrics, Corset, Brassiere, and Allied Trades — Division. ( <i>See</i> Cotton Textile Supplement, No. 1.)			
	Fabrics, Curtain and Drapery — Division. ( <i>See</i> Cotton Textile Supplement, No. 1.)			
416	Fabrics, Leather Cloth and Lacquered —, Window Shade Cloth and Impregnated Fabrics Industries ( <i>see also</i> Leather Cloth and Lacquered Fabrics, Window Shade Cloth and Impregnated Fabrics Industries).....	5- 3-34	IX	607

Code No.	Industry	Date	Volume	Page
312	Fabrics, Narrow ( <i>see also</i> Narrow Fabrics) ----- Fabrics, Upholstery and Decorative — Division. ( <i>See</i> Wholesaling or Distributing Trade.) Face, Window — Bag Division. ( <i>See</i> Paper Bag Manufacturing.)	2-27-34	VII	387
238	Fan and Blower ----- Amendment, No. 1 ----- Hazardous occupations, Approving a list of Fancy Fur Dyers Division. ( <i>See</i> Fur Dressing and Fur Dyeing.)	1-30-34 10- 5-34 8- 1-34	V XVII XIV	575 329 591
248	Fancy, Glazed and — Paper ( <i>see also</i> Glazed and Fancy Paper) -----	2- 1-34	VI	41
39	Farm Equipment ----- Amendment, No. 1 ----- Amendment, No. 2 ----- Amendment, No. 3 ----- Amendment, No. 4 ----- Amendment, No. 5 -----	10- 3-33 12-21-33 5- 7-34 10-30-34 1-31-35 4-29-35	I IV X XVIII XXI XXIII	489 657 527 413 211 35
197	Farm, Retail — Equipment Trade ( <i>see also</i> Retail Farm Equipment Trade) ----- Farmers', Definition of — and Consumers' Co- operatives ----- Farming, Trout —, Eastern Section ( <i>see also</i> Fishery Supplement, No. 6) -----	1- 6-34 5-18-34 7-25-34	V X XIV	17 977 345
243	Fastener, Slide ( <i>see also</i> Slide Fastener) ----- Fastener, Snap — Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Sup- plement, No. 16) -----	1-31-34 4- 6-34	V IX	635 811
29	Feather, Artificial Flower and ( <i>see also</i> Artificial Flower and Feather) ----- Federal Alcohol Control Administration, Dele- gating further functions and powers to the -----	9-18-33 8-21-34	I XV	381 624
206	Feldspar ----- Amendment, No. 1 ----- Hazardous occupations, Approving a list of Felt. ( <i>See</i> Hat Manufacturing.)	1-16-34 8-24-34 10-11-34	V XV XVIII	153 429 615
30	Felt Base, Linoleum and — Manufacturers ( <i>see also</i> Linoleum and Felt Base Manufacturers) -----	9-18-33	I	389
73	Felt, Hair and Jute ( <i>see also</i> Hair and Jute Felt) -----	10-31-33	II	199
426	Felt, Paper Makers' ( <i>see also</i> Paper Makers' Felt) -----	5-11-34	X	129
143	Felt, Wool — Manufacturing ( <i>see also</i> Wool Felt Manufacturing) ----- Fence, Complete Wire and Iron ( <i>see also</i> Fabri- cated Metal Products Manufacturing and Metal Finishing and Metal Coating Supple- ment, No. 38) -----	11-27-33 7- 3-34 10-31-33	III XII II	535 545 119
67	Fertilizer ----- Grades, Partial stay of provisions relevant to ----- Zones, Establishment of Trade — for the — Industry -----	2- 4-35 2-26-34	XXI VII	580 718
341	Fiber and Metal Work Clothing Button Manu- facturing -----	3-17-34	VIII	155
245	Fiber, Corrugated and Solid — Shipping Con- tainer ( <i>see also</i> Corrugated and Solid Fiber Shipping Container) -----	2- 1-34	VI	1
305	Fibre Can and Tube ----- Amendment, No. 1 ----- Amendment, No. 2 ----- Hazardous occupations, Approving a list of	2-24-34 7- 6-34 9-11-34 5-18-35	VII XIII XVI XXIII	285 237 343 368

Code No.	Industry	Date	Volume	Page
512	Fibre Rug, Grass and — Manufacturing ( <i>see also</i> Grass and Fibre Rug Manufacturing)-----	8-27-34	XVI	55
393	Fibre, Soft — Manufacturing ( <i>see also</i> Soft Fibre Manufacturing)-----	4- 9-34	IX	273
326	Fibre Wallboard-----	3-10-34	VII	565
	Field Athletics. ( <i>See</i> Athletic Goods Manufacturing.)			
	File Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 54)---	10- 9-34	XVII	445
88	Filing, Business Furniture, Storage Equipment and — Supply ( <i>see also</i> Business Furniture, Storage Equipment, and Filing Supply)-----	11- 4-33	I	383
	Filing, Supply ( <i>see also</i> Business Furniture, Storage Equipment, and Filing Supply Supplement, No. 2)-----	7-30-34	XIV	391
	Filter, Air ( <i>see also</i> Machinery and Allied Products Supplement, No. 32)-----	7-21-34	XIII	671
	Filter, Oil — Manufacturing ( <i>see also</i> Automotive Parts and Equipment Manufacturing Supplement, No. 6)-----	10-26-34	XVIII	595
	Filter, Water Softener and ( <i>see also</i> Machinery and Allied Products Supplement, No. 28)-----	7- 9-34	XIII	547
396	Filtering Materials, Milk — and the Dairy Products Cotton Wrappings ( <i>see also</i> Milk Filtering Materials and the Dairy Products Cotton Wrappings)-----	4-19-34	IX	307
	Findings, Leather and Shoe — Trade ( <i>see also</i> Wholesaling or Distributing Trade Supplement, No. 9)-----	5-17-34	XI	493
	Fine Goods. ( <i>See</i> Cotton Textile.)			
184	Finish, Shoe and Leather —, Polish, and Cement Manufacturing ( <i>see also</i> Shoe and Leather Finish, Polish, and Cement Manufacturing)---	12-30-33	IV	485
	Finished Moulding Division. ( <i>See</i> Picture Moulding and Picture Frame.)			
	Finishers, Cotton and Rayon Tubular Knit Goods Dyers and — Division. ( <i>See</i> Textile Processing Amendment, No. 3.)			
	Finishing Branch. ( <i>See</i> Cotton Textile.)			
	Finishing, Electro Plating and Metal Polishing and Metal ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 46)---	8-22-34	XV	585
84	Finishing, Fabricated Metal Products Manufacturing and Metal — and Metal Coating ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating)-----	11- 2-33	II	327
421	Finishing, Marble Quarrying and ( <i>see also</i> Marble Quarrying and Finishing)-----	5- 9-34	X	57
362	Finishing, Photographic and Photo ( <i>see also</i> Photographic and Photo Finishing)-----	3-23-34	VIII	449
397	Finishing, Spray Painting and — Equipment Manufacturing ( <i>see also</i> Spray Painting and Finishing Equipment Manufacturing)-----	4-19-34	IX	317
158	Finishing, Stone — Machinery and Equipment ( <i>see also</i> Stone Finishing Machinery and Equipment)-----	12-15-33	IV	129
	Finishing, Textile —, temporarily placed under Cotton Textile Industry-----	7-21-33	I	716
	Finishing, Trade Mounting and. ( <i>See</i> Graphic Arts.)			
	Fire Clay. ( <i>See</i> Refractories)			

Code No.	Industry	Date	Volume	Page
98	Fire Extinguishing Appliance Manufacturing	11- 4-33	II	511
	Amendment, No. 1	7-27-34	XIV	151
	Amendment, No. 2	10-10-34	XVIII	141
	Cost Accounting, Approving a uniform system of	7-20-34	XIII	767
108	Fire Motor — Apparatus Manufacturing (see also Motor Fire Apparatus Manufacturing)	11- 8-33	II	629
	Fire Resistive Safe Division. (See Business Furniture, Storage Equipment and Filing Supply Amendment, No. 1.)			
	Fire Resistive Safe (see also Business Furniture, Storage Equipment and Filing Supply Supplement, No. 1)	7-30-34	XIV	405
62	Firebox, Steel Tubular and — Boiler and (see also Steel Tubular and Firebox Boiler)	10-23-33	II	57
	Fireplace Furnishings Manufacturing (see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Appendix, No. 3)	12-21-34	XX	319
95	Firms, Stock Exchange (see also Stock Exchange Firms)	11- 4-33	II	481
	Fish, Midwest — and Shellfish Preparing or Wholesaling (see also Fishery Supplement, No. 9)	2-20-35	XXI	537
500	Fish, Processed or Refined — Oil (see also Processed or Refined Fish Oil)	8- 8-34	XV	39
308	Fishery	2-26-34	VII	327
	Assessments, Stay of application of general order relevant to distributing trades	2-12-35	XXI	605
	Blue Crab Division, Temporary modification of minimum wage provisions in the	4-27-34	IX	937
	Clam packing, Jurisdictional interpretation subjecting — to the code for Canning	11-14-34	XIX	559
	Hours and wages for nonoffice employees, substitution of applicable — provisions in the code for California Sardine Processing	12-11-34	XIX	644
	Supplement, No. 1 for Fresh Oyster	3-10-34	VII	693
	Amendment, No. 1	11-16-34	XIX	203
	Competitive and administrative rules, Partial stay for specified members from application of certain	9-26-34	XVII	510
	Hours of labor, rates of pay, etc., Extending time to report on	8- 6-34	XV	628
	Supplement, No. 2 for Wholesale Lobster	4-13-34	IX	823
	Amendment, No. 1	11- 9-34	XIX	153
	Supplement, No. 3 for California Sardine Processing	4-24-34	X	645
	Hours and wages for nonoffice employees, Substitution of applicable provisions from the Fishery Code	12-11-34	XIX	644
	Supplement, No. 4 for Atlantic Mackerel Fishing	5- 3-34	X	711
	Production, Approval of plan of curtailment of	7-14-34	XIII	751
	Production, Approval of plan of curtailment of	8- 6-34	XV	625
	Production, Approving curtailment of	6- 9-34	XI	819
	Production of mackerel, Rescinding curtailment of	10-26-34	XVIII	666
	Supplement, No. 5 for Blue Crab	5- 5-34	X	747
	Amendment, No. 1	12-18-34	XIX	423
	Wages of pickers, Extending time to report on	9-17-34	XVII	465

Code No.	Industry	Date	Volume	Page
308	Fishery—Continued.			
	Supplement, No. 6 for Trout Farming, Eastern Section.....	7-25-34	XIV	345
	Hazardous occupations, Approving a list of.....	10- 9-34	XVII	558
	Supplement, No. 7 for New England Fish and Shellfish Preparing and Wholesaling or Wholesaling.....	9- 8-34	XVI	493
	Clam packing, Jurisdictional interpretation subjecting — to the code for Canning.....	11-14-34	XIX	563
	Supplement, No. 8, for New England Sardine Canning.....	12-18-34	XIX	527
	Supplement, No. 9 for Midwest Fish and Shellfish Preparing or Wholesaling.....	2-20-35	XXI	537
	Supplement, No. 10 for Middle Atlantic Preparing and Wholesaling or Wholesaling.....	3- 8-35	XXII	495
	Supplement, No. 11, for Sponge Preparing and Wholesaling or Wholesaling.....	4-27-35	XXIII	225
	Supplement, No. 12, for Northwest and Alaska Fish and Shellfish Preparing and Wholesaling or Wholesaling.....	5-10-35	XXIII	251
13	Fishing Tackle.....	8-19-33	I	217
	Amendment, No. 1.....	11-14-33	VI	581
	Amendment, No. 2.....	3-21-34	VIII	643
	Amendment, No. 3.....	9-19-34	XVII	123
	Home Workers, Requiring registration of.....	5-29-34	XI	799
	Hours, Approval of exception as to — of work of watchmen in the.....	10- 7-33	VI	657
	Fitted Picture Frame Division. (See Picture Moulding and Picture Frame.)			
	Fittings, Refrigeration Valves and — Manufacturing (see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 51).....	9- 6-34	XVI	479
508	Fittings, Industry of Wholesale Plumbing Products, Heating Products and/or Distributing Pipe, — and Valves (see also Industry of Wholesale Plumbing Products, Heating Products and/or Distributing Pipe, Fittings and Valves).....	8-25-34	XV	163
	Fittings, Sanitary Brass Plumbing — Division. (See Plumbing Fixtures.)			
153	Fittings, Valve and — Manufacturing (see also Valve and Fittings Manufacturing).....	12-15-33	IV	29
	Fittings, Warm Air Pipe and — Manufacturing (see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 31).....	5-18-34	XI	501
415	Fixture, Commercial (see also Commercial Fixture).....	5- 3-34	IX	591
	Fixtures. (See Plumbing Fixtures.)			
352	Flag Manufacturing.....	3-21-34	VIII	319
	Amendment, No. 1.....	3-16-35	XXII	175
541	Flat Glass Manufacturing.....	12-22-34	XX	39
	Hours of labor, Previous stay terminated.....	2-13-35	XXI	606
	Flatware. (See Silverware Manufacturing.)			
516	Flavoring Products.....	9- 7-34	XVI	117
409	Flexible Insulation.....	4-30-34	IX	507
	Flexible Metal Hose and Tubing Manufacturing (see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 33).....	5-24-34	XI	543

Code No.	Industry	Date	Volume	Page
	Floor Covering Division. ( <i>See</i> Wholesaling or Distributing Trade.)			
224	Floor, Furniture and — Wax and Polish ( <i>see also</i> Furniture and Floor Wax and Polish)-----	1-23-34	V	381
526	Floor Machinery-----	10-17-34	XVIII	29
	Floor Tile, Cork — Manufacturers Division. ( <i>See</i> Cork.)			
	Floor Truck, Caster and — Manufacturing ( <i>see also</i> Machinery and Allied Products Supplement, No. 26)-----	7- 7-34	XIII	523
92	Floor and Wall Clay Tile Manufacturing-----	11- 4-33	II	443
	Amendment, No. 1-----	4-28-34	X	485
	China Accessories Division-----	4-28-34	X	485
	Amendment, No. 2-----	5-18-34	X	563
	Distribution definition of a wholesaler and a merchant tile contractor, Stay of provisions relevant to-----	4- 6-35	XXII	642
	Distribution, Stay for specified classes of provisions relevant to-----	2- 2-35	XXI	578
	Price Lists, Permitting discounts from published-----	4-16-34	IX	920
	Trade practices and participation in code activities, Stay of provisions relevant to-----	4-26-35	XXIII	286
140	Floor, Waterproofing, Dampproofing, Caulking Compounds and Concrete — Treatments Manufacturing ( <i>see also</i> Waterproofing, Dampproofing, Caulking Compounds and Concrete Floor Treatments Manufacturing)-----	11-27-33	III	497
	Floor, Wood — Contracting ( <i>see also</i> Construction Supplement, No. 11)-----	5-29-34	XI	583
	Flooring, Oak — Division. ( <i>See</i> Lumber and Timber Products.)			
	Flooring, Open Steel — (Grating) Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 41)-----	7-11-34	XIII	559
	Flooring, Resilient — Contracting ( <i>see also</i> Construction Supplement, No. 10)-----	5-29-34	XI	569
	Flooring, Rubber — Division. ( <i>See</i> Rubber Manufacturing.)			
	Flooring, Specialty Wood — Division. ( <i>See</i> Lumber and Timber Products Amendment, No. 9.)			
29	Flower, Artificial — and Feather ( <i>see also</i> Artificial Flower and Feather)-----	9-18-33	I	381
	Flower Pot, Clay — Division. ( <i>See</i> Earthenware Manufacturing.)			
296	Fluted Cup, Pan Liner and Lace Paper-----	2-17-34	VII	175
	Amendment, No. 1-----	10- 9-34	XVII	383
	Fly Swatter Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Appendix, No. 1)			
	Foil, Metallic — Products Division. ( <i>See</i> Lead.)			
193	Folding Paper Box-----	12-30-33	IV	591
	Amendment, No. 1-----	9-27-34	XVII	239
	Hazardous occupations, Approving a list of-----	3-15-35	XXII	577
370	Food Container, Open Paper Drinking Cup and Round Nesting Paper ( <i>see also</i> Open Paper Drinking Cup and Round Nesting Paper Food Container)-----	3-26-34	VIII	567
247	Food Dish and Pulp and Paper Plate-----	2- 1-34	VI	29
	Amendment, No. 1-----	7- 6-34	XIII	241
450	Food, Dog ( <i>see also</i> Dog Food)-----	5-31-34	XI	97

Code No.	Industry	Date	Volume	Page
370	Food, Open Paper Drinking Cup and Round Nesting Paper — Container ( <i>see also</i> Open Paper Drinking Cup and Round Nesting Paper Food Container)-----	3-26-34	VIII	567
182	Food, Retail — and Grocery Trade ( <i>see also</i> Retail Food and Grocery Trade)-----	12-30-33	IV	457
196	Food, Wholesale — and Grocery Trade ( <i>see also</i> Wholesale Food and Grocery Trade)-----	1- 4-34	V	1
	Football. ( <i>See</i> Athletic Goods Manufacturing.)			
	Footwear, Rubber — Division. ( <i>See</i> Rubber Manufacturing.)			
	Foreign Trade, Establishing the office of Special Adviser on-----	3-23-34	VIII	861
	Forest Products Administrator, Appointing and defining duties and authority of the-----	4-23-35	XXIII	274
	Forged Tool Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 9)-----	3-24-34	VIII	811
	Forging, Brass — Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 42)-----	7-19-34	XIII	645
423	Forging, Drop ( <i>see also</i> Drop Forging)-----	5-10-34	X	85
103	Forging, Machine Tool and — Machinery ( <i>see also</i> Machine Tool and Forging Machinery)-----	11- 8-33	II	577
	Forms, Standardized Stationery and Business. ( <i>See</i> Graphic Arts.)			
264	Foundry Equipment-----	2- 6-34	VI	255
	Amendment, No. 1-----	8-13-34	XV	273
165	Foundry, Non-Ferrous ( <i>see also</i> Non-Ferrous Foundry)-----	12-18-33	IV	211
261	Foundry Supply-----	2- 5-34	VI	219
	Amendment, No. 1-----	8-24-34	XV	433
	Hazardous occupations, Approving a list of.	7-26-34	XIV	571
	Frame, Hand Bag — Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 45)-----	8- 1-34	XIV	463
208	Frame, Picture Moulding and Picture ( <i>see also</i> Picture Moulding and Picture Frame)-----	1-16-34	V	175
386	Frame, Umbrella — and Umbrella Hardware Manufacturing ( <i>see also</i> Umbrella Frame and Umbrella Hardware Manufacturing)-----	4- 6-34	IX	179
418	Freezer, Counter Type Ice-Cream ( <i>see also</i> Counter Type Ice-Cream Freezer)-----	5- 5-34	X	13
	French, Worsted Spinners, — System, Division. ( <i>See</i> Wool Textile Amendment, No. 1.)			
	Fresh Oyster ( <i>see also</i> Fishery Supplement, No. 1)-----	3-10-34	VII	693
310	Fresh Water Pearl Button Manufacturing-----	2-26-34	VII	359
	Amendment, No. 1-----	8-20-34	XV	373
	Amendment, No. 2-----	12- 7-34	XIX	367
	Piece Work, Approval for the carding of buttons in homes of minimum — rates-----	9-27-34	XVII	516
	Friction Products, Brake Lining and Related — Division ( <i>See</i> Asbestos.)			
	Frit, Division. ( <i>See</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 13.)			



Code No.	Industry	Date	Volume	Page
546	Fruit, Pacific Coast Dried ( <i>see also</i> Pacific Coast Dried Fruit)-----	1-26-35	XXI	39
460	Fruit, Preserve, Maraschino Cherry and Glace ( <i>see also</i> Preserve, Maraschino Cherry and Glace Fruit)-----	6- 8-34	XI	241
	Fuel, Charcoal and Package — Distributing Trade ( <i>see also</i> Wholesaling or Distributing Trade Supplement, No. 19)-----	8- 7-34	XV	473
	Fueling, Vessel — Division. ( <i>See</i> Coal Dock.)			
	Fuel, Liquid — Appliance Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 53)-----	9-24-34	XVII	419
280	Fuel, Retail Solid ( <i>see also</i> Retail Solid Fuel)-----	2-14-34	VI	469
356	Fuller's Earth Producing and Marketing-----	3-23-34	VIII	377
	Amendment, No. 1-----	9-25-34	XVII	189
	Hazardous occupations, Approving a list of.	4-22-35	XXIII	271
	Funds, Government contracts and contracts involving the use of Government ( <i>see also</i> Contracts, Government — and contracts involving the use of Government Funds)-----	3-14-34	VIII	859
	Funds for the National Recovery Review Board	3- 9-34	VII	710
	Funds, Rules and regulations for protection of Code Authority-----	12- 5-34	XIX	628
384	Funeral Service-----	4- 4-34	IX	155
	Amendment, No. 1-----	7-24-34	XIV	115
	Amendment, No. 2-----	7-25-34	XIV	123
	Amendment, No. 3-----	1- 9-35	XX	197
90	Funeral Supply-----	11- 4-33	II	421
	Amendment, No. 1-----	2- 8-34	VI	619
	Amendment, No. 2-----	6- 6-34	XI	403
	Amendment, No. 3-----	4-13-35	XXII	423
	Code Authority, Approving delegation of authority to an Executive Committee by the.	2-14-35	XXI	609
	Funeral Vehicle, Supplement, No. 1 to Automobile Manufacturing-----	11- 8-33	II	671
	Fungicide, Agricultural Insecticide and ( <i>see also</i> Chemical Manufacturing Supplement, No. 1)---	5- 1-34	X	685
476	Fur Cutting, Hatters' ( <i>see also</i> Hatters' Fur Cutting)-----	7- 3-34	XII	211
381	Fur Dealing Trade-----	4- 4-34	IX	91
	General Division-----	4- 4-34	IX	91
	Rabbit Dealing Division-----	4- 4-34	IX	91
	Amendment, No. 1-----	7-20-34	XIII	435
	Amendment, No. 2-----	10- 2-34	XVII	283
	Broker and Auction House Division-----	10- 2-34	XVII	283
	General Division-----	10- 2-34	XVII	283
	Rabbit Dealing Division-----	10- 2-34	XVII	283
	Amendment, No. 3-----	1- 9-35	XX	201
161	Fur Dressing and Fur Dyeing-----	12-18-33	IV	161
	Dog and Long Haired Fur Dyers Division-----	12-18-33	IV	161
	Fancy Fur Dressers Division-----	12-18-33	IV	161
	Fancy Fur Dyers Division-----	12-18-33	IV	161
	Rabbit Fur Dressers Division-----	12-18-33	IV	161
	Rabbit Fur Dyers Division-----	12-18-33	IV	161
	Amendment, No. 1-----	6-30-34	XII	361
	Amendment, No. 2-----	7-18-34	XIII	399
	Amendment, No. 3-----	7-25-34	XIV	125
	Amendment, No. 4-----	8- 3-34	XIV	311
	Amendment, No. 5-----	9-27-34	XVII	243
	Amendment, No. 6-----	3-23-35	XXII	231

Code No.	Industry	Date	Volume	Page
436	Fur Manufacturing.....	5-19-34	X	265
	Amendment, No. 1.....	7-30-34	XIV	199
	Amendment, No. 2.....	2-13-35	XXI	337
	Code Authority, Adding two additional members to the Temporary.....	7-23-34	XIV	561
	Code Authority Members, Revoking previous order appointing two.....	10-27-34	XVIII	673
	Market Areas, Extending date of report of Special Commission on.....	7- 3-34	XII	693
	Special Commission, Appointment and allocation of certain powers to the.....	8- 7-34	XV	634
	Fur, Retail Custom — Manufacturing Trade (see also Retail Trade Supplement, No. 2).....	9-25-34	XVII	435
	Fur Trapping Contractors.....	12-15-33	IV	151
	Fur Wholesaling and Distributing Trade (see also Wholesaling or Distributing Trade Supplement, No. 11).....	6- 9-34	XI	737
Fur-felt. (See Hat Manufacturing.)				
Furnace, Blast — Castings Division. (See Non-Ferrous Foundry.)				
357	Furnace, Industrial — Manufacturing (see also Industrial Furnace Manufacturing).....	3-23-34	VIII	387
137	Furnace, Warm Air — Manufacturing (see also Warm Air Furnace Manufacturing).....	11-27-33	III	461
	Furnishings, Fireplace — Manufacturing (see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Appendix No. 3).....	12-21-34	XX	319
	Furnishings, House — Division. (See Wholesaling or Distributing Trade Supplement, No. 8.)			
	Furnishings, Men's — Division. (See Wholesaling or Distributing Trade Supplement, No. 8.)			
88	Furniture, Business —, Storage Equipment and Filing Supplies (see also Business Furniture, Storage Equipment, and Filing Supplies).....	11- 4-33	II	383
224	Furniture and Floor Wax and Polish.....	1-23-34	V	381
	Amendment, No. 1.....	7-12-34	XIII	273
	Silver and Metal Polish Division.....	7-12-34	XIII	273
	Sweeping Compound Division.....	7-12-34	XIII	273
	Amendment, No. 2.....	11-22-34	XIX	235
145	Furniture Manufacturing.....	12- 7-33	III	551
	Amendment, No. 1.....	2- 5-34	VI	611
	Amendment, No. 2.....	7-12-34	XIII	281
	Amendment, No. 3.....	7-20-34	XIII	439
	Amendment, No. 4.....	3-21-35	XXII	213
	Cost Formula, Approving.....	8-13-34	XV	662
	Homework, Terminating a stay relevant to Jurisdictional adjudication for "kitchen or pantry cabinets".....	7-27-34	XIV	574
	Piece-work employees, Exemption for certain specified.....	3-18-35	XXII	583
	Stay, Temporary — of Articles III, IV, and V for the — Industry.....	10-29-34	XVIII	678
		Stay, Temporary — of Articles III, IV, and V for the — Industry.....	1-12-34	V
527	Furniture, Metal Hospital — Manufacturing (see also Metal Hospital Furniture Manufacturing).....	10-23-34	XVIII	43
239	Furniture, Porcelain Breakfast — Assembling (see also Porcelain Breakfast Furniture Assembling).....	1-30-34	V	587
283	Furniture, Ready-Made — Slip Covers Manufacturing (see also Ready-Made Furniture Slip Covers Manufacturing).....	2-16-34	VI	527
	Furriers Supplies Trade (see also Wholesaling or Distributing Trade Supplement, No. 10).....	6- 2-34	XI	609

Code No.	Industry	Date	Volume	Page
	Galvanizing, Job — Metal Coating ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 28)-----	5-17-34	XI	455
	Galvanized Ware Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 27)-----	5-17-34	XI	441
118	Garment, Banana and Dry Cleaner or — Delivery Bag Division. ( <i>See</i> Paper Bag Manufacturing,-----	11-17-33	III	77
	Garment, Cotton ( <i>see also</i> Cotton Garment)-----	7-26-33	I	722
226	Garment Manufacturers, temporarily placed under Cotton Textile Industry-----			
	Garments, Light Sewing Industry Except ( <i>see also</i> Light Sewing Industry Except Garments)-----	1-23-34	V	403
94	Garter, Suspender and Belt Manufacturing-----	11- 4-33	II	471
	Amendment, No. 1-----	1-27-34	V	693
	Amendment, No. 2-----	6- 5-34	XI	397
	Amendment, No. 3-----	2- 8-35	XXI	301
	Hazardous occupations classified for the — Industry-----	3- 3-34	VII	729
	Overtime work, Men's Belt Branch, Exceptions relevant to-----	2-19-35	XXI	613
134	Gas Appliances and Apparatus-----	11-27-33	III	421
70	Gas Cook-----	10-31-33	II	157
	Amendment, No. 1-----	7-12-34	XIII	285
104	Gas, Liquefied ( <i>see also</i> Liquefied Gas)-----	11- 8-33	II	587
	Gasket Manufacturing ( <i>see also</i> Automotive Parts and Equipment Manufacturing Supplement, No. 9)-----	12-20-34	XX	333
26	Gasoline Pump Manufacturing-----	9-18-33	I	349
	Amendment, No. 1-----	12-21-33	IV	661
	Amendment, No. 2-----	9-21-34	XVII	159
	Gas-Powered Industrial Truck Manufacturing ( <i>see also</i> Machinery and Allied Products Supplement, No. 33)-----	7-21-34	XIII	683
117	Gear Manufacturing-----	11-14-33	III	67
	Amendment, No. 1-----	6-27-34	XII	315
	Audit Qualifications stayed-----	4-11-35	XXII	653
	General Contractors ( <i>see also</i> Construction Supplement, No. 1)-----	2-17-34	VII	667
	General N. R. A. Code Authority:			
	Chairman, Appointment of a-----	9- 8-34	XVI	567
	Member, Appointing a — of the-----	9- 8-34	XVI	568
	Member, Appointing a — of the-----	9- 8-34	XVI	569
	Member, Appointing a — of the-----	9- 8-34	XVI	570
	Member, Appointing a — of the-----	10- 3-34	XVII	535
	Members, Providing for the selection of-----	9- 7-34	XVI	563
	Retail Solid Fuel, Appointing a member of the — for the-----	9- 8-34	XVI	571
	Schiffli, the Hand Machine Embroidery, and the Embroidery Thread and Scallop Cutting Industries, to be administered by the-----	4- 6-35	XXII	645
485	Ginning, Cotton — Machinery Manufacturing ( <i>see also</i> Cotton Ginning Machinery Manufacturing)-----	7-16-34	XIII	145
460	Glace Fruit, Preserve, Maraschino Cherry and ( <i>see also</i> Preserve, Maraschino Cherry and Glace Fruit)-----	6- 8-34	XI	241
36	Glass Container-----	10- 3-33	I	457
	Amendment, No. 1-----	2- 1-34	VI	587

Code No.	Industry	Date	Volume	Page
541	Glass, Flat — Manufacturing ( <i>see also</i> Flat Glass Manufacturing)-----	12-22-34	XX	39
	Glass House Refractories Division. ( <i>See</i> Refractories.)			
531	Glass, Stained and Leaded ( <i>see also</i> Stained and Leaded Glass)-----	11- 2-34	XVIII	109
533	Glass, Window — Manufacturing ( <i>see also</i> Window Glass Manufacturing)-----	11-22-34	XIX	13
	Glassine Bag Division. ( <i>See</i> Paper Bag Manufacturing.)			
215	Glassware, American ( <i>see also</i> American Glassware)-----	1-16-34	V	257
248	Glazed and Fancy Paper-----	2- 1-34	VI	41
	Amendment, No. 1-----	10-16-34	XVIII	191
	Glazers, Cotton Yarn — Division. ( <i>See</i> Textile Processing Amendment, No. 3.)			
	Globes, Lamp Chimneys and Lantern — Division. ( <i>See</i> American Glassware.)			
187	Glove, Cotton Cloth — Manufacturing ( <i>see also</i> Cotton Cloth Glove Manufacturing)-----	12-30-33	IV	525
87	Glove, Leather and Woolen Knit ( <i>see also</i> Leather and Woolen Knit Glove)-----	11- 4-33	II	367
	Glove, Sheep and — Division. ( <i>See</i> Leather Amendment, No. 2.)			
504	Glue, Animal ( <i>see also</i> Animal Glue.)-----	8-23-34	XV	101
83	Glycerine, Soap and — Manufacturing ( <i>see also</i> Soap and Glycerine Manufacturing)-----	11- 2-33	II	317
	Goat and Cabretta Division. ( <i>See</i> Leather Amendment, No. 2.)			
	Golf. ( <i>See</i> Athletic Goods Manufacturing.)			
254	Goods, Athletic — Manufacturing ( <i>see also</i> Athletic Goods Manufacturing)-----	2- 2-34	VI	107
42	Goods, Luggage and Fancy Leather ( <i>see also</i> Luggage and Fancy Leather Goods)-----	10- 3-33	I	519
	Goods, Mechanical Rubber — Division. ( <i>See</i> Rubber Manufacturing.)			
	Goods, Wash — Division. ( <i>See</i> Cotton Textile Supplement, No. 1.)			
	Governmental agencies, quotations to:			
	Bituminous Coal, Coal Dock, Wholesale Coal, Retail Solid Fuel, Staying application of Order relevant to bids rendered to-----	6-27-34	XII	665
	Business Furniture, Storage Equipment and Filing Supply, Exemption relevant to-----	7-11-34	XIII	742
	Business Furniture, Storage Equipment and Filing Supply, Stay of Code Provisions relevant to-----	7-20-34	XIII	766
	Exemption for — from Codes of Fair Competition-----	6-12-34	XII	625
	Metal Window, Interpretation for — relevant to-----	11-19-34	XIX	585
	Retail Lumber, Lumber Products, Building Materials and Building Specialties, Stay of code provisions relevant to-----	8-29-34	XVI	535
	Retail Rubber Tire and Battery Trade, Stay of order pertaining to — for-----	6-28-34	XII	676
	Government contracts and contracts involving the use of Government Funds ( <i>see also</i> Contracts, Government — and contracts involving the use of Government Funds)-----	3-14-34	VIII	859
438	Grain, Abrasive ( <i>see also</i> Abrasive Grain)-----	5-21-34	X	303
	Grain, Country — Elevator. ( <i>See</i> Labor Provisions.)			

Code No.	Industry	Date	Volume	Page
	Granite, Building ( <i>see also</i> Construction Supplement, No. 18)-----	8-20-34	XV	535
449	Granite, Wholesale Monumental ( <i>see also</i> Wholesale Monumental Granite)-----	5-31-34	XI	79
375	Granule, Roofing — Manufacturing and Distributing ( <i>see also</i> Roofing Granule Manufacturing and Distributing)-----	3-31-34	IX	11
287	Graphic Arts-----	2-17-34	VII	1
	Advertising Newspaper Appendix-----	2-17-34	VII	61
	Advertising Topography Appendix-----	2-17-34	VII	60
	Bank and Commercial Stationery Appendix-----	2-17-34	VII	61
	Book Manufacturing Appendix-----	2-17-34	VII	56
	Church Envelope System Appendix-----	2-17-34	VII	67
	Commercial Relief Printing Appendix-----	2-17-34	VII	54
	Cover Manufacturing Appendix-----	2-17-34	VII	57
	Daily Newspaper Publishing and Printing Appendix-----	2-17-34	VII	57
	Decalcomania and Transparency Appendix-----	2-17-34	VII	62
	Dry Transfer Manufacturing Appendix-----	2-17-34	VII	66
	Gravure Printing Appendix-----	2-17-34	VII	58
	Greeting Cards Appendix-----	2-17-34	VII	62
	Labels Appendix-----	2-17-34	VII	62
	Law Printers Appendix-----	2-17-34	VII	67
	Library Binding Appendix-----	2-17-34	VII	57
	Lithographic Printing Appendix-----	2-17-34	VII	58
	Map Publishers Appendix-----	2-17-34	VII	68
	Music Printing Appendix-----	2-17-34	VII	63
	Non-Metropolitan Newspaper Publishing and Printing Appendix-----	2-17-34	VII	54
	Periodical Publishing and Printing Appendix-----	2-17-34	VII	55
	Photo-Lithographing Appendix-----	2-17-34	VII	63
	Picture Publishing and Picture Importers Appendix-----	2-17-34	VII	63
	Playing Cards Appendix-----	2-17-34	VII	53
	Posters Appendix-----	2-17-34	VII	63
	Securities Engraving and Printing Appendix-----	2-17-34	VII	51
	Standardized Stationery and Business Forms Appendix-----	2-17-34	VII	53
	Steel and Copperplate Engraving and Printing Appendix-----	2-17-34	VII	59
	Textile and Hosiery Packing Manufacturers Appendix-----	2-17-34	VII	64
	Ticket and Coupon Appendix-----	2-17-34	VII	65
	Trade Binding and Paper Ruling Appendix-----	2-17-34	VII	61
	Trade Lithographic Plate Making Appendix-----	2-17-34	VII	59
	Trade Mounting and Finishing Appendix-----	2-17-34	VII	60
	Trade Typesetting Appendix-----	2-17-34	VII	59
	Amendment, No. 1-----	2-24-34	VII	639
	Amendment, No. 2-----	5- 3-34	X	517
	Amendment, No. 3-----	6- 8-34	XI	421
	Amendment, No. 4-----	6- 9-34	XI	429
	Amendment, No. 5-----	6-23-34	XII	289
	Amendment, No. 6-----	7- 3-34	XII	373
	Amendment, No. 7-----	8-10-34	XV	229
	Amendment, No. 8-----	8-16-34	XV	339
	Amendment, No. 9-----	8-29-34	XVI	203
	Overlapping provisions with other codes, Interpretations, modifications, etc., to eliminate-----	12-14-34	XIX	648
	Overlapping provisions with other codes, Interpretations modifications, etc., to eliminate, stayed-----	12-31-34	XX	423

Code No.	Industry	Date	Volume	Page
287	Graphic Arts—Continued.			
	Overlapping provisions with other codes, Interpretations, modifications, etc., to eliminate, superseded by specified exemptions	1-22-35	XX	472
	Stay of effective date for certain divisions	2-26-34	IX	883
	Stay, Temporary — of parts of Article II for certain Division	5- 3-34	IX	949
	Steel and Copper Plate Engraving and Printing, Stay of minimum wage provisions for the	8-11-34	XV	659
	Trade Mounting and Finishing, National Graphic Arts Coordinating Committee designated to temporarily administer the code for the	4-11-35	XXII	655
	Wage and Hour Provisions, Requiring posting of the — by the Advertising Specialty Manufacturing Industry	6-26-34	XII	664
	Wages, Extending stay of code provisions covering	6-21-34	XII	653
554	Graphic Arts Industry In The Territory of Hawaii	3- 7-35	XXII	1
512	Grass and Fibre Rug Manufacturing	8-27-34	XVI	55
	Grating, Open Steel Flooring (—) Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 41)	7-11-34	XIII	559
109	Gravel, Crushed Stone, Sand and —, and Slag ( <i>see also</i> Crushed Stone, Sand and Gravel, and Slag)	11-10-33	II	641
277	Gravure Printing. ( <i>See</i> Graphic Arts.)			
	Gray Iron Foundry	2-10-34	VI	419
	Amendment, No. 1	6-21-34	XII	259
	Amendment, No. 2	11- 1-34	XVIII	485
	Cost and Estimating System, Approval of Uniform	8-17-34	XV	672
	Expenses of Code Administration, Exemption from Order providing method of meeting	6-22-34	XII	659
	Jurisdictional conflicts, Extending time to report on	11-26-34	XIX	606
	Jurisdictional conflicts, Further extension of time to report on	2- 8-35	XXI	594
	Jurisdictional conflicts, Further stay of part of the code and further extension of time to report on	5- 4-35	XXIII	315
	Greeting Cards. ( <i>See</i> Graphic Arts.)			
424	Grinding, Spice ( <i>see also</i> Spice Grinding)	5-11-34	X	99
170	Grinding Wheel	12 21-33	IV	287
	Amendment, No. 1	9-14-34	XVI	401
	Amendment, No. 2	1-25-35	XXI	179
	Grocery Bag Division. ( <i>See</i> Paper Bag Manufacturing.)			
	Grocery Manufacturing, Offering a Basic Code to	9-21-34	XVII	485
182	Grocery, Retail Food and — Trade ( <i>see also</i> Retail Food and Grocery Trade)	12-30-33	IV	457
196	Grocery, Wholesale Food and — Trade ( <i>see also</i> Wholesale Food and Grocery Trade)	1- 4-34	V	1
241	Gum, Chewing ( <i>see also</i> Chewing Gum)	1-30-34	V	613
	Gum, Spirit and Oil Soluble — Division. ( <i>See</i> Natural Organic Products.)			
294	Gummed Label and Embossed Seal	2-17-34	VII	151
	Amendment, No. 1	10-11-34	XVIII	151
	Hazardous occupations, Approving a list of	3-25-35	XXII	598

Code No.	Industry	Date	Volume	Page
293	Gumming	2-17-34	VII	139
	Amendment, No. 1	10-16-34	XVIII	195
	Hazardous occupations, Approving a list of	10-18-34	XVIII	645
420	Gypsum	5- 7-34	X	39
	Hack Saw Blade Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 8)	3-17-34	VIII	779
253	Hair, Animal Soft ( <i>see also</i> Animal Soft Hair)	2- 2-34	VI	97
	Hair Clipper Manufacturing Subdivision. ( <i>See</i> Machinery and Allied Products.)			
157	Hair Cloth Manufacturing	12-15-33	IV	119
	Amendment, No. 1	8-27-34	XVI	161
	Amendment, No. 2	9-27-34	XVII	249
	Hazardous occupations, Approving a list of	10- 3-34	XVII	536
427	Hair, Curled — Manufacturing Industry and Horse Hair Dressing ( <i>see also</i> Curled Hair Manufacturing Industry and Horse Hair Dressing)	5-14-34	X	139
534	Hair, Horse — Dressing ( <i>see also</i> Horse Hair Dressing)	11-24-34	XIX	37
73	Hair and Jute Felt	10-31-33	II	199
	Amendment, No. 1	5-23-34	X	587
	Amendment, No. 2	7-22-34	XIII	477
	Haired, Dog and Long — Fur Dyers Division. ( <i>See</i> Fur Dressing and Fur Dyeing.)			
	Hammers Division. ( <i>See</i> Tool and Implement Manufacturing Industry Supplement.)			
	Hand Bag Frame Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 45)	8- 1-34	XIV	463
	Hand Chain Hoist Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 2)	1-30-34	V	727
	Hand Made Bag, Wholly or Semi — Division. ( <i>See</i> Paper Bag Manufacturing.)			
332	Handbag, Ladies' ( <i>see also</i> Ladies Handbag)	3-14-34	VIII	27
	Handball. ( <i>See</i> Athletic Goods Manufacturing.)			
	Handicapped Workers, Prescribing Rules and Regulations for the Interpretation and Application of Certain Labor Provisions of Codes of Fair Competition as they may affect	2-17-34	VII	706
53	Handkerchief	10- 9-33	I	629
	Amendment, No. 1	10- 3-34	XVII	303
	Amendment, No. 2	10-31-34	XVIII	453
	Return for exchange merchandise, Stay relevant to	4-20-35	XXII	680
434	Harbor, River and — Improvement ( <i>see also</i> River and Harbor Improvement)	5-18-34	X	239
	Hard Rubber Division. ( <i>See</i> Rubber Manufacturing.)			
	Hardware Division. ( <i>See</i> Wholesaling or Distributing Trade.)			
	Hardware, Drapery and Carpet — Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 22)	5- 9-34	X	793
386	Hardware, Umbrella Frame and Umbrella — Manufacturing ( <i>see also</i> Umbrella Frame and Umbrella Hardware Manufacturing)	4- 6-34	IX	179

Code No.	Industry	Date	Volume	Page
	Hardware, Wholesale — Trade ( <i>see also</i> Wholesaling or Distributing Trade Supplement, No. 17).....	7-30-34	XIV	451
110	Hardwood Distillation.....	11-10-33	II	661
	Amendment, No. 1.....	3-21-34	VIII	649
	Amendment, No. 2.....	8-20-34	XV	377
	Amendment, No. 3.....	11- 2-34	XVIII	497
	Amendment, No. 4.....	1-31-35	XXI	215
	Forest Practice rules for Western Division, Approval of.....	3-18-35	XXII	585
	Hardwood Division. ( <i>See</i> Lumber and Timber Products.)			
	Harness and Collar Division. ( <i>See</i> Leather Amendment, No. 2.)			
457	Hat, Cap and Cloth ( <i>see also</i> Cap and Cloth Hat).....	6- 5-34	XI	193
221	Hat Die, Metal — and Wood Hat Block ( <i>see also</i> Metal Hat Die and Wood Hat Block).....	1-23-34	V	347
259	Hat Manufacturing.....	2- 5-34	VI	187
	Felt Division.....	2- 5-34	VI	187
	Fur-felt Division.....	2- 5-34	VI	187
	Silk Division.....	2- 5-34	VI	187
	Straw Division.....	2- 5-34	VI	187
	Wool-Felt Division.....	2- 5-34	VI	187
	Amendment, No. 1.....	10-27-34	XVIII	389
	Hours of labor in the manufacture of straw hats, Stay relevant to.....	4-30-35	XXIII	298
	Hours and wages, Stay granted for.....	10-19 34	XVIII	648
	Amended and partially extended.....	12-24 34	XX	412
	Further extension.....	2-19 35	XXI	614
	Further extension.....	5-10-35	XXIII	340
	Made-over-used hats, Staying provisions relevant to.....	5-11-35	XXIII	343
	Hatchet Division. ( <i>See</i> Tool and Implement Manufacturing Industry Supplement.)			
	Hats and Caps Division. ( <i>See</i> Wholesaling or Distributing Trade.)			
476	Hatters' Fur Cutting.....	7- 3-34	XII	211
	Effective date, Extending the.....	10-10-34	XVIII	609
	Effective date, Further extension of the.....	1-11-35	XX	448
554	Hawaii, Graphic Arts Industry in the Territory of ( <i>see also</i> Graphic Arts Industry in the Territory of Hawaii).....	3-7-35	XXII	1
550	Hawaii, Manufacturing Industry in the Territory of ( <i>see also</i> Manufacturing Industry in the Territory of Hawaii).....	2-14-35	XXI	105
553	Hawaii, Restaurant Trade in the Territory of ( <i>see also</i> Restaurant Trade in the Territory of Hawaii).....	3- 5-35	XXI	153
525	Hawaii, Retail Trade in the Territory of ( <i>see also</i> Retail Trade in the Territory of Hawaii).....	10-15-34	XVIII	1
	Hawaii, Territorial exemptions from Codes of Fair Competition for. ( <i>See</i> Territories.)			
556	Hawaii, Wholesale and Retail Automobile Sales, Supply, Repair, Maintenance and Service Industry in the Territory of ( <i>see also</i> Wholesale and Retail Automobile Sales, Supply, Repair, Maintenance and Service Industry in the Territory of Hawaii).....	3-26-35	XXII	53
	Hazardous Occupations:			
	Abrasive Grain.....	11- 6-34	XVIII	698
	Air Transport.....	8-16-34	XVIII	607
	American Match.....	3-19-35	XXII	586



Code No.	Industry	Date	Volume	Page
	Hazardous Occupations—Continued.			
	Automotive Chemical Specialties Manufacturing.....	4-23-35	XXIII	272
	Band Instrument Manufacturing.....	9-27-34	XVII	511
	Carbon Black Manufacturing.....	5-18-35	XXIII	367
	Card Clothing.....	9-27-34	XVII	513
	Cigar Manufacturing.....	11-12-34	XIX	555
	Clay Drain Tile Manufacturing.....	11-16-34	XIX	570
	Coffee.....	10- 8-34	XVII	544
	Cordage and Twine.....	10- 1-34	XVII	530
	Cylinder Mould and Dandy Roll.....	8- 1-34	XIV	590
	Dowel Pin Manufacturing.....	11- 5-34	XVIII	695
	Earthenware Manufacturing.....	1-25-35	XXI	558
	Envelope.....	4- 2-35	XXII	627
	Fan and Blower.....	8- 1-34	XIV	591
	Feldspar.....	10-11-34	XVIII	615
	Fibre Can and Tube, Approving a list of.....	5-18-35	XXIII	368
	Folding Paper Box.....	3-15-35	XXII	577
	Foundry Supply.....	7-26-34	XIV	571
	Fuller's Earth Producing and Marketing.....	4-22-35	XXIII	271
	Garter, Suspender, and Belt Manufacturing.....	3- 3-34	VII	729
	Gummed Label and Embossed Seal.....	3-25-35	XXII	598
	Gumming.....	10-18-34	XVIII	645
	Hair Cloth Manufacturing.....	10- 3-34	XVII	536
	Importing Trade.....	10-17-34	XVIII	641
	Industrial Safety Equipment Industry and Industrial Safety Equipment Trade.....	9-19-34	XVII	474
	Industry of Collective Manufacturing for Door-to-Door Distribution.....	4-25-35	XXIII	281
	Industry Engaged in the Smelting and Refining of Secondary Metals into Brass and Bronze Alloys in Ingot form.....	12-26-34	XX	416
	Insecticide and Disinfectant Manufacturing.....	3-12-35	XXII	572
	Marking Devices.....	9-27-34	XVII	518
	Merchant and Custom Tailoring.....	4- 3-35	XXII	631
	Metal Hat Die and Wood Hat Block.....	8- 1-34	XIV	594
	Metal Tank.....	1- 9-35	XX	443
	Musical Merchandise Manufacturing.....	9-27-34	XVII	519
	Nonferrous and Steel Convector Manufacturing.....	8- 4-34	XIV	603
	Ornamental Molding, Carving and Turning.....	10-25-34	XVIII	663
	Package Medicine.....	1- 3-35	XX	430
	Packaging Machinery Industry and Trade.....	9-25-34	XVII	505
	Paper Stationery and Tablet Manufacturing.....	3-25-35	XXII	600
	Perfume, Cosmetic and Other Toilet Preparations.....	1-12-35	XX	454
	Photographic and Photo Finishing.....	10- 9-34	XVII	553
	Piano Manufacturing.....	9-19-34	XVII	475
	Picture Moulding and Picture Frame.....	10- 9-34	XVII	554
	Pipe Organ.....	9-19-34	XVII	476
	Precious Jewelry Producing.....	9-18-34	XVII	472
	Printing Ink Manufacturing.....	3- 9-35	XXII	570
	Real Estate Brokerage.....	1-12-35	XX	455
	Retail Monument.....	12-20-34	XX	401
	Rock and Slag Wool Manufacturing.....	8- 4-34	XIV	604
	Sand-Lime Brick.....	11-23-34	XIX	597
	Sanitary Napkin and Cleansing Tissue.....	5-20-35	XXIII	373
	Scrap Iron, Non-Ferrous Scrap Metals and Waste Materials Trade:			
	Cotton Rag.....	3-28-35	XXII	607
	Nonferrous Scrap Metals.....	3-28-35	XXII	608
	Scrap Iron and Steel Trade.....	4-18-35	XXII	676
	Scrap Rubber.....	3-23-35	XXII	596

Code No.	Industry	Date	Volume	Page
	Hazardous Occupations—Continued.			
	Secondary Aluminum.....	11-19-34	XIX	588
	Steam Heating Equipment.....	10- 9-34	XVII	556
	Tapioca Dry Products.....	3-12-35	XXII	574
	Trailer Manufacturing.....	9-19-34	XVII	477
	Trout Farming Industry, Eastern Section.....	10- 9-34	XVII	558
	Unit Heater and/or Unit Ventilator Manufacturing.....	10- 9-34	XVII	559
	Used Textile Machinery and Accessories Distributing Trade.....	11-20-34	XIX	590
	Venetian Blind.....	2-13-35	XXI	607
	Waxed Paper.....	4- 8-35	XXII	647
	Wholesale Monumental Granite.....	10-11-34	XVIII	619
	Wholesale Monumental Marble.....	2-20-35	XXI	620
	Witch Hazel.....	11-21-34	XIX	591
	Wood Plug.....	9-27-34	XVII	522
	Wood Turning and Shaping.....	10- 9-34	XVII	560
	Wooden Insulator Pin and Bracket Manufacturing.....	1-31-35	XXI	571
	Wool Felt.....	3- 2-34	VII	724
	Wool Felt.....	10-29-34	XVIII	681
	Hearings, Authorization of Administrator to appoint personnel, fix compensations, and conduct.....	7-15-33	V	763
	Health, Force of provisions subsequent to approval by the Administrator for Safety and — Standards.....	6-15-34	XII	638
56	Heat Exchange.....	10-11-33	I	663
	Heater, Automobile Hot Water — Manufacturing (see also Automotive Parts and Equipment Manufacturing Supplement, No. 1).....	6-25-34	XII	475
272	Heater, Unit — and/or Unit Ventilator Manufacturing (see also Unit Heater and/or Unit Ventilator Manufacturing).....	2-10-34	VI	355
236	Heating, Cooking and — Appliance Manufacturing (see also Cooking and Heating Appliance Manufacturing).....	1-30-34	V	549
508	Heating, Industry of Wholesale Plumbing Products, — Products and/or Distributing Pipe, and Fittings and Valves (see also Industry of Wholesale Plumbing Products, Heating Products and/or Distributing Pipe, and Fittings and Valves).....	8-25-34	XV	163
	Heating, Piping, and Air Conditioning Contractors' (see also Construction Supplement, No. 16).....	7-25-34	XIV	331
279	Heating, Steam — Equipment (see also Steam Heating Equipment).....	2-12-34	VI	455
	Heavy Construction and Railroad Contractors (see also Construction Supplement, No. 1, Subdivision, No. 2).....	4-29-35	XXIII	237
	Heel and Sole Division. (See Rubber Manufacturing.)			
	Heels, Grain Insoles, Counters, Fox Toes and (See Leather Amendment, No. 2.)			
270	Heel, Wood (see also Wood Heel).....	2- 9-34	VI	329
	Hemlock, Northern — Division. (See Lumber and Timber Products.)			
320	Hide and Leather Working Machine.....	3- 6-34	VII	485
	High Temperature Bonding Mortars Division. (See Refractories.)			
	Highway Contractors (see also Construction Supplement, No. 1, Subdivision, No. 1).....	3-16-35	XXII	523

Code No.	Industry	Date	Volume	Page
	Hockey. ( <i>See Athletic Goods Manufacturing.</i> )			
	Hog Ring and Ringer Manufacturing ( <i>see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 32</i> )	5-22-34	XI	531
	Hoist Builders ( <i>see also Machinery and Allied Products Supplement, No. 20</i> )	6-12-34	XII	403
483	Hoist, Electric — and Monorail Manufacturing ( <i>see also Electric Hoist and Monorail Manufacturing</i> )	7-13-34	XIII	115
	Hoist, Hand Chain — Manufacturing ( <i>see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 2</i> )	1-30-34	V	727
	Hoisting Engine Manufacturing ( <i>see also Machinery and Allied Products Supplement, No. 19</i> )	6-12-34	XII	417
	Hollow Ware. ( <i>See Silverware Manufacturing.</i> )			
	Home work provisions, Application of various code	1-26-35	XXI	566
	Homeworkers, Application of Labor Provisions of Codes to	5-15-34	X	950
427	Horse Hair, Curled Hair Manufacturing Industry and — Dressing ( <i>see also Curled Hair Manufacturing Industry and Horse Hair Dressing</i> )	5-14-34	X	139
534	Horse Hair Dressing	11-24-34	XIX	37
	Effective date, Extending the	12- 3-34	XIX	620
325	Horseshoe and Allied Products Manufacturing	3- 8-34	VII	551
	Hours and Wages, Allowing exceptions for	6-28-34	XII	675
	Hose, Flexible Metal — and Tubing Manufacturing ( <i>see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 33</i> )	5-24-34	XI	543
16	Hosiery	8-26-33	I	239
	Amendment, No. 1	2- 2-34	VI	595
	Amendment, No. 2	2- 5-34	VI	615
	Amendment, No. 3	6- 7-34	XI	407
	Amendment, No. 4	8-14-34	XV	309
	Amendment, No. 5	3- 8-35	XXII	111
	Amendment, No. 6	4- 6-35	XXII	357
	Amendment, No. 7	4-19-35	XXII	467
	Learners, Temporary modification of provisions applicable to	3- 5-35	XXI	649
	Temporary code approved	7-26-33	I	719
	Changes, Temporary — of Article IV for the — Industry	12-14-33	IV	701
	Hosiery Packing, Textile and — Manufacturers. ( <i>See Graphic Arts.</i> )			
527	Hospital, Metal — Furniture Manufacturing ( <i>see also Metal Hospital Furniture Manufacturing</i> )	10-23-34	XVIII	43
	Hospitals:			
	Disallowing special exemptions for sales to — for Bituminous Coal, Wholesale Coal and Retail Solid Fuel Industries	5-28-34	XI	791
	Granting limited exemption from provisions of Codes of Fair Competition in connection with sales to	1-23-34	V	782

Code No.	Industry	Date	Volume	Page
	Hospitals—Continued.			
	Granting permanent stay of exemption from Codes of Fair Competition in connection with sales to — for certain Industries.....	3- 3-34	VII	726
	Sanitary Napkin and Cleansing Tissue, Permanent stay of certain provisions of the code relevant to sales to.....	5-31-34	XI	806
	Stay of order granting limited exemption from provisions of Codes of Fair Competition in connection with sales to.....	2- 2-34	VI	659
121	Hotel.....	11-17-33	III	175
	Amendment, No. 1.....	2-26-34	VII	641
	Exempting certain members from the provisions of Article VIII, Section 1 (g).....	4-24-34	IX	930
	Hardships, Termination of exemptions granted to avoid undue.....	4- 4-34	IX	894
	Hours exemptions, Granting limited.....	4- 4-34	IX	892
	Stay for the — Industry.....	12-29-33	IV	708
	Stay of wage-hours provisions for the — Industry.....	12- 2-33	IV	694
	Suspension, Partial — of the Code under Service Trades or Industries.....	6-28-34	XII	679
	Hotelware, Flatware and Hollow Ware Division. (See Silverware Manufacturing.)			
	Hot Top, Ladle and — Refractories Division. (See Refractories.)			
	Hot Water Heater, Automobile — Manufacturing (see also Automotive Parts and Equipment Manufacturing Supplement, No. 1).....	6-25-34	XII	475
	Hot Water Tank, Non-Ferrous — Manufacturing (see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 14).....	4- 4-34	IX	775
	Hourly rates, Interpreting provisions in codes which extend minimum — of pay to piece-workers.....	1- 4-35	XX	434
	Hours and wages under various codes, Interpretation of temporary interruptions in work beyond the control of employee as affecting maximum.....	12-17-34	XIX	652
	House, Glass — Refractories Division. (See Refractories.)			
	Household Brush Manufacturers' Division. (See Brush Manufacturing.)			
399	Household Goods Storage and Moving Trade.....	4-19-34	IX	349
	Jurisdictional adjudication with Trucking—National Industrial Relations Board, Recognition of temporary members and authorization of the.....	3- 8-35	XXII	566
	Register and publish open prices, Extending time to.....	8-13-34	XV	663
	Registration, Extending time for.....	7-31-34	XIV	585
	Registration, Further extension of time for.....	6-30-34	XII	686
	Registration, Further extension of time for.....	9- 6-34	XVI	559
	Registration of Members, Extending time for.....	6-21-34	XII	654
	Wage interpretation for the.....	9-20-34	XVII	479
183	Household Ice Refrigerator.....	12-30-33	IV	473
	Amendment, No. 1.....	8-31-34	XVI	247
	Amendment, No. 2.....	1-19-35	XX	289
	Household, Transparent — Rolls Division. (See Transparent Materials Converters.)			
	Hydraulic Machinery (see also Machinery and Allied Products Supplement, No. 41).....	8- 2-34	XIV	535

Code No.	Industry	Date	Volume	Page
43	Ice-----	10- 3-33	I	529
	Amendment, No. 1-----	4-24-34	X	439
	Minimum prices, Declaration of an emergency and establishment of-----	8- 8-34	XV	649
	Minimum prices, Extending declaration of emergency in New Orleans, La., area relevant to-----	11-14-34	XIX	562
	Prices, Declaration of emergency and establishment of minimum-----	9-17-34	XVII	469
	Prices, Establishing a revised schedule for the Area of Greater New York of minimum-----	1-12-35	XX	453
	Prices, Extension of the declaration of emergency and establishment of minimum-----	12-24-34	XX	413
	Prices, Modifying schedule of minimum-----	9-17-34	XVII	467
	Production Control, Continuing code provision relevant to-----	8-21-34	XV	680
	Ice Cream Can, Milk and — Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 30)-----	5-17-34	XI	481
456	Ice Cream Cone-----	6- 4-34	XI	177
	Amendment, No. 1-----	12-13-34	XIX	393
	Consumer grades and quality standards, Extending time to report on-----	1-15-35	XX	460
	Open price provisions, Staying-----	5- 7-35	XXIII	325
183	Ice, Household — Refrigerator ( <i>see also</i> Household Ice Refrigerator)-----	12-30-33	IV	473
418	Ice-Cream, Counter Type — Freezer ( <i>see also</i> Counter Type Ice-Cream Freezer)-----	5- 5-34	X	13
	Illuminating Glassware Division. ( <i>See</i> American Glassware.)			
	Implement, Cutlery, Manicure — and Painters and Paperhangers Tool Manufacturing and Assembling ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 10)-----	3-26-34	VIII	823
	Implement, Tool and — Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 7)-----	3-15-34	VIII	747
490	Imported Date Packing-----	7-22-34	XIII	217
	Code Administration, Termination relevant to Collection of expenses of-----	7-31-34	XIV	587
491	Imported Green Olive-----	7-24-34	XIV	1
	Wages, Staying time to report on minimum-----	9- 8-34	XVI	572
	Importers, Picture Publishing and Picture. ( <i>See</i> Graphic Arts.)			
	Importing, Alcoholic Beverage (Labor Provision) ( <i>see also</i> Alcoholic Beverage Importing)-----	7-17-34	XIII	483
487	Importing Division. ( <i>See</i> Mica.)			
	Importing Trade-----	7-20-34	XIII	173
	Crude Rubber, Staying exemption relevant to importers of-----	2- 7-35	XXI	591
	Glove Importers, Jurisdictional interpretation applicable to-----	11-24-34	XIX	599
	Hazardous occupations, Approving a list of-----	10-17-34	XVIII	641
	Inorganic Nitrogen Importers, Granting exemption from Trade Practice Provisions to-----	7-30-34	XIV	581
	Potash and Potash Salts Importers, Granting exemption from Trade Practice Provisions to-----	7-30-34	XIV	582

Code No.	Industry	Date	Volume	Page
487	Importing Trade—Continued. Supplement, No. 1, for Oriental Rug Importing Trade	9-14-34	XVI	511
	Supplement, No. 2, for Linen Importing Trade	11-22-34	XIX	495
416	Impregnated, Leather Cloth and Lacquered Fabrics, Window Shade Cloth and — Fabrics Industries ( <i>see also</i> Leather Cloth and Lacquered Fabrics, Window Shade Cloth and Impregnated Fabrics Industries)	5- 3-34	IX	607
	Industrial Alcohol ( <i>see also</i> Chemical Manufacturing Supplement, No. 3)	8-21-34	XV	557
	Industrial Emergency Committee: Allocation to a status of subcommittee to the National Emergency Council	10-29-34	XVIII	605
	Amendment to order creating	8-31-34	XVI	519
	Creation of	6-30-34	XII	621
	Order creating, Further amendment of the	9-27-34	XVII	462
357	Industrial Furnace Manufacturing	3-23-34	VIII	387
	Amendment, No. 1	8-13-34	XV	277
	Amendment, No. 2	4-30-35	XXIII	47
	Jurisdiction classification, Staying provisions applicable to	10- 6-34	XVII	542
	Industrial Glassware, Technical and — Division. ( <i>See</i> American Glassware.)			
493	Industrial Oil Burning Equipment Manufacturing	7-30-34	XIV	31
	Industrial, Railway and — Spring ( <i>see also</i> Machinery and Allied Products Supplement, No. 2)	4-23-34	X	629
	Industrial Recovery, Creation of the National — Board ( <i>see also</i> National Industrial Recovery Board)	9-27-34	XVII	463
	Industrial Relations Committees for Industries operating under approved codes	3-30-34	IX	890
	Industrial Relations Committee, Membership and expenses in Shipbuilding and Shiprepairing	8-15-34	XV	667
315	Industrial Safety Equipment Industry and Industrial Safety Equipment Trade	3- 1-34	VII	421
	Amendment, No. 1	10-12-34	XVIII	163
	Amendment, No. 2	2-21-35	XXI	413
	Hazardous occupations, Approving a list of	9-19-34	XVII	474
	Industrial Sand Division, Administrative approval of — of the Crushed Stone, Sand and Gravel, and Slag Industries	12-27-33	IV	707
	Industrial Subdivision, Metallic Wall Structure ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 1)	1-10-34	V	703
61	Industrial Supplies and Machinery Distributors Trade	10-23-33	II	47
	Amendment, No. 1	10- 2-34	XVII	287
	Amendment, No. 2	4-17-35	XXII	455
	Amendment, No. 3	4-30-35	XXIII	51
	Industrial Truck, Gas-Powered — Manufacturing ( <i>see also</i> Machinery and Allied Products Supplement, No. 33)	7-21-34	XIII	683
	Industrial Wire Cloth Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Appendix, No. 5)	2- 8-35	XXI	469

Code No.	Industry	Date	Volume	Page
173	Industry Engaged in the Smelting and Refining of Secondary Metals into Brass and Bronze Alloys in Ingot Form.....	12-21-33	IV	325
	Hazardous occupations, Approving a list of.....	12-26-34	XX	416
493	Industry of Collective Manufacturing for Door-To-Door Distribution.....	8- 3-34	XIV	93
	Hazardous occupations, Approving a list of.....	4-25-35	XXIII	281
508	Industry of Wholesale Plumbing Products, Heating Products and/or Distributing Pipe, Fittings, and Valves.....	8-25-34	XV	163
	Effective date, Staying the.....	10-11-34	XVIII	617
	Wholesale Hardware Trade, Terminating exemption from the code for the.....	10-23-34	XVIII	659
373	Infants' and Children's Wear.....	3-27-34	VIII	607
	Amendment, Staying Coat and Suit codes until this code promulgates an.....	10-25-34	XVIII	660
	Jurisdictional adjudication for chemically waterproofed clothing.....	12- 3-34	XIX	626
	Information, providing for submission of Statistics by Persons subject to Codes of Fair Competition.....	12- 7-33	III	662
521	Ink, Adhesive and ( <i>see also</i> Adhesive and Ink).....	9-19-34	XVII	19
339	Ink, Printing — Manufacturing ( <i>see also</i> Printing Ink Manufacturing).....	3-16-34	VIII	127
266	Inland Water Carrier Trade in the Eastern Division of the United States Operating Via the New York Canal System.....	2- 6-34	VI	281
	Amendment, No. 1.....	7-27-34	XIV	155
	Reports and schedules, Temporary stay for the submission of.....	4-28-34	IX	942
112	Insect, All-Metal — Screen ( <i>see also</i> All-Metal Insect Screen).....	11-14-33	III	9
	Insecticide, Agricultural — and Fungicide ( <i>see also</i> Chemical Manufacturing Supplement, No. 1).....	5- 1-34	X	685
391	Insecticide and Disinfectant Manufacturing.....	4- 6-34	IX	245
	Amendment, No. 1.....	11-24-34	XIX	277
	Hazardous occupations, Approving a list of.....	3-12-35	XXII	572
	Insignia:			
	Blue Eagle, Code — regulations, creation, display and penalty.....	4-12-34	IX	914
	Blue Eagle regulations, creation and penalties.....	4-19-34	IX	922
	Label charges, Interpretation relevant to.....	3-30-35	XXII	617
	Labels, Delegation to the Deputy Administrator for Puerto Rico authority pursuant to.....	4- 3-35	XXII	630
	N. R. A. Emblem, Rules and regulations concerning display of.....	10-17-33	XXII	555
	N. R. A. Emblems and — and N. R. A., N. I. R. A., and Blue Eagle, Rules and regulations concerning use of.....	11- 4-33	XXII	556
	Reproduction, Rules and regulations relevant to.....	3-30-35	XXII	619
	Sheltered Workshops, Providing for the design and use of —, specifying pledge to be signed, and appointing National Committee for.....	5-11-34	X	961
	Territorial exemptions and agreements and issuance of N. R. A. — under Codes of Fair Competition.....	7- 2-34	XII	687
	Insoles, Grain —, Counters, Fox Toes and Heels. ( <i>See</i> Leather Amendment, No. 2.)			

Code No.	Industry	Date	Volume	Page
240	Installation, Advertising Display ( <i>see also Advertising Display Installation</i> )	1-30-34	V	601
273	Instrument, Band — Manufacturing ( <i>see also Band Instrument Manufacturing</i> )	2-10-34	VI	369
353	Insulation Board	3-22-34	VIII	331
	Insulation Contractors ( <i>see also Construction Supplement, No. 12</i> )	6- 7-34	XI	653
	Insulation, Cork — Contractors ( <i>see also Construction Supplement, No. 21</i> )	4- 1-35	XXII	537
	Insulation, Cork — Manufacturers Division. ( <i>See Cork.</i> )			
409	Insulation, Flexible ( <i>see also Flexible Insulation</i> )	4-30-34	IX	507
338	Insulator, Wooden — Pin and Bracket Manufacturing ( <i>see also Wooden Insulator Pin and Bracket Manufacturing</i> )	3-16-34	VIII	115
	Interlinings Division. ( <i>See Cotton Textile Supplement, No. 1.</i> )			
	Interpretation, General:			
	Apprentices and learners, Provisions in various codes prescribing term of employment	3-15-35	XXII	579
	Handicapped workers, Application of code labor provisions affecting	2-17-34	VII	706
	Hours and wages, Temporary interruptions in work beyond the control of employee as affecting maximum	12-17-34	XIX	652
	Piece-workers, Provisions in codes which extend minimum hourly rates of pay to	1- 4-35	XX	434
141	Investment Bankers	11-27-33	III	509
	Amendment, No. 1	2- 1-34	VI	591
	Amendment, No. 2	3-23-34	VIII	657
	Amendment, No. 3	2-18-35	XXI	379
	Amendment, No. 4	2-27-35	XXI	433
	Waiver of rules, Delegating authority of Administrator to Division Administrator for	6-18-34	XII	640
	Iron, Architectural, Ornamental, and Miscellaneous — Bronze, Wire and Metal Specialties Manufacturing ( <i>see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 55</i> )	11-20-34	XIX	479
258	Iron, Cast — Boiler and Cast Iron Radiator ( <i>see also Cast Iron Boiler and Cast Iron Radiator</i> )	2- 3-34	VI	173
192	Iron, Cast — Pressure Pipe ( <i>see also Cast Iron Pressure Pipe</i> )	12-30-33	IV	579
18	Iron, Cast — Soil Pipe ( <i>see also Cast Iron Soil Pipe</i> )	9- 7-33	I	259
	Iron, Complete Wire and — Fence ( <i>see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 38</i> )	7- 3-34	XII	545
	Iron, Enameled Cast — Plumbing Fixtures Division. ( <i>See Plumbing Fixtures.</i> )			
277	Iron, Gray — Foundry ( <i>see also Gray Iron Foundry</i> )	2-10-34	VI	419
132	Iron, Malleable ( <i>see also Malleable Iron</i> )	11-27-33	III	393
330	Iron, Scrap —, Nonferrous Scrap Metals and Waste Materials Trade ( <i>see also Scrap Iron, Nonferrous Scrap Metals and Waste Materials Trade</i> )	3-12-34	VIII	1



Code No.	Industry	Date	Volume	Page
11	Iron and Steel.....	8-19-33	I	171
	Amendment, No. 1.....	5-30-34	XI	327
	Consolidation, No. 1 for Wire Reinforcement.....	8-13-34	XVI	419
	Amendment, No. 1.....	9-12-34	XVI	369
	Effective date, Extending the.....	8-22-34	XVI	521
	Modification and amplification of order approving.....	9-12-34	XVI	580
480	Iron, Structural Steel and — Fabricating ( <i>see also</i> Structural Steel and Iron Fabricating).....	7-11-34	XIII	47
93	Ironing, Washing and — Machine Manufacturing ( <i>see also</i> Washing and Ironing Machine Manufacturing).....	11- 4-33	I	461
461	Ivory, Vegetable — Button Manufacturing ( <i>see also</i> Vegetable Ivory Button Manufacturing).....	6- 9-34	XI	263
	Jack Manufacturing ( <i>see also</i> Machinery and Allied Products Supplement, No. 38).....	8- 1-34	XIV	509
	Jewelers', Industrial, — and Dental Brush Manufacturers' Division. ( <i>See</i> Brush Manufacturing.)			
175	Jewelry, Medium and Low Priced — Manufacturing ( <i>see also</i> Medium and Low Priced Jewelry Manufacturing).....	12-23-33	IV	355
	Jewelry, Men's Novelty — Division. ( <i>See</i> Wholesaling or Distributing Trade.)			
130	Jewelry, Precious — Producing ( <i>see also</i> Precious Jewelry Producing).....	11-27-33	III	365
142	Jewelry, Retail — Trade ( <i>see also</i> Retail Jewelry Trade).....	11-27-33	III	517
	Jewelry, Wholesale — Trade ( <i>see also</i> Wholesaling or Distributing Trade Supplement, No. 22).....	8-21-34	XV	569
	Job Galvanizing Metal Coating ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 28).....	5-17-34	XI	455
	Jobbers, Button — or Wholesalers' Trade ( <i>see also</i> Wholesaling or Distributing Trade Supplement, No. 15).....	7-26-34	XIV	369
	Jobbers, Cycle — Division. ( <i>See</i> Wholesaling or Distributing Trade.)			
	Jobbing Shop Division. ( <i>See</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 13.)			
	Johnson, General Hugh S., Appointment as Administrator.....	6-16-33	I	711
495	Joist, Steel ( <i>see also</i> Steel Joist).....	8- 1-34	XIV	63
	Jordan, Beater and — and Allied Equipment ( <i>see also</i> Machinery and Allied Products Supplement, No. 7).....	5-14-34	X	871
233	Journal Bearings, Railway Brass Car and Locomotive — and Castings Manufacturing ( <i>see also</i> Railway Brass Car and Locomotive Journal Bearings and Castings Manufacturing).....	1-29-34	V	511
73	Jute, Hair and — Felt ( <i>see also</i> Hair and Jute Felt).....	10-31-33	II	199
	Kalamein ( <i>see also</i> Construction Supplement, No. 13).....	6- 9-34	XI	703
	Kiln, Cooler and Dryer Manufacturing ( <i>see also</i> Machinery and Allied Products Supplement, No. 21).....	6-12-34	XII	431
	Kip, Calf and — Division. ( <i>See</i> Leather Amendment, No. 2.)			

Code No.	Industry	Date	Volume	Page
	Knife, Table and Trade — Section. ( <i>See</i> Cutlery, Manicure Implement and Painters and Paperhangers Tool Manufacturing and Assembling.)			
263	Knife, Machine — and Allied Steel Products Manufacturing ( <i>see also</i> Machine Knife and Allied Steel Products Manufacturing)-----	2- 6-34	VI	243
	Knit, Cotton and Rayon Tubular — Goods Dyers and Finishers Division. ( <i>See</i> Textile Processing Amendment, No. 3.)			
	Knit Elastic Group, Exemption for machine and employee hours in the. ( <i>See</i> Underwear and Allied Products Manufacturing.)			
87	Knit, Leather and Woolen — Glove ( <i>see also</i> Leather and Woolen Knit Glove)-----	11- 4-33	II	367
164	Knitted Outerwear-----	12-18-33	IV	199
	Amendment, No. 1-----	6- 2-34	XI	383
	Amendment, No. 2-----	9-25-34	XVII	193
	Contract System of Production, Approving regulations for-----	8-31-34	XVI	544
	Extending the effective date-----	9- 8-34	XVI	573
	Further extension of the effective date-----	12-10-34	XIX	642
	Further extension of regulations approving-----	1-25-35	XXI	560
	Contract system of production, Approval of regulations for the-----	5-11-35	XXIII	344
	Homework, Approving extension of time for fixing minimum piece work rates for — in the-----	2- 6-34	VI	660
	Homework, Extension of rules and regulations superseding provisions relevant to-----	2-27-35	XXI	638
	Homework, Rules and regulations superseding provisions relevant to-----	2- 4-35	XXI	581
	Piece work, Appointing committee to study — rates and the homework question-----	4-20-34	IX	944
	Stay, Termination of — for manufacturers of knitted outerwear for infants and children-----	3-16-34	VIII	869
	Knitted Woolen Goods Division. ( <i>See</i> Wool Textile Amendment, No. 1.)			
32	Knitting, Braiding and Wire Covering Machinery. Amendment, No. 1-----	10- 3-33	I	411
		2-17-34	VII	627
	Label Council, Apparel Codes —, Recognition and definition of powers and duties-----	5-15-35	XXIII	358
294	Label, Gummed — and Embossed Seal ( <i>see also</i> Gummed Label and Embossed Seal)-----	2-17-34	VII	151
	Label provisions covering the use of labels under codes containing mandatory-----	2-25-35	XXI	626
	Label, Rules and regulations concerning — bearing Emblems or Insignia of the N. R. A-----	1-17-34	V	778
	Labeling, Can — and Can Casing Machinery Industry and Trade ( <i>see also</i> Packaging Machinery Industry and Trade Supplement, No. 1)-----	5- 5-34	X	767
	Labels. ( <i>See</i> Graphic Arts.)			
	Labels, Use of — under Codes of Fair Competition containing mandatory labor provisions-----	5-28-34	XI	792
217	Laboratory, Dental ( <i>see also</i> Dental Laboratory)-----	1-22-34	V	283
22	Laboratory, Motion Picture ( <i>see also</i> Motion Picture Laboratory)-----	9- 7-33	I	299
	Labor Board, Abolition of the National-----	6-29-34	XII	617
	Labor Board, Continuance of the National —, Etc-----	12-16-33	VI	648

Code No.	Industry	Date	Volume	Page
	Labor Complaints (N. R. A. Authorized to Handle).			
	Leather Cloth and Lacquered Fabrics, Window Shade Cloth and Impregnated Fabrics Industries, Book Cloth and Impregnated Fabrics Division	12- 3-34	XIX	622
	Leather Cloth and Lacquered Fabrics, Window Shade Cloth and Impregnated Fabrics Industries, Leather Cloth and Lacquered Fabrics Division	12- 3-34	XIX	621
	Paint, Varnish and Lacquer Manufacturing	11-16-34	XIX	576
	Plumbago Crucible	11- 9-34	XIX	550
	Labor Complaints and Disputes, Procedure for handling	7-27-34	XIV	575
	Labor Provisions:			
	Alcoholic Beverage Importing	7-17-34	XIII	483
	Alcoholic Beverage Wholesale	5-22-34	X	601
	Apprentice training, Application of — of Codes of Fair Competition affecting	6-27-34	XII	613
	Auction and Loose Leaf Tobacco Warehouse, Hours and wages, Granting stay of code provisions relevant to	11- 5-34	XVIII	694
	Beet Sugar	10-27-33	II	687
	Brewing	3-22-34	VIII	729
	Labor and wage provisions, Interpretation for bona fide partnerships	10-11 34	XVIII	613
	Country Grain Elevator:			
	Single assessment rule for participants in retail distribution, Exemption relevant to	2-27-35	XXI	637
	Wage provision, Granting temporary stay of	9-25-34	XVII	503
	Distilled Spirits	3-21-34	VIII	719
	Distilled Spirits Rectifying	5- 3-34	IX	739
	Extension of time to apply for official copies of	4-14-34	IX	918
	Handicapped Workers, Prescribing rules and regulations for the interpretation and application of certain — of Codes of Fair Competition as they may affect	2-17-34	VII	706
	Homeworkers, Application of — of Codes to	5-15-34	X	950
	Labels, Use of — under Codes of Fair Competition containing mandatory	5-28-34	XI	792
	Posting of	2-12-34	VI	662
	Superseding previous rules	2-28-34	VII	721
	Amendment of previous regulations	9- 1-34	XVI	552
	Retail Food and Grocery Trade	11-15-33	III	633
	Wholesale Food and Grocery Trade	11-15-33	III	645
	Wine	8-18-34	XV	459
	Labor Relations, Creation of the Textile — Board ( <i>see also</i> Textile Labor Relations Board)	9-26-34	XVII	459
	Lace Division. ( <i>See</i> Leather Industry Amendment, No. 1.)			
	Lace, Embroidery and — Division. ( <i>See</i> Wholesale or Distributing Trade.)			
6	Lace Manufacturing	8-14-33	I	59
	Amendment, No. 1	12-23-33	IV	665
	Amendment, No. 2	6-29-34	XII	341
	Amendment, No. 3	12-24-34	XX	125
	Hours of operation of productive machinery, Stay of limitation as to Barmen Machines	9-27-34	XVII	517

Code No.	Industry	Date	Volume	Page
6	Lace Manufacturing—Continued. Hours of operation of productive machinery, Staying operation of a previous order as to Barmen Machines.....	10-17-34	XVIII	642
78	Lace, Nottingham — Curtain ( <i>see also</i> Notting- ham Lace Curtain).....	11- 1-33	II	253
296	Lace Paper, Fluted Cup, Pan Liner and ( <i>see also</i> Fluted Cup, Pan Liner and Lace Paper).....	2-17-34	VII	175
416	Lacquered, Leather Cloth and — Fabrics, Window Shade Cloth and Impregnated Fabrics Industries ( <i>see also</i> Leather Cloth and Lac- quered Fabrics, Window Shade Cloth and Im- pregnated Fabrics Industries).....	5- 3-34	IX	607
71	Lacquer, Paint, Varnish and — Manufacturing ( <i>see also</i> Paint, Varnish and Lacquer Manu- facturing).....	10-31-33	II	169
	Lacquer, Wholesale Paint, Varnish — Allied and Kindred Products Trade ( <i>see also</i> Wholesaling or Distributing Trade Supplement, No. 18).....	8- 4-34	XIV	547
	La Crosse. ( <i>See</i> Athletic Goods Manufacturing.)			
107	Ladder Manufacturing.....	11- 8-33	II	619
	Amendment, No. 1.....	8-28-34	XVI	173
332	Ladies' Handbag.....	3-14-34	VIII	27
	Amendment, No. 1.....	7- 3-34	XII	379
	Amendment, No. 2.....	5-23-35	XXIII	201
	Code Administration, Termination of exemp- tion for collection of expenses of.....	7-27-34	XIV	576
	Ladle and Hot Top Refractories Division. ( <i>See</i> Refractories.)			
	Lamp Chimneys and Lantern Globes Division. ( <i>See</i> American Glassware.)			
	Lamp, Portable Electric — and Shade ( <i>see also</i> Electrical Manufacturing Supplement, No. 2)	6-27-34	XII	501
405	Last, Shoe ( <i>see also</i> Shoe Last).....	4-23-34	IX	451
	Lathing Contracting, Plastering and ( <i>see also</i> Construction Supplement, No. 14).....	6-27-34	XII	487
344	Lath, Metal — Manufacturing ( <i>see also</i> Metal Lath Manufacturing).....	3-17-34	VIII	195
34	Laundry and Dry Cleaning Machinery Manu- facturing.....	10- 3-33	I	437
281	Laundry Trade.....	2-16-34	VI	487
	Amendment, No. 1.....	5-17-34	X	557
	Amendment, No. 2.....	6-13-34	XII	223
	Suspension, Partial — of the code under Service Trades or Industries.....	6-13-34	XII	631
	Termination date of code: Extended.....	9-11-34	XVI	579
	Extended.....	12-10-34	XIX	643
	Extended.....	3- 9-35	XXII	569
	Law Book Publishing Division. ( <i>See</i> Book Publishing.)			
	Lawn Mower, Power and Gang ( <i>see also</i> Fabri- cated Metal Products Manufacturing and Metal Finishing and Metal Coating Supple- ment, No. 12).....	3-26-34	VIII	837
	Law Printers. ( <i>See</i> Graphic Arts.)			
442	Lead.....	5-24-34	X	355
	Lead Mining Division.....	5-24-34	X	355
	Lead Pigments Division.....	5-24-34	X	355
	Lead Smelting and Refining Division.....	5-24-34	X	355
	Metallic Foil Products Division.....	5-24-34	X	355
	Metallic Lead Products Division.....	5-24-34	X	355

Code No.	Industry	Date	Volume	Page
442	Lead—Continued.			
	Hours, Extension of previous limited stay relevant to.....	2-25-35	XXI	632
	Hours, Granting limited stay of provisions relevant to.....	12-18-34	XIX	657
	Lead Pigments Division, Exemption from the Trade and Marketing provisions for the.....	6-27-34	XII	666
291	Lead Pencil, Wood Cased — Manufacturing ( <i>see also</i> Wood Gased Lead Pencil Manufacturing).....	2-17-34	VII	109
531	Leaded, Stained and — Glass ( <i>see also</i> Stained and Leaded Glass).....	11- 2-34	XVIII	109
	Leaf Spring Manufacturing ( <i>see also</i> Automotive Parts and Equipment Manufacturing Supplement, No. 3).....	7-18-34	XIII	631
	Learners and Apprentices, Interpretation of provisions in various codes prescribing term of employment of.....	3-15-35	XXII	579
21	Leather.....	9- 7-33	I	287
	Amendment, No. 1.....	2-16-34	VI	631
	American Leather Belting Division.....	2-16-34	VI	631
	Aprons Division.....	2-16-34	VI	631
	Canvas Lug Straps Division.....	2-16-34	VI	631
	Strapping Division.....	2-16-34	VI	631
	Loom Picker Division.....	2-16-34	VI	631
	Lace Division.....	2-16-34	VI	631
	Amendment, No. 2.....	10- 3-34	XVII	309
	Bag Case and Strap Division.....	10- 3-34	XVII	309
	Calf and Kip Division.....	10- 3-34	XVII	309
	Cut Soles Division.....	10- 3-34	XVII	309
	Fancy Division.....	10- 3-34	XVII	309
	Goat and Cabretta Division.....	10- 3-34	XVII	309
	Grain Insoles, Counters, Fox Toes and Heels.....	10- 3-34	XVII	309
	Harness and Collar Division.....	10- 3-34	XVII	309
	Leather Belting Division.....	10- 3-34	XVII	309
	Sheep and Glove Division.....	10- 3-34	XVII	309
	Sole and Belting Division.....	10- 3-34	XVII	309
	Upholstery Division.....	10- 3-34	XVII	309
	Upper, East, West Division.....	10- 3-34	XVII	309
	Welting Division.....	10- 3-34	XVII	309
	Amendment, No. 3.....	3- 5-35	XXI	465
416	Leather Cloth and Lacquered Fabrics, Window Shade Cloth and Impregnated Fabrics Industries.....	5- 3-34	IX	607
	Book Cloth and Impregnated Fabrics Division, Labor Complaints, Authorizing the Compliance Division of N. R. A. to handle.....	12- 3-34	XIX	622
	Leather Cloth and Lacquered Fabrics Division, Labor Complaints, Authorizing the Compliance Division of N. R. A. to handle.....	12- 3-34	XIX	621
42	Leather, Luggage and Fancy — Goods ( <i>see also</i> Luggage and Fancy Leather Goods).....	10- 3-33	I	519
	Leather, Sheep Lined and — Garment Division. ( <i>See</i> Cotton Garment Amendment, No. 5.).....			
	Leather and Shoe Findings Trade ( <i>see also</i> Wholesaling or Distributing Trade Supplement, No. 9).....	5-17-34	XI	493
184	Leather, Shoe and — Finish, Polish, and Cement Manufacturing ( <i>see also</i> Shoe and Leather Finish, Polish, and Cement Manufacturing).....	12-30-33	IV	485

Code No.	Industry	Date	Volume	Page
87	Leather and Woolen Knit Glove.....	11- 4-33	II	367
	Amendment, No. 1.....	9- 5-34	XVI	275
	Amendment, No. 2.....	12- 4-34	XIX	333
	Amendment, No. 3.....	3-30-35	XXII	275
	Glove Importers, Jurisdictional interpretation applicable to.....	11-24-34	XIX	599
	Hours and wages, Modifying provisions relevant to — during a specified peak period.....	11-24-34	XIX	598
	Temporary hours modification for the — Industry.....	12- 6-33	IV	695
	Wages, Provisional stay relevant to.....	4-15-35	XXII	668
	Wages for skilled workers, Approving minimum scales of.....	3-30-35	XXII	620
320	Leather Working, Hide and — Machine ( <i>see also</i> Hide and Leather Working Machine).....	3- 6-34	VII	485
S	Legitimate Full-Length Dramatic and Musical Theatrical.....	8-16-33	I	81
	Amendment, No. 1.....	10-22-34	XVIII	269
	Letters. ( <i>See</i> Athletic Goods Manufacturing.)			
	Library Binding. ( <i>See</i> Graphic Arts.)			
453	Licorice.....	6- 2-34	XI	137
	Lift Truck and Portable Elevator Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 36).....	6-23-34	XII	461
226	Light Sewing Industry Except Garments.....	1-23-34	V	403
	Comfortable Division.....	1-23-34	V	413
	Covered Carpet Padding Division.....	1-23-34	V	422
	Fabric Auto Equipment Division.....	1-23-34	V	421
	Mattress Cover Division.....	1-23-34	V	415
	Motor Robe Division.....	1-23-34	V	424
	Quilting Division.....	1-23-34	V	419
	Table Pad Division.....	1-23-34	V	417
	Amendment, No. 1.....	5- 1-34	X	509
	Amendment, No. 2.....	5-22-34	X	583
	Amendment, No. 3.....	6-29-34	XII	345
	Amendment, No. 4.....	7-17-34	XIII	357
	Amendment, No. 5.....	8- 8-34	XV	197
	Amendment, No. 6.....	11-14-34	XIX	181
	Labels, Quilting Division, Stay relevant to.....	4-19-35	XXII	678
	Mattress Cover Division, Label provisions stayed for members of the.....	4-25-35	XXIII	283
	Lighting Equipment, Artistic — Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 37).....	6-28-34	XII	509
394	Lightning Rod Manufacturing.....	4-19-34	IX	283
	Amendment, No. 1.....	4- 6-35	XXII	365
514	Limb, Artificial — Manufacturing ( <i>see also</i> Artificial Limb Manufacturing).....	8-28-34	XVI	85
31	Lime.....	10- 3-33	I	397
	Amendment, No. 1 (Dolomite Division).....	2-10-34	VI	623
	Amendment, No. 2.....	4- 1-35	XXII	299
365	Lime, Sand- — Brick ( <i>see also</i> Sand-Lime Brick).....	3-26-34	VIII	497
419	Lime, Soft — Rock ( <i>see also</i> Soft Lime Rock).....	5- 7-34	X	27
113	Limestone.....	11-14-33	III	21
	Amendment, No. 1.....	5-14-34	X	551
	Amendment, No. 2.....	7-27-34	XIV	161
	Limitation. ( <i>See</i> Cotton Textile.)			
	Linen Importing Trade ( <i>see also</i> Importing Trade Supplement, No. 2).....	11-22-34	XIX	495

Code No.	Industry	Date	Volume	Page
295	Linens, Domestic Decorative — Branch. ( <i>See Novelty Curtains, Draperies, Bedspreads and Novelty Pillows Amendment, No. 2.</i> ) Liner, Fluted Cup, Pan — and Lace Paper ( <i>see also Fluted Cup, Pan Liner and Lace Paper</i> ) Lining, Brake — and Related Friction Products Division. ( <i>See Asbestos.</i> )	2-17-34	VII	175
30	Linings, Clothiers' — Division. ( <i>See Cotton Textile Supplement, No. 1.</i> ) Linings, All-Cotton Clothing — Division. ( <i>See Cotton Textile Supplement, No. 1.</i> ) Linoleum and Felt Base Manufactures ----- Exemption from corresponding provisions of Graphic Arts ----- Exemption from corresponding provisions of Graphic Arts, Modification of previous order allowing ----- Exemption from corresponding provisions of Graphic Arts stayed -----	9-18-33 12-14-34 1-22-35 12-31-34	I XIX XX XX	389 648 472 423
104	Liquefied Gas ----- Amendment, No. 1 -----	11- 8-33 10- 5-34	II XVII	587 333
252	Liquid, Cylindrical — Tight Paper Container ( <i>see also Cylindrical Liquid Tight Paper Container</i> ) ----- Liquid Fuel Appliance Manufacturing ( <i>see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 53</i> ) -----	2- 1-34 9-24-34	VI XVII	83 419
169	Lithographic Plate, Trade — Making. ( <i>See Graphic Arts.</i> ) Lithographic Printing. ( <i>See Graphic Arts.</i> ) Loading, Coal Mine — Machine ( <i>see also Machinery and Allied Products Supplement, No. 45</i> ) ----- Loan, Savings, Building and — Associations ( <i>see also Savings, Building and Loan Associations</i> ) ----- Lobster, Wholesale ( <i>see also Fishery Supplement, No. 2</i> ) ----- Local codes for uncodified Service Trades or Industries ----- Locker, Steel — Division. ( <i>See Business Furniture Storage Equipment and Filing Supply.</i> ) Locomotive Appliance ( <i>see also Machinery and Allied Products Supplement, No. 12</i> ) ----- Locomotive Appliance Subdivision. ( <i>See Machinery and Allied Products Amendment, No. 3.</i> ) Locomotive Arch Refractories Division. ( <i>See Refractories.</i> ) Locomotive Manufacturing ( <i>see also Machinery and Allied Products Supplement, No. 3</i> ) -----	1- 4-35 12-21-33 4-13-34 6-28-34 6- 5-34 4-30-34	XX IV IX XII XI X	369 279 823 615 645 677
233	Locomotive, Railway Brass Car and — Journal Bearings and Castings Manufacturing ( <i>see also Railway Brass Car and Locomotive Journal Bearings and Castings Manufacturing</i> ) ----- Locomotive, Small — Manufacturing ( <i>see also Machinery and Allied Products Supplement, No. 4</i> ) ----- Logging, West Coast — and Lumber Division. ( <i>See Lumber and Timber Products.</i> )	1-29-34 5- 5-34	V X	511 759

Code No.	Industry	Date	Volume	Page
	Loom Picker Division. ( <i>See</i> Leather Industry Amendment, No. 1.)			
412	Loose Leaf and Blank Book.....	5- 1-34	IX	551
	Direct Manufacturers Division.....	5- 1-34	IX	563
	Trade Manufacturing Division.....	5- 1-34	IX	560
175	Low, Medium and — Priced Jewelry Manufacturing ( <i>see also</i> Medium and Low Priced Jewelry Manufacturing).....	12-28-33	IV	355
	Lubricator, Mechanical ( <i>see also</i> Machinery and Allied Products Supplement, No. 10).....	6- 4-34	XI	619
	Lug, Canvas — Straps Division. ( <i>See</i> Leather Industry Amendment, No. 1.)			
42	Luggage and Fancy Leather Goods.....	10- 3-33	I	519
	Amendment, No. 1.....	3-10-34	VII	661
	Amendment, No. 2.....	6-29-34	XII	351
	Cost finding and accounting, Approval of methods of.....	10-25-34	XVIII	662
	Cost finding and accounting, Extending the effective date of order approving system of.....	11-27-34	XIX	609
	Hours, Granting stay of provisions relevant to.....	10- 2-34	XVII	533
9	Lumber and Timber Products.....	8-19-33	I	95
	Cypress Division.....	8-19-33	I	95
	Hardwood Dimension Division.....	8-19-33	I	95
	Hardwood Division.....	8-19-33	I	95
	Maple, Beech, and Birch Flooring Division.....	8-19-33	I	95
	Northeastern Softwood Division.....	8-19-33	I	95
	Northern Hemlock Division.....	8-19-33	I	95
	Northern Pine Division.....	8-19-33	I	95
	Oak Flooring Division.....	8-19-33	I	95
	Red Cedar Shingle Division.....	8-19-33	I	95
	Redwood Division.....	8-19-33	I	95
	Southern Pine Division.....	8-19-33	I	95
	Veneer Division.....	8-19-33	I	95
	West Coast Logging and Lumber Division.....	8-19-33	I	95
	Western Pine Division.....	8-19-33	I	95
	Wooden Package Division.....	8-19-33	I	95
	Woodwork Division.....	8-19-33	I	95
	Amendments, No. 1 & 2.....	10- 9-33	I	705
	Amendments, No. 3 & 4.....	12- 7-33	IV	633
	Amendment, No. 5.....	3-23-34	VIII	693
	Amendment, No. 6.....	3-30-34	IX	657
	Railroad Cross Tie Division.....	3-30-34	IX	657
	Amendment, No. 7.....	4- 6-34	IX	697
	Amendment, No. 8.....	4-13-34	IX	711
	Amendment, No. 9.....	4-27-34	X	475
	Specialty Wood Flooring Division.....	4-27-34	X	475
	Amendment, No. 10.....	5- 3-34	X	519
	Amendment, No. 11.....	6- 5-34	XI	393
	Amendment, No. 12.....	6-11-34	XI	431
	Pole and Piling Division.....	6-11-34	XI	431
	Amendment, No. 13.....	6-19-34	XII	249
	Amendment, No. 14.....	6-22-34	XII	269
	Crossarm Division.....	6-22-34	XII	269
	Amendment, No. 15.....	7-16-34	XIII	323
	Amendment, No. 16.....	7-27-34	XIV	165
	Amendment, No. 17.....	7-27-34	XIV	171
	Amendment, No. 18.....	7-27-34	XIV	175
	Wooden Pail and Tub Subdivision.....	7-27-34	XIV	175
	Amendment, No. 19.....	8- 2-34	XIV	271
	Amendment, No. 20.....	9- 9-34	XVI	317
	Amendment, No. 21.....	9-14-34	XVI	405



Code No.	Industry	Date	Volume	Page
9	Lumber and Timber Products—Continued.			
	Amendment, No. 22.....	9-19-34	XVII	127
	Amendment, No. 23.....	10- 6-34	XVII	343
	Amendment, No. 24.....	10-19-34	XVIII	243
	Amendment, No. 25.....	11-27-34	XIX	285
	Amendment, No. 26.....	12-18-34	XIX	429
	Amendment, No. 27.....	1- 8-35	XX	179
	Amendment, No. 28.....	1-14-35	XX	215
	Amendment, No. 29.....	1-29-35	XXI	191
	Amendment, No. 30.....	1-31-35	XXI	219
	Amendment, No. 31.....	3-11-35	XXII	129
	Amendment, No. 32.....	3-15-35	XXII	159
	Exemption, Denial of application for — by Greensboro Lumber Company.....	10-20-33	II	696
	Pole and Piling Division, Extension of time to elect members to Administrative Agency.....	7-18-34	XIII	760
	Pole and Piling Division, Stay applicable to the selection of the Administrative Agency of the Cypress Subdivision.....	8- 1-34	XIV	592
	Prices, Granting Limited exemption from Rules and Regulations for application of minimum.....	8-10-34	XV	656
	Railroad Cross Tie Division, Extending time to elect member of Administrative Agencies in the.....	5- 1-34	IX	946
	Railway Cross Tie Division, Extension of time to make reports.....	7-18-34	XIII	761
33	Lumber Products, Retail Lumber, —, Building Materials, and Building Specialties ( <i>see also</i> Retail Lumber, Lumber Products, Building Materials, and Building Specialties).....	10- 3-33	I	417
300	Lye.....	2-19-34	VII	221
	Amendment, No. 1.....	10-12-34	XVIII	167
234	Macaroni.....	1-29-34	V	521
	Amendment, No. 1.....	7-17-34	XIII	361
	Amendment, No. 2.....	9-21-34	XVII	163
	Amendment, No. 3.....	10- 9-34	XVII	389
	Amendment, No. 4.....	12- 3-34	XIX	327
	Liquidated damages, Providing for assessment and collection of.....	10- 9-34	XVII	550
	Prices, Further stay of provisions applicable to open.....	4-19-34	IX	924
	Stay, Modifying — of Section 6, Article VI for the — Industry.....	2-17-34	VII	714
	Machine, Coal Cutting ( <i>see also</i> Machinery and Allied Products Supplement, No. 46).....	1- 4-35	XX	379
	Machine, Coal Mine Loading ( <i>see also</i> Machinery and Allied Products Supplement, No. 45).....	1- 4-35	XX	369
228	Machine, Coin Operated — Manufacturing ( <i>see also</i> Coin Operated Machine Manufacturing).....	1-23-34	V	435
	Machine, Envelope — Manufacturing ( <i>see also</i> Machinery and Allied Products Supplement, No. 31).....	7-20-34	XIII	659
320	Machine, Hide and Leather Working ( <i>see also</i> Hide and Leather Working Machine).....	3- 6-34	VII	485
263	Machine Knife and Allied Steel Products Manufacturing.....	2- 6-34	VI	243
32	Machine, Knitting, Braiding and Wire Covering ( <i>see also</i> Knitting, Braiding and Wire Covering Machine).....	10- 3-33	I	411
144	Machine, Paper Making — Builders ( <i>see also</i> Paper Making Machine Builders).....	12- 7-33	III	543

Code No.	Industry	Date	Volume	Page
256	Machine, Schiffli, the Hand — Embroidery, and the Embroidery Thread and Scallop Cutting ( <i>see also</i> Schiffli, the Hand Machine Embroidery, and the Embroidery Thread and Scallop Cutting)-----	2- 2-34	VI	133
	Machine Screw Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 23)-----	5-10-34	X	829
	Machine Screw Nut Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 20)-----	5- 5-34	X	733
	Machine, Screw — Products Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 18)-----	4-28-34	X	659
402	Machine, Sewing ( <i>see also</i> Sewing Machine)-----	4-21-34	IX	407
122	Machine Shop, Special Tool, Die and ( <i>see also</i> Special Tool, Die and Machine Shop)-----	11-17-33	III	187
139	Machine Tool and Equipment Distributing Trade. Amendment, No. 1-----	11-27-33	III	485
	Amendment, No. 2-----	7-31-34	XIV	223
103	Machine Tool and Forging Machinery-----	4-17-35	XXII	459
93	Machine, Washing and Ironing — Manufacturing ( <i>see also</i> Washing and Ironing Machine Manufacturing)-----	11- 8-33	II	577
	Machine, Washing — Parts Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 29)-----	11- 4-33	II	461
		5-17-34	XI	469
327	Machine-Applied Staple and Stapling Machine. Amendment, No. 1-----	3-10-34	VII	579
	Amendment, No. 2-----	6-19-34	XII	253
149	Machined Waste Manufacturing-----	11-22-34	XIX	239
	Amendment, No. 1-----	12- 7-33	III	607
347	Machinery and Allied Products-----	5-26-34	X	593
	Air Filter Subdivision-----	3-17-34	VIII	231
	Bakery Equipment Manufacturing Subdivision-----	3-17-34	VIII	231
	Beater and Jordan and Allied Equipment Subdivision-----	3-17-34	VIII	231
	Caster and Floor Truck Manufacturing Subdivision-----	3-17-34	VIII	231
	Cereal Machinery Subdivision-----	3-17-34	VIII	231
	Concrete Mixer Subdivision-----	3-17-34	VIII	231
	Contractors' Pump Subdivision-----	3-17-34	VIII	231
	Conveyor and Material Preparation Equipment Manufacturing Subdivision-----	3-17-34	VIII	231
	Diamond Core Drill Manufacturing Subdivision-----	3-17-34	VIII	231
	Diesel Engine Manufacturing Subdivision-----	3-17-34	VIII	231
	Envelope Machine Manufacturing Subdivision-----	3-17-34	VIII	231
	Hair Clipper Manufacturing Subdivision-----	3-17-34	VIII	231
	Hoist Builders Subdivision-----	3-17-34	VIII	231
	Hoisting Engine Manufacturing Subdivision-----	3-17-34	VIII	231
	Hydraulic Machinery Subdivision-----	3-17-34	VIII	231
	Jack Manufacturing Subdivision-----	3-17-34	VIII	231
	Kiln, Cooler, and Dryer Manufacturing Subdivision-----	3-17-34	VIII	231
	Locomotive Manufacturing Subdivision-----	3-17-34	VIII	231

Code No.	Industry	Date	Volume	Page
347	Machinery and Allied Products—Continued.			
	Mechanical Lubricator Subdivision	3-17-34	VIII	231
	Oil Field Pumping Engine Manufacturing Subdivision	3-17-34	VIII	231
	Power Transmission Subdivision	3-17-34	VIII	231
	Pulverizing Machinery and Equipment Subdivision	3-17-34	VIII	231
	Railway and Industrial Spring Manufacturing Subdivision	3-17-34	VIII	231
	Railway Appliance Manufacturing Subdivision	3-17-34	VIII	231
	Reduction Machinery Subdivision	3-17-34	VIII	231
	Refrigerating Machinery Subdivision	3-17-34	VIII	231
	Rock and Ore Crusher Subdivision	3-17-34	VIII	231
	Roller and Silent Chain Subdivision	3-17-34	VIII	231
	Rolling Mill Machinery and Equipment Subdivision	3-17-34	VIII	231
	Sawmill Machinery Subdivision	3-17-34	VIII	231
	Small Locomotive Subdivision	3-17-34	VIII	231
	Sprocket Chain Subdivision	3-17-34	VIII	231
	Steam Engine Manufacturing Subdivision	3-17-34	VIII	231
	Water Meter Manufacturing Subdivision	3-17-34	VIII	231
	Waterpower Equipment Subdivision	3-17-34	VIII	231
	Water Softener and Filter Subdivision	3-17-34	VIII	231
	Wire Machinery Subdivision	3-17-34	VIII	231
	Woodworking Machinery Subdivision	3-17-34	VIII	231
	Amendment, No. 1	4-26-34	X	449
	Amendment, No. 2	5-18-34	X	569
	Amendment, No. 3	5-28-34	XI	323
	Chemical Engineering Equipment Subdivision	5-28-34	XI	323
	Electric Overhead Crane Subdivision	5-28-34	XI	323
	Locomotive Appliance Subdivision	5-28-34	XI	323
	Amendment, No. 4	6-29-34	XII	357
	Gas-Powered Industrial Truck Manufacturing Subdivision	6-29-34	XII	357
	Mechanical Press Manufacturing Subdivision	6-29-34	XII	357
	Multiple V-belt Drive Subdivision	6-29-34	XII	357
	Pulp and Paper Machine Subdivision	6-29-34	XII	357
	Amendment, No. 5	10-23-34	XVIII	299
	Amendment, No. 6	11-14-34	XIX	189
	Amendment, No. 7	11-14-34	XIX	185
	Coal Cutting Machine Subdivision	11-14-34	XIX	185
	Amendment, No. 8	12-18-34	XIX	433
	Code Authorities, Extending time to elect	7-25-34	XIV	568
	Code Authority, Increasing time to elect a permanent	8-22-34	XV	684
	Supplement, No. 1 For Steel Tire Manufacturing	4-23-34	X	637
	Supplement, No. 2 For Railway and Industrial Spring	4-23-34	X	629
	Supplement, No. 3 For Locomotive Manufacturing	4-30-34	X	677
	Amendment, No. 1	5-12-34	X	547
	Amendment, No. 2	12-31-34	XX	151
	Supplement, No. 4 For Small Locomotive Manufacturing	5- 5-34	X	759
	Supplement, No. 5 For Wire Machinery	5- 9-34	X	807
	Supplement, No. 6 For Woodworking Machinery	5-14-34	X	855
	Amendment, No. 1	3-30-35	XXII	291
	Price schedules, Partial termination of stay relevant to waiting period after filing	9-21-34	XVII	498

Code No.	Industry	Date	Volume	Page
347	Machinery and Allied Products—Continued.			
	Supplement, No. 7 For Beater and Jordan and Allied Equipment.....	5-14-34	X	871
	Amendment, No. 1.....	8-13-34	XV	263
	Supplement, No. 8 For Water Meter Manufacturing.....	5-16-34	X	935
	Supplement, No. 9 for Diamond Core Drill Manufacturing.....	5-31-34	XI	597
	Amendment, No. 1.....	7-18-34	XIII	393
	Supplement, No. 10 for Mechanical Lubricator.....	6- 4-34	XI	619
	Amendment, No. 1.....	8- 9-34	XV	219
	Supplement, No. 11 for Contractors' Pump.....	6- 5-34	XI	631
	Supplement, No. 12 for Locomotive Appliance.....	6- 5-34	XI	645
	Amendment, No. 1.....	2-13-35	XXI	343
	Supplement, No. 13 for Waterpower Equipment.....	6- 7-34	XI	665
	Amendment, No. 1.....	6-26-34	XII	309
	Supplement, No. 14 for Rolling Mill Machinery and Equipment.....	6- 7-34	XI	679
	Supplement, No. 15 for Pulverizing Machinery and Equipment.....	6- 9-34	XI	723
	Supplement, No. 16 for Steam Engine Manufacturing.....	6-11-34	XI	747
	Supplement, No. 17 for Rock and Ore Crusher.....	6-11-34	XI	761
	Supplement, No. 18 for Reduction Machinery.....	6-11-34	XI	775
	Supplement, No. 19 for Hoisting Engine Manufacturing.....	6-12-34	XII	417
	Amendment, No. 1.....	8-18-34	XV	351
	Supplement, No. 20 for Hoist Builders.....	6-12-34	XII	403
	Supplement, No. 21 for Kiln, Cooler and Dryer Manufacturing.....	6-12-34	XII	431
	Supplement, No. 22 for Conveyor and Material Preparation Equipment Manufacturing.....	6-19-34	XII	445
	Amendment, No. 1.....	8-18-34	XV	347
	Report on one Trade Practice Provision, Extension of time to file.....	9-25-34	XVII	502
	Supplement, No. 23 for Chemical Engineering Equipment.....	7- 5-34	XII	573
	Supplement, No. 24 for Roller and Silent Chain.....	7- 5-34	XII	587
	Supplement, No. 25 for Power Transmission.....	7- 6-34	XIII	509
	Supplement, No. 26 for Caster and Floor Truck Manufacturing.....	7- 7-34	XIII	523
	Supplement, No. 27 for Mechanical Press Manufacturing.....	7- 9-34	XIII	535
	Supplement, No. 28 for Water Softener and Filter.....	7- 9-34	XIII	547
	Supplement, No. 29 for Bakery Equipment Manufacturing.....	7-13-34	XIII	595
	Supplement, No. 30 for Multiple V-Belt Drive.....	7-13-34	XIII	605
	Supplement, No. 31 for Envelope Machine Manufacturing.....	7-20-34	XIII	659
Supplement, No. 32 for Air Filter.....	7-21-34	XIII	671	
Amendment, No. 1.....	11-22-34	XIX	231	
Supplement, No. 33 for Gas-Powered Industrial Truck Manufacturing.....	7-21-34	XIII	683	
Supplement, No. 34 for Sprocket Chain.....	7-21-34	XIII	695	

Code No.	Industry	Date	Volume	Page
347	Machinery and Allied Products—Continued.			
	Supplement, No. 35 for Oil Field Pumping Engine Manufacturing	7-25-34	XIV	357
	Supplement, No. 36, for Refrigerating Machinery	7-30-34	XIV	435
	Hours and general labor provisions, Provisional exemption from the electrical Manufacturing Code relevant to	4-13-35	XXII	666
	Jurisdictional adjudication staying applicable provisions for equipment with one horsepower, or less, motors	1-22-35	XX	474
	Supplement, No. 37, for Concrete Mixer	8- 1-34	XIV	477
	Supplement, No. 38, for Jack Manufacturing	8- 1-34	XIV	509
	Supplement, No. 39, for Railway Appliance Manufacturing	8- 1-34	XIV	523
	Supplement, No. 40, for Diesel Engine Manufacturing	8- 1-34	XIV	493
	Supplement, No. 41, for Hydraulic Machinery	8- 2-34	XIV	535
	Supplement, No. 42, for Pulp and Paper Machinery	8-11-34	XV	501
	Supplement, No. 43, for Sawmill Machinery	10-11-34	XVIII	561
	Supplement, No. 44, for Cereal Machinery	11-14-34	XIX	463
	Supplement, No. 45, for Coal Mine Loading Machine	1- 4-35	XX	369
	Supplement, No. 46, for Coal Cutting Machine	1- 4-35	XX	379
	Supplement, No. 47, for Mine Car Manufacturing	2- 5-35	XXI	523
	Wages, Providing exemption for overtime	7-18-34	XIII	762
379	Machinery, Bottling — and Equipment Manufacturing ( <i>see also</i> Bottling Machinery and Equipment Manufacturing)	4- 4-34	IX	71
	Machinery, Can Labeling and Can Casing — Industry and Trade ( <i>see also</i> Packaging Machinery Industry and Trade Supplement, No. 1)	5- 5-34	X	767
75	Machinery, Canning and Packing ( <i>see also</i> Canning and Packing Machinery)	10-31-33	II	219
	Machinery, Cereal ( <i>see also</i> Machinery and Allied Products Supplement, No. 44)	11-14-34	XIX	463
343	Machinery, Clay ( <i>see also</i> Clay Machinery)	3-17-34	VIII	183
223	Machinery, Construction — Distributing Trade ( <i>see also</i> Construction Machinery Distributing Trade)	1-23-34	V	369
485	Machinery, Cotton Ginning — Manufacturing ( <i>see also</i> Cotton Ginning Machinery Manufacturing)	7-16-34	XIII	145
526	Machinery, Floor ( <i>see also</i> Floor Machinery)	10-17-34	XVIII	29
	Machinery, Hydraulic ( <i>see also</i> Machinery and Allied Products Supplement, No. 41)	8- 2-34	XIV	535
61	Machinery, Industrial Supplies and — Distributors Trade ( <i>see also</i> Industrial Supplies and Machinery Distributors Trade)	10-23-33	II	47
34	Machinery, Laundry and Dry Cleaning — Manufacturing ( <i>see also</i> Laundry and Dry Cleaning Machinery Manufacturing)	10- 3-33	I	437
103	Machinery, Machine Tool and Forging ( <i>see also</i> Machine Tool and Forging Machinery)	11- 8-33	II	577
242	Machinery, Marine Auxiliary ( <i>see also</i> Marine Auxiliary Machinery)	1-30-34	V	625

Code No.	Industry	Date	Volume	Page
72	Machinery, Packaging — Industry and Trade ( <i>see also</i> Packaging Machinery Industry and Trade)-----	10-31-33	II	187
	Machinery, Paper Box — Industry and Trade ( <i>see also</i> Packaging Machinery Industry and Trade Supplement, No. 2)-----	5-21-34	XI	515
	Machinery, Pulp and Paper ( <i>see also</i> Machinery and Allied Products Supplement, No. 42)-----	8-11-34	XV	501
	Machinery, Pulverizing — and Equipment ( <i>see also</i> Machinery and Allied Products Supplement, No. 15)-----	6- 9-34	XI	723
	Machinery, Reduction ( <i>see also</i> Machinery and Allied Products Supplement, No. 18)-----	6-11-34	XI	775
	Machinery, Refrigerating ( <i>see also</i> Machinery and Allied Products Supplement, No. 36)-----	7-30-34	XIV	435
68	Machinery, Road — Manufacturing ( <i>see also</i> Road Machinery Manufacturing)-----	10-31-33	II	137
	Machinery, Rolling Mill — and Equipment ( <i>see also</i> Machinery and Allied Products Supplement, No. 14)-----	6- 7-34	XI	679
	Machinery, Saw Mill ( <i>see also</i> Machinery and Allied Products Supplement, No. 43)-----	10-11-34	XVIII	561
387	Machinery, Shoe ( <i>see also</i> Shoe Machinery)-----	4- 6-34	IX	193
158	Machinery, Stone Finishing — and Equipment ( <i>see also</i> Stone Finishing Machinery and Equipment)-----	12-15-33	IV	129
35	Machinery, Textile ( <i>see also</i> Textile Machinery)-----	10- 3-33	I	449
542	Machinery, Used — and Equipment Distributing Trade ( <i>see also</i> Used Machinery and Equipment Distributing Trade)-----	1-10-35	XX	59
380	Machinery, Used Textile — and Accessories Distributing Trade ( <i>see also</i> Used Textile Machinery and Accessories Distributing Trade)-----	4- 4-34	IX	81
	Mackerel, Atlantic — Fishing ( <i>see also</i> Fishery Supplement, No. 4)-----	5- 3-34	X	711
	Magnesia, Asbestos — Products Division. ( <i>See</i> Asbestos.)			
	Mail Order, Subscription and — Book Publishing Division. ( <i>See</i> Book Publishing.)			
543	Maintenance, Motor Vehicle — Trade ( <i>see also</i> Motor Vehicle Maintenance Trade)-----	1-18-35	XX	73
556	Maintenance, Wholesale and Retail Automobile Sales, Supply, Repair, — and Service Industry In The Territory of Hawaii ( <i>see also</i> Wholesale and Retail Automobile Sales, Supply, Repair, Maintenance and Service Industry In The Territory of Hawaii)-----	3-26-35	XXII	53
132	Malleable Iron-----	11-27-33	III	393
468	Malt Products-----	6-22-34	XII	85
	Mandatory rules and regulations for completion of Code Making ( <i>see also</i> Code Making)-----	7-10-34	XIII	739
425	Manganese-----	5-11-34	X	113
	Amendment, No. 1-----	2-14-35	XXI	351
	Manganese Steel Casting ( <i>see also</i> Steel Casting Consolidation, No. 1)-----	9-14-34	XVI	431
	Manicure, Cutlery — Implement and Painters and Paperhangers Tool Manufacturing and Assembling ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 10)-----	3-26-34	VIII	823

Code No.	Industry	Date	Volume	Page
331	Manicure Stick, Bulk Drinking Straw, Wrapped Drinking Straw, Wrapped Toothpick, and Wrapped ( <i>see also</i> Bulk Drinking Straw, Wrapped Drinking Straw, Wrapped Toothpick, and Wrapped Manicure Stick).....	3-14-34	VIII	13
550	Manufacturing Industry In the Territory of Hawaii.....	2-14-35	XXI	105
501	Manufacturing and Wholesale Surgical.....	8- 9-34	XV	57
	Maple, Beech, and Birch Flooring Division. ( <i>See</i> Lumber and Timber Products.)			
	Map Publishers. ( <i>See</i> Graphic Arts.)			
460	Maraschino Cherry, Preserve, — and Glace Fruit ( <i>see also</i> Preserve, Maraschino Cherry and Glace Fruit).....	6- 8-34	XI	241
	Marble Contracting ( <i>see also</i> Construction Supplement, No. 17).....	8-11-34	XV	485
421	Marble Quarrying and Finishing.....	5- 9-34	X	57
	Amendment, No. 1.....	10-29-34	XVIII	401
	New York City as a region, Creation of Metropolitan District of.....	5-24-34	X	982
484	Marble, Wholesale Monumental ( <i>see also</i> Wholesale Monumental Marble).....	7-14-34	XIII	131
242	Marine Auxiliary Machinery.....	1-30-34	V	625
	Amendment, No. 1.....	2-12-35	XXI	321
509	Marine Equipment Manufacturing.....	8-27-34	XVI	1
	Jurisdictional conflicts, Further stay of part of the code and further extension of time to report on.....	2- 8-35	XXI	594
	Jurisdictional conflicts, Further stay of part of the code and further extension of time to report on.....	5- 4-35	XXIII	315
	Jurisdictional conflicts, Staying part of the code and extending time to report on.....	11-26-34	XIX	606
	Price list, Terminating a stay for one — provision and staying another of said provisions.....	10- 5-34	XVII	539
	Terms of sale, Provisional and partial stay relevant to.....	5- 7-35	XXIII	326
	Marine Goods, Cork — Manufacturers Division. ( <i>See</i> Cork.)			
59	Marking Devices.....	10-20-33	II	13
	Amendment, No. 1.....	6-21-34	XII	263
	Costs and specified unfair trade practices, Stay of provisions relevant to.....	5-11-35	XXIII	346
	Exemption from corresponding provisions of Graphic Arts.....	12-14-34	XIX	648
	Exemption from corresponding provisions of Graphic Arts, Modification of previous order allowing.....	1-22-35	XX	472
	Exemption from corresponding provisions of Graphic Arts stayed.....	12-31-34	XX	423
	Hazardous occupations, Approving a list of.....	9-27-34	XVII	518
	Mason Contractors ( <i>see also</i> Construction Supplement, No. 7).....	4-19-34	IX	863
133	Masonry, Concrete ( <i>see also</i> Concrete Masonry).....	11-27-33	III	407
150	Mastic Tile, Asphalt and ( <i>see also</i> Asphalt and Mastic Tile).....	12- 7-33	III	617
195	Match, American ( <i>see also</i> American Match).....	12-30-33	IV	621
492	Mat, Stereotype Dry ( <i>see also</i> Stereotype Dry Mat).....	7-27-34	XIV	17
	Mattress Cover Division. ( <i>See</i> Light Sewing Industry Except Garments.)			

Code No.	Industry	Date	Volume	Page
349	Mayonnaise	3-21-34	VIII	269
	Amendment, No. 1	6-13-34	XII	225
540	Meat, Retail — Trade ( <i>see also</i> Retail Meat Trade)	12-21-34	XX	15
286	Mechanical, Beauty and Barber Shop — Equipment Manufacturing ( <i>see also</i> Beauty and Barber Shop Mechanical Equipment Manufacturing)	2-16-34	VI	569
	Mechanical Lubricator ( <i>see also</i> Machinery and Allied Products Supplement, No. 10)	6- 4-34	XI	619
428	Mechanical Packing	5-14-34	X	151
	Mechanical Press Manufacturing ( <i>see also</i> Machinery and Allied Products Supplement, No. 27)	7- 9-34	XIII	535
	Mechanical Rubber Goods Division. ( <i>See</i> Rubber Manufacturing.)			
	Mediation and arbitration. ( <i>See</i> Automobile Manufacturing.)			
	Medical and Allied Book Publishing Division. ( <i>See</i> Book Publishing.)			
430	Medicine, Package ( <i>see also</i> Package Medicine)	5-15-34	X	185
175	Medium and Low Priced Jewelry Manufacturing	12-23-33	IV	355
	Amendment, No. 1	6-26-34	XII	301
	Amendment, No. 2	3- 4-35	XXI	453
	Amendment, No. 3	5- 8-35	XXIII	99
	Contract for fraternal orders, Extending previous stay of provisions relevant to	2-19-35	XXI	615
	Contracts for fraternal orders, Staying provisions relevant to	12- 3-34	XIX	623
15	Men's Clothing	8-26-33	I	229
	Amendment, No. 1	12-15-33	IV	637
	Amendment, No. 2	12-18-33	IV	649
	Amendment, No. 3	4-14-34	IX	719
	Amendment, No. 4	8-13-34	XV	283
	Hours of labor, Provisional and partial stay relevant to	3-12-35	XXII	573
	Hours and wages, Exemption for Puerto Rican Manufacturers relevant to	1-16-35	XX	463
	Jurisdictional adjudication for chemically waterproofed clothing	12- 3-34	XIX	626
	Men's Garter, Suspender and Belt Manufacturing (Changed to Garter, Suspender and Belt Manufacturing).			
363	Men's Neckwear	3-24-34	VIII	467
	Amendment, No. 1	6-13-34	XII	229
	Amendment, No. 2	6-15-34	XII	243
	Amendment, No. 3	6-20-34	XII	257
	Amendment, No. 4	7-20-34	XIII	443
	Amendment, No. 5	11-24-34	XIX	281
	Amendment, No. 6	3-16-35	XXII	179
	Trade Practices, Selling and delivery, Continued stay of	10-12-34	XVIII	623
	Trade Practices, Selling and delivery, Stay of	6-15-34	XII	635
	Men's Novelty Jewelry Division. ( <i>See</i> Wholesaling or Distributing Trade.)			
	Men's Wear Buttons Division. ( <i>See</i> Wholesaling or Distributing Trade.)			
	Men's Wear, Carded — Division. ( <i>See</i> Wool Textile Amendment, No. 1.)			
	Men's Wear Division. ( <i>See</i> Wholesaling or Distributing Trade Supplement, No. 15.)			
	Men's Wear, Worsted — Division. ( <i>See</i> Wool Textile Amendment, No. 1.)			



Code No.	Industry	Date	Volume	Page
	Mercerizers. ( <i>See</i> Cotton Textile.)			
	Mercerizers, Cotton Yarn — Division. ( <i>See</i> Textile Processing Amendment, No. 3.)			
209	Merchandise, Musical — Manufacturing ( <i>see also</i> Musical Merchandise Manufacturing)-----	1-16-34	V	191
232	Merchandise Warehousing Trade-----	1-27-34	V	495
	Amendment, No. 1-----	8-21-34	XV	395
	Cost Accounting methods, Approving — for determining reasonable costs-----	9- 6-34	XVI	560
	Wool Trade granted specified exemptions-----	4-17-35	XXII	670
494	Merchant and Custom Tailoring-----	7-31-34	XIV	47
	Hazardous occupations, Approving a list of-----	4- 3-35	XXII	631
	Hours and peak season, Approving determination relevant to-----	3- 2-35	XXI	644
	Metal, Architectural, Ornamental, and Miscellaneous Iron, Bronze, Wire, and — Specialties Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 55)-----	11-20-34	XIX	479
511	Metal, Corrugated Rolled — Culvert Pipe ( <i>see also</i> Corrugated Rolled-Metal Culvert Pipe)-----	8-27-34	XVI	39
	Metal, Electro Plating and — Polishing and Metal Finishing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 46)-----	8-22-34	XV	585
455	Metal Etching-----	6- 4-34	XI	163
84	Metal, Fabricated — Products Manufacturing and Metal Finishing and Metal Coating ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating)-----	11- 2-33	II	327
341	Metal, Fiber and — Work Clothing Button Manufacturing ( <i>see also</i> Fiber and Metal Work Clothing Button Manufacturing)-----	3-17-34	VIII	155
	Metal, Flexible — Hose and Tubing Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 33)-----	5-24-34	XI	543
	Metal Frame, Metal and — Division. ( <i>See</i> Picture Moulding and Picture Frame.)			
221	Metal Hat Die and Wood Hat Block-----	1-23-34	V	347
	Amendment, No. 1-----	9- 8-34	XVI	307
	Hazardous occupations, Approving a list of-----	8- 1-34	XIV	594
527	Metal Hospital Furniture Manufacturing-----	10-23-34	XVIII	43
	Metal, Job Galvanizing — Coating ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 28)-----	5-17-34	XI	455
344	Metal Lath Manufacturing-----	3-17-34	VIII	195
	Metal and Metal Frame Division. ( <i>See</i> Picture Moulding and Picture Frame.)			
	Metal Polish, Silver and — Division. ( <i>See</i> Furniture and Floor Wax and Polish Amendment, No. 1.)			
	Metal, Powdered — Bearing Manufacturing ( <i>see also</i> Automotive Parts and Equipment Manufacturing Supplement, No. 8)-----	12-18-34	XIX	517
	Metal, Roofing and Sheet — Contracting ( <i>see also</i> Construction Supplement, No. 8)-----	5-10-34	X	817
	Metal Safety Tread Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Appendix, No. 7)-----	2-15-35	XXI	487

Code No.	Industry	Date	Volume	Page
	Metal, Sheet — Division. ( <i>See</i> Wholesaling or Distributing Trade.)			
	Metal Spinning and Stamping Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Appendix, No. 2)-----	11-22-34	XIX	453
154	Metal Tank-----	12-15-33	IV	47
	Amendment, No. 1-----	8- 2-34	XIV	275
	Amendment, No. 2-----	4- 6-35	XXII	369
	Hazardous occupations, Approving a list of-----	1- 9-35	XX	443
367	Metal Treating-----	3-26-34	VIII	529
	Amendment, No. 1-----	6-27-34	XII	321
205	Metal Window-----	1-13-34	V	133
	Amendment, No. 1-----	9-19-34	XVII	131
	Quotations to governmental agencies, Interpretation relevant to-----	11-19-34	XIX	585
	Metallic Foil Products Division. ( <i>See</i> Lead.)			
	Metallic Lead Products Division. ( <i>See</i> Lead.)			
	Metallic Wall Structure Industrial Subdivision ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 1)-----	1-10-34	V	703
330	Metals, Scrap Iron, Nonferrous Scrap — and Waste Materials Trade ( <i>see also</i> Scrap Iron, Nonferrous Scrap Metals and Waste Materials Trade)-----	3-12-34	VIII	1
173	Metals, Smelting and Refining of Secondary — into Brass and Bronze Alloys in Ingot Form ( <i>see also</i> Smelting and Refining of Secondary Metals into Brass and Bronze Alloys in Ingot Form)-----	12-21-33	IV	325
	Meter, Water — Manufacturing ( <i>see also</i> Machinery and Allied Products Supplement, No. 8)-----	5-16-34	X	935
	Metropolitan, Non — Newspaper Publishing and Printing. ( <i>See</i> Graphic Arts.)			
306	Mica-----	2-24-34	VII	297
	Dry Ground Mica Division-----	2-24-34	VII	297
	Importing Division-----	2-24-34	VII	297
	Mining Division-----	2-24-34	VII	297
	Sheet Mica Division-----	2-24-34	VII	297
	Wet Ground Mica Division-----	2-24-34	VII	297
	Amendment, No. 1-----	7-31-34	XIV	227
	Amendment, No. 2-----	8-28-34	XVI	177
	Amendment, No. 3-----	9- 6-34	XVI	285
	Middle Atlantic Preparing and Wholesaling or Wholesaling ( <i>see also</i> Fishery Supplement, No. 10)-----	3- 8-35	XXII	495
	Midwest Fish and Shell Fish Preparing or Wholesaling ( <i>see also</i> Fishery Supplement, No. 9)-----	2-20-35	XXI	537
	Milk and Ice Cream Can Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 30)-----	5-17-34	XI	481
396	Milk Filtering Materials and the Dairy Products Cotton Wrappings-----	4-19-34	IX	307
	Amendment, No. 1-----	11- 9-34	XIX	107
	Amendment, No. 2-----	4- 6-35	XXII	373
246	Milk, Paper Disc — Bottle Cap ( <i>see also</i> Paper Disc Milk Bottle Cap)-----	2- 1-34	VI	15
81	Mill, Copper and Brass — Products ( <i>see also</i> Copper and Brass Mill Products)-----	11- 2-33	II	289

Code No.	Industry	Date	Volume	Page
	Mill, Pulp and Paper — Wire Cloth Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 44)	7-30-34	XIV	421
	Mill, Rolling — Machinery and Equipment ( <i>see also</i> Machinery and Allied Products Supplement, No. 14)	6- 7-34	XI	679
	Mill, Saw — Machinery ( <i>see also</i> Machinery and Allied Products Supplement, No. 43)	10-11-34	XVIII	561
	Mill, Steel and Rolling — Castings Division. ( <i>See</i> Non-Ferrous Foundry.)			
151	Millinery	12-15-33	IV	1
	Amendment, No. 1	3-24-34	VIII	701
	Amendment, No. 2	11- 9-34	XIX	111
	Effective date, Extension of	6-13-34	XII	629
	Exceptions and exemptions, Extending effectiveness of	12-26-34	XX	417
	Expiration date, Extension of the	5-11-34	X	960
	Hours, Granting stay of — provisions	3-26-34	VIII	876
	Hours of labor, Stay of provisions relevant to	5-22-35	XXIII	377
	Stay, Temporary — of Article IV, Section 3 for the — Industry	1-12-34	V	776
	Wages, Stay of provisions applicable to overtime	8-31-34	XVI	545
69	Millinery and Dress Trimming Braid and Textile	10-31-33	II	149
	Amendment, No. 1	9-13-34	XVI	375
	Amendment, No. 2	10-15-34	XVIII	175
	Millinery and Notion Bag Division. ( <i>See</i> Paper Bag Manufacturing.)			
	Millinery, Retail Custom — Trade ( <i>see also</i> Retail Trade Supplement, No. 3)	1-25-35	XXI	493
	Millinery, Wholesale — Trade ( <i>see also</i> Wholesale or Distributing Trade Supplement, No. 5)	4-16-34	IX	843
203	Milling, Raw Peanut ( <i>see also</i> Raw Peanut Milling)	1-12-34	V	99
	Mine Car Manufacturing ( <i>see also</i> Machinery and Allied Products Supplement, No. 47)	2- 5-35	XXI	523
	Mine, Coal — Loading Machine ( <i>see also</i> Machinery and Allied Products Supplement, No. 45)	1- 4-35	XX	369
	Mine Tool Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Appendix No. 4)	1- 4-35	XX	327
	Mining Division. ( <i>See</i> Mica.)			
	Mining, Lead — Division. ( <i>See</i> Lead.)			
	Miscellaneous Glassware Division. ( <i>See</i> American Glassware.)			
	Miscellaneous, Pewter, Chromium Plate and — Division. ( <i>See</i> Silverware Manufacturing.)			
	Miscellaneous Sand Castings Division. ( <i>See</i> Non-Ferrous Foundry.)			
	Mixer, Concrete — Subdivision. ( <i>See</i> Machinery and Allied Products.)			
	Modification of President's Reemployment Agreement	10- 3-33	I	734
	Modification, Rules and Regulations concerning — and exemptions from approved Codes of Fair Competition	5- 5-34	X	957
	Mold, Aluminum Permanent — Castings Division. ( <i>See</i> Non-Ferrous Foundry.)			
	Monkey, Adjustable — Wrenches Division. ( <i>See</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 15.)			

Code No.	Industry	Date	Volume	Page
483	Monorail, Electric Hoist and — Manufacturing (see also Electric Hoist and Monorail Manufacturing)	7-13-34	XIII	115
449	Monumental Granite, Wholesale (see also Wholesale Monumental Granite)	5-31-34	XI	79
484	Monumental Marble, Wholesale (see also Wholesale Monumental Marble)	7-14-34	XIII	131
366	Monument, Retail (see also Retail Monument)	3-26-34	VIII	511
159	Mop, Dry and Polishing — Manufacturing (see also Dry and Polishing Mop Manufacturing)	12-15-33	IV	141
116	Mop Stick	11-14-33	III	57
	Amendment, No. 1	10-26-34	XVIII	359
	Amendment, No. 2	10-30-34	XVIII	427
227	Mop, Wet — Manufacturing (see also Wet Mop Manufacturing)	1-23-34	V	425
	Mortars, High Temperature Bonding — Division. (See Refractories.)			
	Mosaic, Terrazo and — Contracting (see also Construction Supplement, No. 15)	7-13-34	XIII	583
	Moth Proof Paper Products Division. (See Paper Bag Manufacturing.)			
124	Motion Picture	11-27-33	III	215
	Amendment, No. 1	6-13-34	XII	235
	Amendment, No. 2	7-27-34	XIV	179
	Amendment, No. 3	10- 8-34	XVII	365
	Amendment, No. 4	3-11-35	XXII	133
	Effect, Extending time to put the code into	7- 3-34	XII	694
	Employee salaries, etc., Indefinite suspension of code provisions relevant to	9- 5-34	XVI	557
	Explanation of Article VI, Part 2, Section 8 for the — Industry	2-21-34	VII	716
	Fair Practice Provisions, Providing for	6- 6-34	XI	815
	Reports, Extension of time within which to file required — for the — Industry	3- 3-34	VII	725
22	Motion Picture Laboratory	9- 7-33	I	299
66	Motor Bus	10-31-33	II	107
	Amendment, No. 1	4-26-34	X	453
	Rates, Staying provisions allowing establishment of minimum	1-10-35	XX	446
108	Motor Fire Apparatus Manufacturing	11- 8-33	II	629
	Amendment, No. 1	7-30-34	XIV	203
	Motor Robe Division. (See Light Sewing Industry Except Garments.)			
543	Motor Vehicle Maintenance Trade	1-18-35	XX	73
46	Motor Vehicle Retailing Trade	10- 3-33	I	563
	Amendment, No. 1	4-20-34	X	423
	Amendment, No. 2	7-14-34	XIII	311
	Amendment, No. 3	10-19-34	XVIII	247
	Amendment, No. 4	12- 8-34	XIX	375
	Amendment, No. 5	3-23-35	XXII	235
	Amendment, No. 6	5-27-35	XXIII	221
	Exemption of employers in towns under 2,500 population	5-29-34	XI	803
	Liquidated damages, National Control Committee authorized as impartial agency for consideration of	12- 3-34	XIX	624
	Official Guides, Delegation of authority to approve	4-26-35	XXIII	287
	Official Used Car Guide, Approval of manual of operations for use in compilation, publication and distribution of the	4- 9-35	XXII	649

Code No.	Industry	Date	Volume	Page
46	Motor Vehicle Retailing Trade—Continued. Sale price, Tolerance allowed for sale to governmental agencies.....	9- 8-34	XVI	574
	Sales to Governmental Agencies, Stay of Code provisions relevant to.....	7-31-34	XIV	588
147	Motor Vehicle Storage and Parking Trade.....	12- 7-33	III	577
	Suspension of Code, Partial.....	5-28-34	XI	797
340	Motorcycle Manufacturing.....	3-17-34	VIII	141
358	Mould, Cylinder — and Dandy Roll ( <i>see also</i> Cylinder Mould and Dandy Roll).....	3-23-34	VIII	397
	Moulding, Finished — Division. ( <i>See</i> Picture Moulding and Picture Frame.)			
260	Moulding, Ornamental —, Carving and Turning ( <i>see also</i> Ornamental Moulding, Carving, and Turning).....	2- 5-34	VI	205
208	Moulding, Picture — and Picture Frame ( <i>see also</i> Picture Moulding and Picture Frame).....	1-16-34	V	175
290	Mount, Photographic ( <i>see also</i> Photographic Mount).....	2-17-34	VII	97
	Mounting, Trade — and Finishing. ( <i>See</i> Graphic Arts.)			
399	Moving, Household Goods Storage and — Trade ( <i>see also</i> Household Goods Storage and Moving Trade).....	4-19-34	IX	349
	Multiple V-Belt Drive ( <i>see also</i> Machinery and Allied Products Supplement, No. 30).....	7-13-34	XIII	605
	Music Printing. ( <i>See</i> Graphic Arts.)			
552	Music Publishing.....	3- 4-35	XXI	133
8	Musical, Legitimate Full Length Dramatic and — Theatrical ( <i>see also</i> Legitimate Full Length Dramatic and Musical Theatrical).....	8-16-33	I	81
209	Musical Merchandise Manufacturing.....	1-16-34	V	191
	Amendment, No. 1.....	1-31-35	XXI	225
	Hazardous occupations, Approving a list of.....	9-27-34	XVII	519
52	Mutual Savings Banks.....	10- 9-33	I	623
	Amendment, No. 1.....	5-17-34	X	559
200	Napkin, Sanitary — and Cleansing Tissue ( <i>see also</i> Sanitary Napkin and Cleansing Tissue).....	1-12-34	V	59
312	Narrow Fabrics.....	2-27-34	VII	387
	Braided Elastic Division.....	2-27-34	VII	387
	Braided Non-Elastic Division.....	2-27-34	VII	387
	Woven Elastic Division.....	2-27-34	VII	387
	Amendment, No. 1.....	5-26-34	X	597
	Amendment, No. 2.....	5- 9-35	XXIII	107
	Homework, Termination of stay applicable to.....	4-28-34	IX	943
	National Emergency Council and the Executive Council, Consolidation and definition of the purview of the.....	10-29-34	XVIII	605
	National Emergency Council and the National Recovery Administration, Consumers' Agencies reorganized.....	7-30-35	XXIII	408
	National Industrial Recovery Act.....	6-16-33	I	683
	Administration of.....	8-10-33	I	729
	Administration, Providing for notice of proceedings and matters in the — of the.....	12-21-33	IV	687
	Appropriation, Expenditures out of allocations from the — for.....	3-27-34	VIII	863
	Authority, Delegation of — to Administrator for Industrial Recovery to Prescribe rules and regulations.....	2- 8-34	VI	654

Code No.	Industry	Date	Volume	Page
	National Industrial Recovery Act—Continued.			
	Authority, Delegation of — to Administrator for Industrial Recovery to Prescribe Rules and Regulations, Etc.....	2- 8-34	VI	655
	Authority, Rules and Regulations under Section 10 (a) and Delegation of — under Section 2 (b) of the.....	10-14-33	VI	646
	Bulletin Board, Establishment and use of official N. R. A.....	1- 6-34	V	768
	Delegation of authority under section 9 to the Secretary of the Interior.....	6-30-34	XII	623
	Enforcement of Section 7 (a) of the.....	2- 1-34	VI	652
	Enforcement of Section 7 (a) of the.....	2-23-34	VII	708
	Labels, Rules and Regulations concerning — bearing Emblems or Insignia of the N. R. A.....	1-17-34	V	778
	Modify agreements, Authorizing Administrator to — entered into or approved by the President under Title I of the.....	11-22-33	III	657
	National Labor Board, Continuance of the —, Etc.....	12-16-33	VI	648
	Reconstituting the.....	3-21-35	XXII	551
	Reemployment Agreement, Exemption from the President's — of employers in towns less than 2,500 population.....	10-23-33	II	699
	Secretary of Agriculture. ( <i>See</i> Secretary of Agriculture.)			
	Tariff relief, Procedure to be followed for — under Section 3 (e) of the.....	10-23-33	II	700
	National Industrial Recovery Board:			
	Administrative Officer, Conferring authority upon the.....	9-28-34	XVII	524
	Administrative Officer, Conferring authority upon the.....	11- 1-34	XVIII	689
	Board terminated and Administration reorganized.....	6-15-35	XXIII	405
	Creation of the.....	9-27-34	XVII	463
	Member of the —, Charles Edison appointed as a.....	4-29-35	XXIII	269
	Order and Agencies previously created by the authority of — continued.....	6-15-35	XXIII	407
	Reconstituting the.....	3-21-35	XXII	551
	National Labor Board, Abolition of the.....	6-29-34	XII	617
	National Labor Board, Continuance of the —, Etc.....	12-16-33	VI	648
	National Labor Relations Board, Creation of.....	6-29-34	XII	617
	National Recovery Administration, National Emergency Council and the —, Consumers' Agencies reorganized.....	7-30-35	XXIII	408
	National Recovery Review Board:			
	Abolition of.....	6-30-34	XII	622
	Creation of the.....	3- 7-34	VII	709
	Funds for the.....	3- 9-34	VII	710
	National Sheltered Workshops. ( <i>See</i> Sheltered Workshops.)			
519	Natural Cleft Stone.....	9-11-34	XVI	147
545	Natural Organic Products.....	1-25-35	XXI	19
	Botanical Drug Division.....	1-25-35	XXI	19
	Essential Oil Division.....	1-25-35	XXI	19
	Spirit and Oil Soluble Gum Division.....	1-25-35	XXI	19
	Vanilla Bean Division.....	1-25-35	XXI	19
	Water Soluble Gum Division.....	1-25-35	XXI	19

Code No.	Industry	Date	Volume	Page
363	Neckwear, Men's ( <i>see also</i> Men's Neckwear)-----	3-24-34	VIII	467
538	Neckwear, Women's — and Scarf Manufacturing ( <i>see also</i> Women's Neckwear and Scarf Manu- facturing)-----	12-19-34	XIX	79
335	Needlework, Art ( <i>see also</i> Art Needlework)-----	3-16-34	VIII	75
474	Needlework Industry of Puerto Rico-----	6-28-34	XII	175
	Amendment, No. 1-----	7-20-34	XIII	447
	Amendment, No. 2-----	4- 3-35	XXII	345
	Domestic Decorative Linens Branch Con- tractors exempted from the code for Novelty Curtains, Draperies, Bedspreads and Novelty Pillows-----	3- 6-35	XXII	559
	Homework, Staying application of code rele- vant to-----	8-10-34	XV	658
	Needlework Commission, Modifying code approval relevant to the selection of a-----	10-11-34	XVIII	618
	N. R. A. Labels, Rules and regulations gov- erning the issuance of-----	3-23-35	XXII	595
	Piece-work rates, Amending previously ap- proved-----	12-22-34	XX	407
	Piece-work rates, Continuing minimum-----	10-19-34	XVIII	649
	Piece-work rates, Modifying and suppl- ementing previous change of-----	1- 8-35	XX	439
	Piece-work rates, Partial modification for a previous list of-----	1-23-35	XX	479
	Piece-work rates, Supplementing previous order relevant to-----	2- 8-35	XXI	596
408	Neglige, Undergarment and ( <i>see also</i> Undergar- ment and Neglige)-----	4-27-34	IX	491
506	Neon, Electric and — Sign ( <i>see also</i> Electric and Neon Sign)-----	8-24-34	XV	131
	New England Fish and Shellfish Preparing and Wholesaling or Wholesaling ( <i>see also</i> Fishery Supplement, No. 7)-----	9- 8-34	XVI	493
	New England Sardine Canning ( <i>see also</i> Fishery Supplement, No. 8)-----	12-18-34	XIX	527
266	New York, Inland Water Carrier Trade in the Eastern Division of the United States Operat- ing Via the — Canal System ( <i>see also</i> Inland Water Carrier Trade in the Eastern Division of the United States Operating Via the New York Canal System)-----	2- 6-34	VI	281
	News, Construction — Service ( <i>see also</i> Con- struction Supplement, No. 19)-----	12-20-34	XX	345
288	Newspaper, Daily — Publishing Business ( <i>see also</i> Daily Newspaper Publishing Business)-----	2-17-34	VII	69
	Newspaper, Non-Metropolitan — Publishing and Printing. ( <i>See</i> Graphic Arts.)-----			
319	Newspaper Printing Press-----	3- 5-34	VII	473
	Amendment, No. 1-----	8-10-34	XV	233
119	Newsprint-----	11-17-33	III	103
	Exemption from corresponding provisions of Graphic Arts-----	12-14-34	XIX	648
	Exemption from corresponding provisions of Graphic Arts, Modification of previous order allowing-----	1-22-35	XX	472
	Exemption from corresponding provisions of Graphic Arts stayed-----	12-31-34	XX	423
443	Nickel and Nickel Alloys-----	5-24-34	X	381
	Nicotine Group. ( <i>See</i> Chemical Manufacturing Supplement, No. 1.)-----			
131	Nipple, Pipe — Manufacturing ( <i>see also</i> Pipe Nipple Manufacturing)-----	11-27-33	III	379

Code No.	Industry	Date	Volume	Page
165	Non-Ferrous Foundry-----	12-18-33	IV	211
	Aluminum Permanent Mold Castings Division-----	12-18-33	IV	224
	Blast Furnace Castings Division-----	12-18-33	IV	230
	Miscellaneous Sand Castings Division-----	12-18-33	IV	222
	Steel and Rolling Mill Castings Division-----	12-18-33	IV	228
	Code Administration, Termination of exemption for collection of expenses of-----	7-27-34	XIV	577
	Jurisdictional conflicts, Extending time to report on-----	11-26-34	XIX	606
	Jurisdictional conflicts, Further extension of time to report on-----	2- 8-35	XXI	594
	Jurisdictional conflicts, Further stay of part of the code and further extension of time to report on-----	5- 4-35	XXIII	315
	Priees, Allowing a differential stay on specified government work-----	1-11-35	XX	449
	Non-Ferrous Hot Water Tank Manufacturing (see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 14)-----	4- 4-34	IX	775
271	Nonferrous and Steel Convecter Manufacturing (Concealed Radiator Industry)-----	2-10-34	VI	341
	Amendment, No. 1-----	9-27-34	XVII	257
	Hazardous occupations, Approving a list of-----	8- 4-34	XIV	603
330	Nonferrous Scrap Metals, Scrap Iron, — and Waste Materials Trade (see also Scrap Iron, Nonferrous Scrap Metals and Waste Materials Trade)-----	3-12-34	VIII	1
	Non-Metropolitan Newspaper Publishing and Printing. (See Graphic Arts.)			
	Northwest and Alaska Fish and Shellfish Preparing and Wholesaling or Wholesaling, (see also Fishery Supplement, No. 12)-----	5-10-35	XXIII	251
	Notion, Millinery and — Bag Division. (See Paper Bag Manufacturing.)			
	Notion, Thread and Women's Garments Division. (See Wholesaling or Distributing Trade.)			
78	Nottingham Lace Curtain-----	11- 1-33	II	253
	Amendment, No. 1-----	8- 7-34	XV	189
	Amendment, No. 2-----	5-11-35	XXIII	163
	Novelties. (See Silverware Manufacturing.)			
400	Novelty, Celluloid Button, Buckle and — Manufacturing (see also Celluloid Button, Buckle and Novelty Manufacturing)-----	4-20-34	IX	367
79	Novelty Curtain, Draperies, Bedspreads and Novelty Pillow-----	11- 1-33	II	263
	Amendment, No. 1-----	7-30-34	XIV	207
	Amendment, No. 2-----	8-24-34	XV	437
	Domestic Decorative Linens Branch-----	8-24-34	XV	437
	Amendment, No. 3-----	10-19-34	XVIII	253
	Budget and expenditure rules stayed-----	5-16-35	XXIII	360
	Cost, Approving procedure for determining-----	9- 7-34	XVI	566
	Hours of labor and productive machinery, Provisional stay relevant to-----	3-28-35	XXII	606
	Needlework Industry in Puerto Rico, Domestic Decorative Linens Branch Contractors exempted from the code-----	3- 6-35	XXII	559
	Novelty Jewelry, Men's — Division. (See Wholesaling or Distributing Trade.)			
	Nozzle, Sleeve, —, and Runner Brick and Tuvères Division. (See Refractories.)			



Code No.	Industry	Date	Volume	Page
	Nut, Machine Screw — Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 20)	5- 5-34	X	733
89	Oak Flooring Division. ( <i>See</i> Lumber and Timber Products.) Office Equipment Manufacturers Office Furniture, Steel — Division. ( <i>See</i> Business Furniture, Storage Equipment and Filing Supply.) Office Outfitting, Commercial Stationery and — Trade ( <i>see also</i> Wholesaling or Distributing Trade Supplement, No. 3)	11- 4-33	II	413
	Official, Establishment and use of — N. R. A. Bulletin Board	3-16-34	VIII	761
25	Oil Burner	1- 6-34	V	768
	Amendment, No. 1	9-18-33	I	339
	Amendment, No. 2	10- 3-33	I	703
	Cost provisions and Industry regulations, Stay of	9-17-34	XVII	113
	Cost provisions, Continuing stay of code provisions applicable to	9- 1-34	XVI	553
493	Oil Burning Equipment, Industrial — Manufacturing ( <i>see also</i> Industrial Oil Burning Equipment Manufacturing)	10-26-34	XVIII	670
	Oil, Essential — Division. ( <i>See</i> Natural Organic Products.)	7-30-34	XIV	31
	Oil Field Pumping Engine Manufacturing ( <i>see also</i> Machinery and Allied Products Supplement, No. 35)	7-25-34	XIV	357
	Oil Filter Manufacturing ( <i>see also</i> Automotive Parts and Equipment Manufacturing Supplement, No. 6)	10-26-34	XVIII	595
500	Oil, Processed or Refined Fish ( <i>see also</i> Processed or Refined Fish Oil)	8- 8-34	XV	39
469	Oil, Sulphonated — Manufacturing ( <i>see also</i> Sulphonated Oil Manufacturing)	6-26-34	XII	99
255	Oil, Table — Cloth ( <i>see also</i> Table Oil Cloth)	2- 2-34	VI	125
491	Olive, Imported Green ( <i>see also</i> Imported Green Olive)	7-24-34	XIV	1
370	Open Paper Drinking Cup and Round Nesting Paper Food Container	3-26-34	VIII	567
	Amendment, No. 1	8- 9-34	XV	225
	Open Steel Flooring (Grating) Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 41)	7-11-34	XIII	559
49	Optical Manufacturing	10- 9-33	I	599
454	Optical Retail Trade	6- 4-34	XI	149
	Code Authority, Requiring modification of Trade Practice Provisions, Modifying previous stay of	10-15-34	XVIII	626
	Trade Practice Provisions, Stay of	10-16-34	XVII	631
448	Optical Wholesale Industry and Trade	8- 8-34	XV	652
	Ore Crusher, Rock and ( <i>see also</i> Machinery and Allied Products Supplement, No. 17)	5-31-34	XI	61
210	Organ, Pipe ( <i>see also</i> Pipe Organ)	6-11-34	XI	761
545	Organic, Natural — Products ( <i>see also</i> Natural Organic Products)	1-16-34	V	203
	Oriental Rug Importing Trade ( <i>see also</i> Importing Trade Supplement, No. 1)	1-25-35	XXI	19
		9-14-34	XVI	511

Code No.	Industry	Date	Volume	Page
	Ornamental, Architectural, — and Miscellaneous Iron, Bronze, Wire and Metal Specialties Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 55)	11-20-34	XIX	479
260	Ornamental Moulding, Carving and Turning	2- 5-34	VI	205
	Amendment, No. 1	4-28-34	X	497
	Amendment, No. 2	8-11-34	XV	249
	Hazardous occupations, Approval of a list of	10-25-34	XVIII	663
304	Outdoor Advertising Trade	2-24-34	VII	273
	Amendment, No. 1	11-12-34	XIX	165
	Outerwear, Heavy Cotton — and Combination Leather Garment Manufacturers Division. ( <i>See</i> Cotton Garment.)			
	Outerwear, Knitted — Division. ( <i>See</i> Wholesaling or Distributing Trade Supplement, No. 8.)			
164	Outerwear, Knitted ( <i>see also</i> Knitted Outerwear)	12-18-33	IV	199
155	Oxy-Acetylene	12-15-33	IV	61
	Amendment, No. 1	7-26-34	XIV	129
	Labor Complaints, Approval of application for having the National Recovery Administration to handle	9-27-34	XVII	520
	Sales to Hospitals, Granting permanent stay for	9-21-34	XVII	497
	Oyster, Fresh ( <i>see also</i> Fishery Supplement, No. 1)	3-10-34	VII	693
452	Oyster Shell Crushers	6- 2-34	XI	125
	Amendment, No. 1	3-14-35	XXII	155
546	Pacific Coast Dried Fruit	1-26-35	XXI	39
	Sales contract, Granting application for inclusion in the code of a uniform	5- 9-35	XXIII	333
	Pacific Coast Section of the Soap and Glycerine Manufacturing ( <i>see also</i> Soap and Glycerine Manufacturing Supplement, No. 1)	6-29-34	XII	525
	Package, Charcoal and — Fuel Distributing Trade ( <i>see also</i> Wholesaling or Distributing Trade Supplement, No. 19)	8- 7-34	XV	473
430	Package Medicine	5-15-34	X	185
	Amendment, No. 1	9-11-34	XVI	347
	Hazardous occupations, Approving a list of Jurisdictional interpretation for "cough drops"	1- 3-35	XX	430
		5- 2-35	XXIII	305
548	Package and Pasteurized-Blended and Process Cheese	2- 2-35	XXI	73
	Amendment, No. 1	4- 6-35	XXII	383
	Package, Steel — Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 25)	5-16-34	X	907
	Package, Wooden — Division. ( <i>See</i> Lumber and Timber Products.)			
	Packed Fuel, Charcoal and — Division. ( <i>See</i> Wholesaling or Distributing Trade.)			
72	Packaging Machinery Industry and Trade	10-31-33	II	187
	Amendment, No. 1	7-17-34	XIII	365
	Amendment, No. 2	2-18-35	XI	387
	Hazardous occupations, Approving a list of	9-25-34	XVII	505
	Hour tolerance, Granting temporary man	8-14-34	XV	665
	Supplement, No. 1 for Can Labeling and Can Casing Machinery Industry and Trade	5- 5-34	X	767
	Amendment, No. 1	11- 1-34	XVIII	479

Code No.	Industry	Date	Volume	Page
72	Packaging Machinery Industry and Trade—Con. Supplement, No. 2 for Paper Box Machinery Industry and Trade.	5-21-34	XI	515
75	Packing, Canning and — Machinery ( <i>see also</i> Canning and Packing Machinery)	10-31-33	II	219
490	Packing, Imported Date ( <i>see also</i> Imported Date Packing)	7-22-34	XIII	217
428	Packing, Mechanical ( <i>see also</i> Mechanical Packing)	5-14-34	X	151
524	Packing, Pickle ( <i>see also</i> Pickle Packing)	10- 4-34	XVII	85
262	Pad, Shoulder — Manufacturing ( <i>see also</i> Shoulder Pad Manufacturing)	2- 5-34	VI	231
417	Pad, Table — Division. ( <i>See</i> Light Sewing Industry Except Garments.)			
	Padding, Batting and ( <i>see also</i> Batting and Padding)	5- 5-34	X	1
	Padding, Covered Carpet — Division. ( <i>See</i> Light Sewing Industry Except Garments.)			
	Paint and Varnish Brush Manufacturers' Division. ( <i>See</i> Brush Manufacturing.)			
71	Paint, Varnish and Lacquer Manufacturing	10-31-33	II	169
	Amendment, No. 1	3- 2-34	VII	643
	Putty Division	3- 2-34	VII	648
	Amendment, No. 2	6-27-34	XII	327
	Amendment, No. 3	9-27-34	XVII	261
	Costs and Losses, Approving amendment to previous approval	12-22-34	XX	409
	Costs and Losses, Approving schedules for	12- 7-34	XIX	638
	Costs and Losses, Further amendment to previous approval	12-28-34	XX	419
	Labor Complaints, Authorizing N. R. A. to handle	11-16-34	XIX	576
	Sales below cost, Stay granted relevant to	4-27-35	XXIII	289
	Selling below cost, Shellac Varnish, Stay relevant to	12-24-34	XX	414
	Paint, Wholesale —, Varnish, Lacquer, Allied and Kindred Products Trade ( <i>see also</i> Wholesale or Distributing Trade Supplement, No. 18)	8- 4-34	XIV	547
	Painters, Cutlery, Manicure Implement and — and Paperhangers Tool Manufacturing and Assembling ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 10)	3-26-34	VIII	823
	Painting, Paperhanging and Decorating ( <i>see also</i> Construction Supplement, No. 2)	3-12-34	VIII	739
397	Painting, Spray — and Finishing Equipment Manufacturing ( <i>see also</i> Spray Painting and Finishing Equipment Manufacturing)	4-19-34	IX	317
	Pajama Manufacturers. ( <i>See</i> Cotton Textile Industry.)			
	Pajama Manufacturers Division. ( <i>See</i> Cotton Garment.)			
	Paper, Asbestos — and Allied Products Division. ( <i>See</i> Asbestos.)			
230	Paper Bag Manufacturing	1-26-34	V	461
	Banana and Dry Cleaner or Garment Delivery Bag Division	1-26-34	V	475
	Coffee Bag Division	1-26-34	V	476
	Glassine Bag Division	1-26-34	V	477
	Grocery Bag Division	1-26-34	V	478
	Millinery and Notion Bag Division	1-26-34	V	479
	Moth Proof Paper Products Division	1-26-34	V	480
	Shopping Bag Division	1-26-34	V	481

Code No.	Industry	Date	Volume	Page
230	Paper Bag Manufacturing—Continued.			
	Wholly or Semi-Hand Made Bag Division	1-26-34	V	483
	Window-Face Bag Division	1-26-34	V	482
	Amendment, No. 1	2- 2-35	XXI	255
	Amendment, No. 2	2- 5-35	XXI	265
	Paper Box Machinery Industry and Trade ( <i>see also</i> Packaging Machinery Industry and Trade Supplement, No. 2)	5-21-34	XI	515
252	Paper, Cylindrical Liquid Tight — Container ( <i>see also</i> Cylindrical Liquid Tight Paper Container)	2- 1-34	VI	83
246	Paper Disc Milk Bottle Cap	2- 1-34	VI	15
	Amendment, No. 1	9-20-34	XVII	143
176	Paper Distributing Trade	12-23-33	IV	375
	Amendment, No. 1	8-21-34	XV	399
	Amendment, No. 2	9-25-34	XVII	205
	Reports, Authorizing Code Authority to procure certain reports from the members of the Trade	11-19-34	XIX	584
	Wages of Labor, Approval of application for allowance for	6- 7-34	XIII	724
	Wages of labor, Extension of time limit for Section 4 of Article VIII for	6-20-34	XII	646
	Wages of labor, Stay of Administrative Order Number 176-6 relevant to	6-20-34	XII	647
	Wages of Labor, Stay of Order providing allowance for	7-11-34	XIII	743
296	Paper, Fluted Cup, Pan Liner and Lace ( <i>see also</i> Fluted Cup, Pan Liner and Lace Paper)	2-17-34	VII	175
193	Paper, Folding — Box ( <i>see also</i> Folding Paper Box)	12-30-33	IV	591
247	Paper, Food Dish and Pulp and — Plate ( <i>see also</i> Food Dish and Pulp and Paper Plate)	2- 1-34	VI	29
248	Paper, Glazed and Fancy ( <i>see also</i> Glazed and Fancy Paper)	2- 1-34	VI	41
	Paperhangers, Cutlery, Manicure Implement and Painters and — Tool Manufacturing and Assembling ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 10)	3-26-34	VIII	823
426	Paper Makers' Felt	5-11-34	X	129
144	Paper Making Machine Builders	12- 7-33	III	543
	Classification of members	8-17-34	XV	671
	Paper, Moth Proof — Products Division. ( <i>See</i> Paper Bag Manufacturing.)			
370	Paper, Open — Drinking Cup and Round Nesting Paper Food Container ( <i>see also</i> Open Paper Drinking Cup and Round Nesting Paper Food Container)	3-26-34	VIII	567
369	Paper Products, Expanding and Specialty ( <i>see also</i> Expanding and Specialty Paper Products)	3-26-34	VIII	553
120	Paper and Pulp	11-17-33	III	115
	Amendment, No. 1	9-25-34	XVII	201
	Amendment, No. 2	10-16-34	XVIII	199
	Amendment, No. 3	2- 5-35	XXI	271
	Cellulose Wadding Division, Budget and expenditure rules stayed	5- 6-35	XXIII	321
	Paper, Pulp and — Machinery Subdivision. ( <i>See</i> Machinery and Allied Products Amendment, No. 4.)			
	Paper, Pulp and — Machinery ( <i>see also</i> Machinery and Allied Products Supplement, No. 42)	8-11-34	XV	501

Code No.	Industry	Date	Volume	Page
	Paper, Pulp and — Mill Wire Cloth Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 44)-----	7-30-34	XIV	421
167	Paper, Set Up — Box Manufacturing ( <i>see also</i> Set Up Paper Box Manufacturing)-----	12-18-33	IV	243
190	Paper Stationery and Tablet Manufacturing-----	12-30-33	IV	559
	Hazardous occupations, Approving a list of Paper, Wall — Division. ( <i>See</i> Wholesaling or Distributing Trade.)-----	3-25-35	XXII	600
	Paper, Waste — Trade ( <i>see also</i> Scrap Iron, Non-ferrous Scrap Metals and Waste Materials Trade Supplement, No. 1)-----	7-12-34	XIII	575
295	Paper, Waterproof ( <i>see also</i> Waterproof Paper)-----	2-17-34	VII	163
166	Paper, Waxed ( <i>see also</i> Waxed Paper)-----	12-18-33	IV	233
100	Paperboard Manufacturers-----	11- 8-33	II	537
147	Parking Trade, Motor Vehicle Storage and ( <i>see also</i> Motor Vehicle Storage and Parking Trade)-----	12- 7-33	III	577
105	Parts, Automotive — and Equipment Manufacturing ( <i>see also</i> Automotive Parts and Equipment Manufacturing)-----	11- 8-33	II	599
	Parts, Washing Machine — Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 29)-----	5-17-34	XI	469
413	Pasted Shoe Stock-----	5- 3-34	IX	567
	Amendment, No. 1-----	12- 6-34	XIX	345
548	Pasteurized-Blended, Package and — and Process Cheese ( <i>see also</i> Package and Pasteurized-Blended and Process Cheese)-----	2- 2-35	XXI	73
444	Pattern, Shoe — Manufacturing ( <i>see also</i> Shoe Pattern Manufacturing)-----	5-26-34	X	397
378	Peanut Butter-----	4- 4-34	IX	55
	Amendment, No. 1-----	5-19-34	X	581
	Amendment, No. 2-----	8- 8-34	XV	201
203	Peanut, Raw — Milling ( <i>see also</i> Raw Peanut Milling)-----	1-12-34	V	99
310	Pearl Button, Fresh Water — Manufacturing ( <i>see also</i> Fresh Water Pearl Button Manufacturing)-----	2-26-34	VII	259
528	Pecan Shelling-----	10-23-34	XVIII	59
291	Pencil, Wood Cased Lead — Manufacturing ( <i>see also</i> Wood Cased Lead Pencil Manufacturing)-----	2-17-34	VII	109
	Pennants. ( <i>See</i> Athletic Goods Manufacturing.)-----			
	Perforating Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 48)-----	8-31-34	XVI	437
361	Perfume, Cosmetic and Other Toilet Preparations-----	3-23-34	VIII	435
	Amendment, No. 1-----	9-17-34	XVII	119
	Hazardous occupations, Approving a list of Periodical Publishing and Printing. ( <i>See</i> Graphic Arts.)-----	1-12-35	XX	454
	Permanent Mold, Aluminum — Castings Supplement. ( <i>See</i> Nonferrous Foundry.)-----			
	Permanent stay, Granting — of exemption from Codes of Fair Competition in connection with sales to Hospitals for certain Industries-----	3- 3-34	VII	726
	Personnel, Authorization of Administrator to appoint —, fix compensations and conduct hearings-----	7-15-33	V	763

Code No.	Industry	Date	Volume	Page
10	Petroleum-----	8-19-33	I	147
	Administration given to Secretary of Interior-----	8-29-33	I	730
	Bona Fide and Legitimate Cooperatives, Delegation of authority to determine whether organizations are-----	3-16-35	XXII	581
	Contracts, Government — and contracts involving the use of government funds, Contracts between the U. S. Government and-----	7-26-34	XIV	572
	Transportation, Prohibition of — of Unlawful Production-----	7-11-33	I	713
	Transportation, Prohibition of — of Unlawful Production-----	7-14-33	I	714
85	Petroleum Equipment Industry and Trade (American)-----	11- 2-33	II	339
	Pewter, Chromium Plate and Miscellaneous — Division. (See Silverware Manufacturing.)-----			
529	Pharmaceutical and Biological-----	10-25-34	XVIII	73
537	Photo, Blue Print and — Print (see also Blue Print and Photo Print)-----	12-18-34	XIX	65
180	Photo-Engraving-----	12-23-33	IV	429
	Amendment, No. 1-----	8-21-34	XV	403
	Continuing in effect as a separate code-----	4-21-34	IX	929
362	Photographic and Photo Finishing-----	3-23-34	VIII	449
	Commercial Photography Division-----	3-23-34	VIII	449
	Photo Finishing Division-----	2-23-34	VIII	449
	Portrait Photography Division-----	3-23-34	VIII	449
	Amendment, No. 1-----	10- 6-34	XVII	347
	Amendment, No. 2-----	3- 4-35	XXI	457
	Code Authority, Extension of time for election of permanent-----	5-31-34	XI	805
	Code Authority, Extension of time for election of permanent-----	9-18-34	XVII	471
	Hazardous occupations, Approving a list of-----	10- 9-34	XVII	593
12	Photographic Manufacturing-----	8-19-33	I	209
290	Photographic Mount-----	2-17-34	VII	97
	Amendment, No. 1-----	9-25-34	XVII	209
	Photo-Lithographing. (See Graphic Arts.)-----			
91	Piano Manufacturing-----	11- 4-33	II	435
	Hazardous occupations, Approving a list of-----	9-19-34	XVII	475
433	Pickery, Cotton (see also Cotton Pickery)-----	5-17-34	X	227
524	Pickle Packing-----	10- 4-34	XVII	85
	Prices and discounts, Staying provisions relevant to-----	5-11-35	XXIII	347
	Picture Frame. (See Picture Moulding and Picture Frame.)-----			
124	Picture, Motion (see also Motion Picture)-----	11-27-33	III	215
22	Picture, Motion — Laboratory (see also Motion Picture Laboratory)-----	9- 7-33	I	299
208	Picture Moulding and Picture Frame-----	1-16-34	V	175
	Empty Picture Frame Division-----	1-16-34	V	175
	Finished Moulding Division-----	1-16-34	V	175
	Fitted Picture Frame Division-----	1-16-34	V	175
	Metal and Metal Frame Division-----	1-16-34	V	175
	Raw Moulding Division-----	1-16-34	V	175
	Amendment, No. 1-----	8-23-34	XV	415
	Amendment, No. 2-----	12-19-34	XIX	445
	Hazardous occupations, Approving a list of-----	10- 9-34	XVII	554
	Label regulations, Rules for administration of provisions relevant to-----	2-21-35	XXI	624
	Prices, Granting partial stay of provisions relevant to-----	11-24-34	XIX	600

Code No.	Industry	Date	Volume	Page
	Picture Publishing and Picture Importers. ( <i>See Graphic Arts.</i> )			
	Pie Bakers' Division. ( <i>See Baking.</i> )			
	Piece Goods Selling Division. ( <i>See Wool Textile Amendment, No. 1.</i> )			
	Pigments, Lead — Division. ( <i>See Lead.</i> )			
	Piling, Pole and — Division. ( <i>See Lumber and Timber Products Amendment, No. 12.</i> )			
79	Pillow, Novelty Curtain, Draperies, Bedspreads and Novelty ( <i>see also Novelty Curtain, Draperies, Bedspreads and Novelty Pillow</i> )	11- 1-33	II	263
440	Pin, Dowel — Manufacturing ( <i>see also Dowel Pin Manufacturing</i> )	5-22-34	X	329
338	Pin, Wooden Insulator — and Bracket Manufacturing ( <i>see also Wooden Insulator Pin and Bracket Manufacturing</i> )	3-16-34	VIII	115
	Pine, Northern — Division. ( <i>See Lumber and Timber Products.</i> )			
	Pipe, Adjustable — Wrenches Division. ( <i>See Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 15.</i> )			
192	Pipe, Cast Iron Pressure ( <i>see also Cast Iron Pressure Pipe</i> )	12-30-33	IV	579
18	Pipe, Cast Iron Soil ( <i>see also Cast Iron Soil Pipe</i> )	9- 7-33	I	259
185	Pipe, Concrete — Manufacturing ( <i>see also Concrete Pipe Manufacturing</i> )	12-30-33	IV	497
498	Pipe, Corn Cob ( <i>see also Corn Cob Pipe</i> )	8- 7-34	XV	13
511	Pipe, Corrugated Rolled-Metal Culvert ( <i>see also Corrugated Rolled-Metal Culvert Pipe</i> )	8-27-34	XVI	39
508	Pipe, Industry of Wholesale Plumbing Products, Heating Products and/or Distributing — Fittings and Valves ( <i>see also Industry of Wholesale Plumbing Products, Heating Products and/or Distributing Pipe, Fittings and Valves</i> )	8-25-34	XV	163
131	Pipe Nipple Manufacturing	11-27-33	III	379
	Amendment, No. 1	8-13-34	XV	287
210	Pipe Organ	1-16-34	V	203
	Amendment, No. 1	9- 1-34	XVI	261
	Amendment, No. 2	11- 5-34	XVIII	523
225	Hazardous occupations, Approving a list of	9-19-34	XVII	476
	Pipe, Smoking — Manufacturing ( <i>see also Smoking Pipe Manufacturing</i> )	1-23-34	V	393
	Pipe Tool Manufacturing ( <i>see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 47</i> )	8-23-34	XV	601
136	Pipe, Vitrified Clay Sewer — Manufacturing ( <i>see also Vitrified Clay Sewer Pipe Manufacturing</i> )	11-27-33	III	445
	Pipe, Warm Air — and Fittings Manufacturing ( <i>see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 31</i> )	5-18-34	XI	501
	Piping, Heating, —, and Air Conditioning Contractors' ( <i>see also Construction Supplement, No. 16</i> )	7-25-34	XIV	331
	Plan for completion of Code Making ( <i>see also Code Making</i> )	7-10-34	XIII	734
	Planning and Adjustment Board, Appointing Chairman for the — for Construction	6- 6-34	XI	789

Code No.	Industry	Date	Volume	Page
	Planning and Fair Practice Agency. ( <i>See Shipbuilding and Shiprepairing Amendment, No. 1.</i> )			
359	Plastering and Lathing Contracting ( <i>see also Construction Supplement, No. 14</i> )-----	6-27-34	XII	487
	Plastic Products, Preformed ( <i>see also Preformed Plastic Products</i> )-----	3-23-34	VIII	409
247	Plastic Refractories Division. ( <i>See Refractories.</i> ) Plated. ( <i>See Silverware Manufacturing.</i> ) Plate, Food Dish and Pulp and Paper ( <i>see also Food Dish and Pulp and Paper Plate</i> )-----	2- 1-34	VI	29
390	Plate, Pewter, Chromium — and Miscellaneous Division. ( <i>See Silverware Manufacturing.</i> ) Plate, Steel — Fabricating ( <i>see also Steel Plate Fabricating</i> )-----	4- 6-34	IX	233
	Plate, Trade Lithographic — Making. ( <i>See Graphic Arts.</i> ) Plating, Electro — and Metal Polishing and Metal Finishing ( <i>see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 46</i> )-----	8-22-34	XV	585
86	Play and Dramatic Text Publishing Division. ( <i>See Book Publishing.</i> ) Playing Cards. ( <i>See Graphic Arts.</i> ) Playthings, Toy and ( <i>see also Toy and Playthings</i> )-----	11 -4-33	II	353
276	Pleating, Stitching and Bonnaz and Hand Embroidery----- Amendment, No. 1----- Amendment, No. 2-----	2-10-34 7-12-34 1-14-35	VI XIII XX	403 291 219
	Pledge, Providing for the design and use of insignia, specifying — to be signed, and appointing National Committee for Sheltered Workshops.	5-11-34	X	961
	Pliers, Adjustable Wrenches and — Division. ( <i>See Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 15.</i> )			
115	Plug, Wood ( <i>see also Wood Plug</i> )-----	11-14-33	III	47
63	Plumbago Crucible----- Labor complaints, Authorizing the Compliance Division of N. R. A. to handle----- Labor Complaints Committee, Exempting Supervisory Agency from provisions requiring establishment of-----	10-23-33 11- 9-34 11- 9-34	II XIX XIX	67 550 551
204	Plumbing Contracting ( <i>see also Construction Supplement, No. 9</i> )----- Plumbing Fixtures----- Enameled Cast Iron Plumbing Fixtures Division----- Sanitary Brass Plumbing Fittings Division----- Sanitary Seats Division----- Vitreous China Plumbing Fixtures Division----- Amendment, No. 1----- Amendment, No. 2----- Range Boiler Manufacturing----- Amendment, No. 3----- Cost accounting system, Approval of the-----	5-15-34 1-13-34 1-13-34 1-13-34 1-13-34 1-31-34 4-23-34 4-23-34 3-25-35 9-14-34	X V V V V V X X XXVII XVI	895 117 117 117 117 699 435 435 249 584
508	Plumbing, Industry of Wholesale — Products, Heating Products and/or Distributing Pipe, Fittings and Valves ( <i>see also Industry of Wholesale Plumbing Products, Heating Products and/or Distributing Pipe, Fittings and Valves</i> )-----	8-25-34	XV	163



Code No.	Industry	Date	Volume	Page
	Pole and Piling Division. ( <i>See</i> Lumber and Timber Products Amendment, No. 12.)			
224	Polish; Furniture and Floor Wax and ( <i>see also</i> Furniture and Floor Wax and Polish)-----	1-23-34	V	381
184	Polish, Shoe and Leather Finish, —, and Cement Manufacturing ( <i>see also</i> Shoe and Leather Finish, Polish, and Cement Manufacturing)---	12-30-33	IV	485
97	Polishing, Buffing and — Composition ( <i>see also</i> Buffing and Polishing Composition)-----	11- 4-33	II	501
159	Polishing, Dry and — Mop Manufacturing ( <i>see also</i> Dry and Polishing Mop Manufacturing)---	12-15-33	IV	141
	Polishing, Electro Plating and Metal — and Metal Finishing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 46)-----	8-22-34	XV	585
96	Polishing Wheel, Buff and ( <i>see also</i> Buff and Polishing Wheel)-----	11- 4-33	II	491
	Polo. ( <i>See</i> Athletic Goods Manufacturing.)			
239	Porcelain Breakfast Furniture Assembling-----	1-30-34	V	587
	Administration, Providing temporary-----	5- 2-35	XXIII	307
	Amendment, No. 1-----	7-27-34	XIV	183
	Amendment, No. 2-----	3-21-35	XXII	217
	General N. R. A. Code Authority designated to temporarily administer this code-----	5-22-35	XXIII	378
	Temporary administration provision stayed-----	5- 7-35	XXIII	327
126	Porcelain, Chinaware and — Manufacturing ( <i>see also</i> Chinaware and Porcelain Manufacturing)---	11-27-33	III	273
	Porcelain Enameling Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 13)-----	3-31-34	IX	749
	Portable Elevator, Lift Truck and — Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 36)-----	6-23-34	XII	461
	Portable Electric Lamp and Shade ( <i>see also</i> Electrical Manufacturing Supplement, No. 2)-----	6-27-34	XII	501
	Portrait Photography Division. ( <i>See</i> Photographic and Photo Finishing.)			
	Posters. ( <i>See</i> Graphic Arts.)			
	Post Hole Digger, Shovel and — Division. ( <i>See</i> Tool and Implement Manufacturing Industry Supplement.)			
284	Pottery Supplies and Backwall and Radiant----	2-16-34	VI	539
216	Powder Puff-----	1-17-34	V	273
	Amendment, No. 1-----	9-20-34	XVII	147
	Amendment, No. 2-----	3-11-35	XXII	143
	Hours and Wages, Stay of provisions relevant to-----	12- 5-34	XIX	630
	Powdered Metal Bearing Manufacturing ( <i>see also</i> Automotive Parts and Equipment Manufacturing Supplement, No. 8)-----	12-18-34	XIX	517
	Power and Gang Lawn Mower Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 12)-----	3-26-34	VIII	837
	Powers, Delegating. ( <i>See</i> Administration; National Industrial Recovery.)			
	Power Transmission ( <i>see also</i> Machinery and Allied Products Supplement, No. 25)-----	7- 6-34	XIII	509
130	Precious Jewelry Producing-----	11-27-33	III	365
	Amendment, No. 1-----	6-26-34	XII	305

Code No.	Industry	Date	Volume	Page
130	Precious Jewelry Producing—Continued.			
	Amendment, No. 2.....	3- 7-35	XXII	107
	Contracts for fraternal orders, Staying provisions relevant to.....	12- 3-34	XIX	625
	Hazardous occupations, Approving a list of.....	9-18-34	XVII	472
359	Preformed Plastic Products.....	3-23-34	VIII	409
	Amendment, No. 1.....	6-23-34	XII	295
	Amendment, No. 2.....	4-25-35	XXIII	21
460	Preserve, Maraschino Cherry and Glace Fruit.....	6- 8-34	XI	241
	Terms of sale, Provisional and partial stay relevant to.....	4-11-35	XXII	657
481	Preserving, Wood ( <i>see also</i> Wood Preserving).....	7-13-34	XIII	85
	President's Reemployment Agreement:			
	Exception for retail and service trades in towns of less than 2,500 population.....	5-15-34	X	952
	Exempting employers in towns of less than 2,500 population.....	10-23-33	II	699
	Expense allocation, New regulations applicable to employers covered by two or more codes for.....	4-10-35	XXII	650
	Extension of the.....	4-14-34	IX	881
	Extension to April 30, 1934.....	12-19-33	XV	623
	Glasgow, Montana, is a town of more than 2,500 in population.....	8-28-34	XVI	530
	Little Rock, Arkansas, and North Little Rock, Arkansas, Population decision for.....	1-26-35	XXI	563
	Revocation.....	4- 4-35	XXII	636
	Modification.....	10- 3-33	I	734
	Motor Vehicle Retailing Trade, Exemption of employers in towns under 2,500 population.....	5-29-34	XI	803
	Service Trades, Supplementary rules and regulations for employers in towns of less than 2,500 population.....	8-6-34	XV	631
	Texarkana, Arkansas, and Texarkana, Texas, Population decision for.....	9-13-34	XVI	582
	Press, Mechanical — Manufacturing ( <i>see also</i> Machinery and Allied Products Supplement, No. 27).....	7- 9-34	XIII	535
319	Press, Newspaper Printing ( <i>see also</i> Newspaper Printing Press).....	3- 5-34	VII	473
	Pressed Glassware Division. ( <i>See</i> American Glassware.).....			
192	Pressure, Cast Iron — Pipe ( <i>see also</i> Cast Iron Pressure Pipe).....	12-30-33	IV	579
503	Pretzel.....	8-11-34	XV	87
	Wages, Temporary stay of provisions requiring a Code Authority report on certain.....	12-18-34	XIX	658
537	Print, Blue — and Photo Print ( <i>see also</i> Blue Print and Photo Print).....	12-18-34	XIX	65
368	Print Roller and Print Block Manufacturing.....	3-26-34	VIII	541
	Amendment, No. 1.....	8-10-34	XV	237
	Amendment, No. 2.....	12- 7-34	XIX	371
324	Print, Textile — Roller Engraving ( <i>see also</i> Textile Print Roller Engraving).....	3- 8-34	VII	539
106	Printer's Rollers.....	11- 8-33	II	611
	Amendment, No. 1.....	7-20-34	XIII	449
	Amendment, No. 2.....	11-27-34	XIX	289
257	Printing Equipment Industry and Trade.....	2- 2-34	VI	151
	Amendment, No. 1.....	7-14-34	XIII	315
	Used machinery, Approval of method of value determination for.....	4-19-35	XXII	679

Code No.	Industry	Date	Volume	Page
257	Printing Equipment Industry and Trade—Con. Used machinery, Extending the effective date of the method of value determination for.....	5- 9-35	XXIII	334
	Used machinery value determination, Further extension of the effective date for the the method to arrive at.....	5-18-35	XXIII	370
339	Printing Ink Manufacturing.....	3-16-34	VIII	127
	Budget and expenditure rules stayed.....	5-23-35	XXIII	381
	Hazardous occupations, Approving a list of.....	3- 9-35	XXII	570
	Printing Machine Operation. (See Cotton Textile.)			
	Printing, Non-Metropolitan Newspaper Publishing and. (See Graphic Arts.)			
319	Printing Press, Newspaper (see also Newspaper Printing Press).....	3- 5-34	VII	473
172	Printing, Rayon and Silk Dyeing and (see also Rayon and Silk Dyeing and Printing).....	12-21-33	IV	311
	Temporary Code Approved.....	7-22-33	I	718
	Prison Equipment Manufacturing (see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 39).....	7- 5-34	XII	561
	Prison Industries, Compact of Fair Competition for the — of the United States of America.....	4-19-34	IX	731
447	Private Home Study School.....	5-31-34	XI	45
	Procedure, Providing complaint — through "officially authorized" Code Authorities.....	5-12-34	X	964
500	Processed or Refined Fish Oil.....	8- 8-34	XV	39
	Amendment, No. 1.....	5-17-35	XXIII	187
355	Processing, Rug Chemical — Trade (see also Rug Chemical Processing Trade).....	3-23-34	VIII	365
235	Processing, Textile (see also Textile Processing).....	1-30-34	V	539
	Producers, Fire Clay — Division. (See Refractories.)			
	Proofing, Automobile Fabrics, — and Backing Division. (See Rubber Manufacturing.)			
477	Public Seating.....	7-10-34	XIII	1
	Effective period of the code, Extending.....	10-19-34	XVIII	650
523	Publishing, Book (see also Book Publishing).....	10- 1-34	XVII	47
288	Publishing, Daily Newspaper — Business (see also Daily Newspaper Publishing Business).....	2-17-34	VII	69
552	Publishing, Music (see also Music Publishing).....	3- 4-35	XXI	133
	Publishing, Non-Metropolitan Newspaper — and Printing. (See Graphic Arts.)			
539	Puerto Rico, Baking Industry in (see also Baking Industry in Puerto Rico).....	12-21-34	XX	1
	Puerto Rico, Deputy Administrator for — delegated authority pursuant to issuance of labels.....	4- 3-35	XXII	630
474	Puerto Rico, Needlework Industry of (see also Needlework Industry of Puerto Rico).....	6-28-34	XII	175
216	Puff, Powder (see also Powder Puff).....	1-17-34	V	273
	Pulp and Paper Machinery Subdivision. (See Machinery and Allied Products Amendment, No. 4.)			
	Pulp and Paper Machinery (see also Machinery and Allied Products Supplement, No. 42).....	8-11-34	XV	501
	Pulp and Paper Mill Wire Cloth Manufacturing (see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 44).....	7-30-34	XIV	421
247	Pulp, Food Dish and — and Paper Plate (see also Food Dish and Pulp and Paper Plate).....	2- 1-34	VI	29

Code No.	Industry	Date	Volume	Page
120	Pulp, Paper and ( <i>see also</i> Paper and Pulp)-----	11-17-33	III	115
	Pulverizing Machinery and Equipment ( <i>see also</i> Machinery and Allied Products Supplement, No. 15)-----	6- 9-34	XI	723
	Pulverizing Machinery Equipment Subdivision. ( <i>See</i> Machinery and Allied Products.)			
	Pump, Contractors' ( <i>see also</i> Machinery and Allied Products Supplement, No. 11)-----	6- 5-34	XI	631
26	Pump, Gasoline — Manufacturing ( <i>see also</i> Gasoline Pump Manufacturing)-----	9-18-33	I	349
57	Pump Manufacturing-----	10-11-33	I	673
	Pumping Engine, Oil Field — Manufacturing ( <i>see also</i> Machinery and Allied Products Supplement, No. 35)-----	7-25-34	XIV	357
316	Punchboard Manufacturing-----	3- 2-34	VII	439
	Pyrethrum-Retoneone Group. ( <i>See</i> Chemical Manufacturing Supplement, No. 1.)			
148	Pyrotechnic Manufacturing-----	12-17-33	III	591
	Amendment, No. 1-----	10-29-34	XVIII	409
	Amendment, No. 2-----	4-10-35	XXII	399
	Amendment, No. 3-----	5-11-35	XXIII	167
421	Quarrying, Marble — and Finishing ( <i>see also</i> Marble Quarrying and Finishing)-----	5- 9-34	X	57
351	Quicksilver-----	3-21-34	VIII	303
	Quilting Division. ( <i>See</i> Light Sewing Industry Except Garments.)			
	Quotation, Exemption for — made to governmen- tal agencies for Codes of Fair Competition ( <i>see also</i> Governmental Agencies, Quotation to)	6-12-34	XII	625
	Rabbit Dealing Division. ( <i>See</i> Fur Dealing Trade.)			
	Rabbit Dealing Division. ( <i>See</i> Fur Dealing Trade Amendment, No. 2.)			
	Rabbit Dressers Division. ( <i>See</i> Fur Dressing and Fur Dyeing.)			
	Racquets. ( <i>See</i> Athletic Goods Manufacturing.)			
284	Radiant, Pottery Supplies and Backwall and ( <i>see also</i> Pottery Supplies and Backwall and Radiant)-----	2-16-34	VI	539
258	Radiator, Cast Iron Boiler and Cast Iron ( <i>see also</i> Cast Iron Boiler and Cast Iron Radiator)---	2- 3-34	VI	173
	Radiator Manufacturing ( <i>see also</i> Automotive Part- and Equipment Manufacturing Supple- ment, No. 10)-----	2- 1-35	XXI	509
271	Radiator, Nonferrous and Steel Convector Man- ufacturing (Concealed — Industry)-----	2-10-34	VI	341
129	Radio Broadcasting-----	11-27-33	III	353
	Amendment, No. 1-----	3-23-35	XXII	241
	Radio Division. ( <i>See</i> Wholesaling or Distri- buting Trade.)			
	Radio Wholesaling Trade ( <i>see also</i> Wholesaling or Distributing Trade Supplement, No. 7)---	4-21-34	X	611
	Rag, Cotton — Trade Division. ( <i>See</i> Scrap Iron, Nonferrous Scrap Metals and Waste Materials Trade.)			
	Railroad Cross Tie Division. ( <i>See</i> Lumber and Timber Products Amendments, No. 6.)			
	Railroad, Heavy Construction and — Con- tractors ( <i>see also</i> Construction Supplement, No. 1, Subdivision, No. 2)-----	4-29-35	XXIII	237
385	Railroad Special Track Equipment Manu- facturing-----	4- 6-34	IX	165

Code No.	Industry	Date	Volume	Page
	Railway and Industrial Spring ( <i>see also</i> Machinery and Allied Products Supplement, No. 2).....	4-23-34	X	629
	Railway Appliance Manufacturing ( <i>see also</i> Machinery and Allied Products Supplement, No. 39).....	8- 1-34	XIV	523
233	Railway Frass Car and Locomotive Journal Bearings and Castings Manufacturing.....	1-29-34	V	511
	Railway Car Appliances( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing an l Metal Coating Supplement, No. 5).....	2- 9-34	VI	637
285	Railway Car Building.....	2-16-34	VI	551
	Amendment, No. 1.....	4- 2-34	IX	669
	Amendment, No. 2.....	10-19-34	XXVIII	257
	Amendment, No. 3.....	5-11-35	XXIII	171
198	Railway Safety Appliance.....	1-12-34	V	33
	Equipment Installation, Industry members exempted from other codes covering their own.....	5-24-35	XXIII	382
	Rainwear) Division. ( <i>See</i> Rubber Manufacturing.)			
	Range Boiler Manufacturing. ( <i>See</i> Plumbing Fixtures Amendment, No. 2.)			
	Ratchet and Miscellaneous Wrenches Division. ( <i>See</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 15.)			
	Raw Moulding Division. ( <i>See</i> Picture Moulding and Picture Frame.)			
203	Raw Peanut Milling.....	1-12-34	V	99
	Amendment, No. 1.....	10- 9-34	XVII	395
	Rayon, Cotton and — Tubular Knit Goods Dyers and Finishers Division ( <i>See</i> Textile Processing Amendment, No. 3.)			
172	Rayon and Silk Dyeing and Printing.....	12-21-33	IV	311
	Amendment, No. 1.....	6- 7-34	XI	411
	Amendment, No. 2.....	3- 6-35	XXII	87
	Amendment, No. 3.....	3-15-35	XXII	165
	Amendment, No. 4.....	3-19-35	XXII	183
	Temporary code approved.....	7-22-33	I	718
14	Rayon and Synthetic Yarn Producing.....	8-26-33	I	223
	Amendment, No. 1.....	3-28-34	IX	629
	Rayon, Temporary placing of — Weaving Industry under the Cotton Textile Industry.....	7-14-33	I	19
489	Razor, Safety — and Safety Razor Blade Manufacturing ( <i>see also</i> Safety Razor and Safety Razor Blade Manufacturing).....	7-21-34	XIII	203
	Razor, Straight — Section. ( <i>See</i> Cutlery, Manicure Implement and Painters and Paperhangers Tool Manufacturing and Assembling Supplement, No. 10.)			
311	Ready Mixed Concrete.....	2-27-34	VII	371
	Amendment, No. 1.....	7-11-34	XIII	269
	Labor Complaints, Approving application for the National Recovery Administration to handle.....	9-29-34	XVII	527
283	Ready-Made Furniture Slip Covers Manufacturing.....	2-16-34	VI	527
	Amendment, No. 1.....	11-12-34	XIX	169
	Amendment, No. 2.....	11-30-34	XIX	297
392	Real Estate Brokerage.....	4- 9-34	IX	259
	Hazardous occupations, Approving a list of.....	1-12-35	XX	455

Code No.	Industry	Date	Volume	Page
	Rebuilders Division. ( <i>See Sewing Machine.</i> )			
544	Rebuilding, Auto — and Refinishing Trade ( <i>see also Auto Rebuilding and Refinishing Trade</i> )	1-24-35	XXI	1
372	Rebuilding, Shoe — Trade ( <i>see also Shoe Rebuilding Trade</i> )	3-27-34	VIII	593
377	Reclaimed Rubber Manufacturing Recovery. ( <i>See Administration; National Industrial Recovery.</i> )	4- 2-34	IX	41
	Rectifying, Distilled Spirits	5- 3-34	IX	739
	Red Cedar Shingle Division. ( <i>See Lumber and Timber Products.</i> )			
	Reduction Machinery ( <i>see also Machinery and Allied Products Supplement, No. 18</i> )	6-11-34	XI	775
	Redwood Division. ( <i>See Lumber and Timber Products.</i> )			
289	Reel, Cloth ( <i>see also Cloth Reel</i> )	2-17-34	VII	85
500	Refined, Processed or — Fish Oil ( <i>see also Processed or Refined Fish Oil</i> )	8- 8-34	XV	39
302	Refiners, Candle Manufacturing Industry and the Beeswax Bleachers and ( <i>see also Candle Manufacturing Industry and the Beeswax Bleachers and Refiners</i> )	2-20-34	VII	243
	Refining, Lead Smelting and — Division. ( <i>See Lead.</i> )			
173	Refining, Smelting and — of Secondary Metals into Brass and Bronze Alloys in Ingot Form ( <i>see also Smelting and Refining of Secondary Metals into Brass and Bronze Alloys in Ingot Form</i> )	12-21-33	IV	325
544	Refinishing, Auto Rebuilding and — Trade ( <i>see also Auto Rebuilding and Refinishing Trade</i> )	1-24-35	XXI	1
497	Refinishing, Textile Examining, Shrinking and ( <i>see also Textile Examining, Shrinking and Refinishing</i> )	8- 6-34	XV	1
168	Refractories	12-18-33	IV	255
	Basic Refractories Division	12-18-33	IV	255
	Fire Clay Producers Division	12-18-33	IV	255
	Fire Clay Refractories Division	12-18-33	IV	255
	Glass House Refractories Division	12-18-33	IV	255
	High Temperature Bonding Mortars Division	12-18-33	IV	255
	Ladle and Hot Top Refractories Division	12-18-33	IV	255
	Locomotive Arch Refractories Division	12-18-33	IV	255
	Plastic Refractories Division	12-18-33	IV	255
	Silica Refractories Division	12-18-33	IV	255
	Sleeve, Nozzle, and Runner Brick and Tuyeres Division	12-18-33	IV	255
	Special Refractories Division	12-18-33	IV	255
	Suspended Walls and Arches Division	12-18-33	IV	255
	Amendment, No. 1	4-28-34	X	491
	Amendment, No. 2	9-27-34	XVII	273
499	Refrigerated Warehousing	8- 8-34	XV	25
	Capacity Control, Extending the effective period of provisions relevant to	2-20-35	XXI	619
	Refrigerating Machinery ( <i>see also Machinery and Allied Products Supplement, No. 36</i> )	7-30-34	XIV	435
	Refrigeration ( <i>see also Electrical Manufacturing Supplement, No. 1</i> )	6- 9-34	XI	715
	Refrigeration Valves and Fittings Manufacturing ( <i>see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 51</i> )	9- 6-34	XVI	479

Code No.	Industry	Date	Volume	Page
181	Refrigerator, Commercial ( <i>see also</i> Commercial Refrigerator)-----	12-23-33	IV	441
183	Refrigerator, Household Ice ( <i>see also</i> Household Ice Refrigerator)-----	12-30-33	IV	473
472	Register, Warm Air ( <i>see also</i> Warm Air Register)-----	6-28-34	XII	145
	Regulations. ( <i>See</i> Administration; Codes of Fair Competition; National Industrial Recovery.)			
	Reinforcement, Wire ( <i>see also</i> Iron and Steel Consolidation, No. 1)-----	8-13-34	XVI	419
127	Reinforcing Materials Fabricating-----	11-27-33	III	285
	Amendment, No. 1-----	10- 5-34	XVII	337
	Relief, Commercial — Printing. ( <i>See</i> Graphic Arts.)			
556	Repair, Wholesale and Retail Automobile Sales, Supply, —, Maintenance and Service Industry In The Territory of Hawaii ( <i>see also</i> Wholesale and Retail Automobile Sales, Supply, Repair, Maintenance and Service Industry In The Territory of Hawaii)-----	3-26-35	XXII	53
406	Repairing, Boatbuilding and Boat ( <i>see also</i> Boatbuilding and Boat Repairing)-----	4-24-34	IX	467
	Replacement Axle Shaft Manufacturing ( <i>see also</i> Automotive Parts and Equipment Manufacturing Supplement, No. 2)-----	7- 3-34	XII	533
	Resilient Flooring Contracting ( <i>see also</i> Construction Supplement, No. 10)-----	5-29-34	XI	569
282	Restaurant-----	2-16-34	VI	507
	Amendment, No. 1-----	4- 4-34	IX	677
	Amendment, No. 2-----	12-19-34	XIX	449
	Effective date, Extending the-----	1- 8-35	XX	442
	Effective date, Further extension of the-----	1-18-35	XX	467
	Effective date, Terminating previous stays of the-----	1-25-35	XXI	561
	Amendment, No. 3-----	3- 8-35	XXII	123
	Exemption, Denying application of the Code Authority for an — from the Baking Code-----	10-20-34	XVIII	652
	Hours exemptions, Granting limited-----	6- 2-34	XI	809
	Insignia, Removal and restoration delegated to State Compliance Directors-----	11-19-34	XIX	586
	Summer camps, Child Labor (Wages and Hours) in non-profit-making-----	5-26-34	X	991
553	Restaurant Trade in the Territory of Hawaii-----	3- 5-35	XXI	153
	Retail Bakers' Division. ( <i>See</i> Baking.)			
	Retail Custom Fur Manufacturing Trade ( <i>see also</i> Retail Trade Supplement, No. 2)-----	9-25-34	XVII	435
	Retail Custom Millinery Trade ( <i>see also</i> Retail Trade Supplement, No. 3)-----	1-25-35	XXI	493
	Retail Distribution, Establishing single assessment principle for establishments engaged in-----	1- 7-35	XX	437
60	Retail Drug Trade-----	10-21-33	II	27
	Retail establishments, Qualified exemption of principal line — from Code Authority assessments-----	4-11-35	XXII	652
197	Retail Farm Equipment Trade-----	1- 6-34	V	17
	Amendment, No. 1-----	6- 7-34	XI	417
	Amendment, No. 2-----	10- 3-34	XVII	315
182	Retail Food and Grocery Trade-----	12-30-33	IV	457
	Amendment, No. 1-----	4- 4-34	IX	681
	Amendment, No. 2-----	8- 2-34	XIV	281
	Amendment, No. 3-----	11-23-34	XIX	249
	Labor Provisions-----	11-15-33	III	633
	Meat at retail, Exemption for selling-----	6- 2-34	XJ	811
	Meat sales, Modification of exemption for-----	6-20-34	XII	648

Code No.	Industry	Date	Volume	Page
182	Retail Food and Grocery Trade—Continued.			
	Meat sales, Partial modification and discontinuances of previous exemption relevant to.....	5-21-35	XXIII	374
	Primary producers of products of agriculture, Staying code provisions applicable to.....	10-31-34	XVIII	686
	Script, Extending stay of code provisions relevant to.....	11-28-34	XIX	610
	Script, Further extension of provisions relevant to.....	2- 5-35	XXI	584
	Script, Further extension of stay of provisions relevant to.....	1- 4-35	XX	432
	Script, Stay of Code provisions relevant to.....	6-13-34	XII	630
	Script, Stay extended relevant to.....	4-30-35	XXIII	301
	Transportation charges, Stay for method of computing.....	5-25-34	X	984
	Wages of labor, Approving allowance for actual.....	3-21-34	VIII	871
142	Retail Jewelry Trade.....	11-27-33	III	517
	Amendment, No. 1.....	7-20-34	XIII	455
	Amendment, No. 2.....	9- 6-34	XVI	289
	Amendment, No. 3.....	11-30-34	XIX	301
	Code Authorities, Confirming delegation of authority to approve local.....	2- 4-35	XXI	583
	Code Authorities, Granting authority to approve local.....	4-26-35	XXIII	288
	Script, Extending stay of code provisions relevant to.....	11-28-34	XIX	610
	Script, Further extension of provisions relevant to.....	2- 5-35	XXI	584
	Script, Further extension of stay of provisions relevant to.....	1- 4-35	XX	432
	Script, Stay of Code provisions relevant to.....	6-13-34	XII	630
	Script, Stay of effective date for the discontinuing of.....	4-30-34	IX	945
	Script, Stay extended relevant to.....	4-30-35	XXIII	301
	Stay of effective date of Article VIII, Section 4 for the — Trade.....	2-28-34	VII	723
33	Retail Lumber, Lumber Products, Building Materials and Building Specialties.....	10- 3-33	I	417
	Amendment, No. 1.....	1-12-34	V	673
	Amendment, No. 2.....	7-18-34	XIII	403
	Amendment, No. 3.....	9-11-34	XVI	351
	Amendment, No. 4.....	12-13-34	XIX	399
	Costs, Temporary modification of method of computing — for the — Industry.....	1- 5-34	V	765
	Modal Costs, Modifying previous Order relevant to.....	8- 2-34	XIV	597
	Overhead costs, Approving method for computing.....	4- 5-34	IX	897
	Overhead Costs, Modifying approval of.....	6-27-34	XII	667
	Price provisions, Stay of — on merchandise shipped from mill to the consumer.....	4- 9-34	IX	909
	Prices on less than carload quantities, Stay of.....	8-29-34	XVI	535
540	Retail Meat Trade.....	12-21-34	XX	15
	Trade practices, Partial discontinuance of previous stay relevant to.....	5-21-35	XXIII	375
366	Retail Monument.....	3-26-34	VIII	511
	Amendment, No. 1.....	10-10-34	XVIII	147
	Amendment, No. 2.....	12-18-34	XIX	437
	Amendment, No. 3.....	1-15-35	XX	257
	Hazardous occupations, Approving a list of.....	12-20-34	XX	401



Code No.	Industry	Date	Volume	Page
454	Retail, Optical — Trade ( <i>see also</i> Optical Retail Trade).....	6- 4-34	XI	149
410	Retail Rubber Tire and Battery Trade.....	5- 1-34	IX	519
	Bids for Governmental Agencies, Stay of Order pertaining to.....	6-28-34	XII	676
	Contracts, Government — and contracts involving the use of government funds, Modifying previous Order relevant to.....	7-16-34	XIII	755
	Cost, Declaration of emergency and determination of lowest reasonable.....	5- 3-34	IX	950
	Cost, Declaration of emergency and revised determination of lowest reasonable.....	8-22-34	XV	685
	Guarantee or Warranty provision, Stay of Quotations and sales to governmental agencies.....	6-14-34	XII	632
280	Retail Solid Fuel.....	8-24-34	XV	726
	Amendment, No. 1.....	2-14-34	VI	469
	Bids, Staying application of Order relevant to — Rendered to governmental agencies.....	7-13-34	XIII	303
	Code Authorities, Appointment of Administration Members on Coordination Boards of the Several.....	6-27-34	XII	665
	Expenses of Code Administration, Exemption relevant to collection of.....	6-21-34	XII	655
	General N. R. A. Code Authority, Appointing a member of the — Industry to the.....	7- 7-34	XIII	725
	General N. R. A. Code Authority, Designation as a temporary custodian to administer the code.....	9- 8-34	XVI	571
	Lowest reasonable cost determinations stayed.....	9-10-34	XVI	576
	Sales to hospitals, Disallowing special exemptions for.....	4-25-35	XXIII	284
466	Retail Tobacco Trade.....	5-28-34	XI	791
	Amendment, No. 1.....	6-19-34	XII	35
	Costs of retail distribution, Approval of allowance for.....	4-23-35	XXIII	5
	Hours, Wages and Merchandising Plan, Extending stays provided in order of code approval relevant to.....	4-23-35	XXIII	276
	Prices, Determination of basis for fixing minimum.....	6-23-34	XII	661
	Amendment.....	7-12-34	XIII	745
	Amendment.....	9- 8-34	XVI	575
	Extension.....	10-10-34	XVIII	610
	Extension.....	10-10-34	XVIII	611
	Extension.....	1- 9-35	XX	444
	Extension.....	1-24-35	XXI	553
	Extension.....	3-29-35	XXII	612
	Prices and discounts, Terminating provisions of the cigar merchandising plan relevant to.....	9-11-34	XVI	577
60	Retail Trade.....	10-21-33	II	27
	Amendment, No. A-1.....	12- 4-33	IX	627
	Amendment, No. 1.....	2-12-34	VI	629
	Amendment, No. 2.....	3-29-34	IX	645
	Amendment, No. 3.....	8-23-34	XV	419
	Amendment, No. 4.....	9-10-34	XVI	329
	Amendment, No. 5.....	9-21-34	XVII	167
	Amendment, No. 6.....	9-21-34	XVII	171
	Amendment, No. 7.....	11-16-34	XIX	209
	Amendment, No. 8.....	1- 2-35	XX	159
	Amendment, No. 9.....	3-19-35	XXII	189
	Code Authorities, Confirming delegation of authority to approve local.....	2- 4-35	XXI	583

Code No.	Industry	Date	Volume	Page
	Retail Trade—Continued.			
	Code authorities, Granting authority to approve local .....	4-26-35	XXIII	288
	Exception, Temporary — for members under Article V, Section 4 (d) and 6 .....	1-18-34	V	779
	Extension of effective date .....	11-27-33	III	660
	Hours, Posting required for stay of provisions for a specified period relevant to peak period work .....	11-20-34	XIX	589
	Hours, Staying provisions for a specified period relevant to peak period work .....	11-19-34	XIX	587
	Hours and wages, Temporary exemption allowed for inventory purposes relevant to .....	1-18-35	XX	468
	Overtime work allowed for inventory purposes .....	7-26-34	XIV	573
	Petitions for exemptions, Ratifying Deputy Administrator's actions in regard to .....	10-22-34	XVIII	655
	Prices, Regulations governing minimum .....	4-19-34	IX	925
	Prices, Termination of regulations governing .....	9-25-34	XVII	506
	Sale of soap:			
	Exemption relevant to .....	6-15-34	XII	636
	Rescinded .....	2-19-35	XXI	616
	Reenacted .....	3-11-35	XXII	571
	Reenactment extended .....	4- 4-35	XXII	637
	Script, Stay extended relevant to .....	4-30-35	XXIII	301
	Script, Stay relevant to .....	6-13-34	XII	630
	Extended .....	11-28-34	XIX	610
	Further extension .....	1- 4-35	XX	432
	Further extension .....	2- 5-35	XXI	584
	Selling price, Allowance in — for wages of store labor .....	4- 5-34	IX	896
	Supplement, No. 1 for Booksellers Trade .....	4-13-34	IX	833
	Supplement, No. 2, for Retail Custom Fur Manufacturing Trade .....	9-25-34	XVII	435
	Effective date of code, Stay of .....	10- 5-34	XVII	540
	Supplement, No. 3 for Retail Custom Millinery Trade .....	1-25-35	XXI	493
	Terms of sale, Interpretation relevant to .....	4- 3-35	XXII	632
	Wage provisions, Stay of Minimum — as to outside salesmen and drug store delivery employees for the .....	11- 8-33	IV	692
525	Retail Trade in the Territory of Hawaii .....	10-15-34	XVIII	1
	Amendment, No. 1 .....	4-23-35	XXIII	9
	Deputy Administrator, Delegating additional powers to the .....	1- 3-35	XX	431
	Price, Fixing an allowance for wages of store labor to be included in the selling .....	12-20-34	XX	402
	Territorial adjudication and delegation of additional power to the Deputy Administrator .....	12-31-34	XX	424
556	Retail, Wholesale and — Automobile Sales, Supply, Repair, Maintenance, and Service Industry In The Territory of Hawaii ( <i>see also</i> Wholesale and Retail Automobile Sales, Supply, Repair, Maintenance, and Service Industry In The Territory of Hawaii) .....	3-26-35	XXII	53
46	Retailing, Motor Vehicle — Trade ( <i>see also</i> Motor Vehicle Retailing Trade) .....	10- 3-33	I	563
	Review Board, Creation of the National Recovery .....	3- 7-34	VII	709
	Review Board, Funds for the National Recovery .....	3- 9-34	VII	710
	Reworked Wool Division. ( <i>See</i> Wool Textile Amendment, No. 1.)			

Code No.	Industry	Date	Volume	Page
	Ribbon, Cellulose — Division. ( <i>See Transparent Materials Converters.</i> )			
	Rim, Wheel and — Manufacturing ( <i>see also Automotive Parts and Equipment Manufacturing Supplement, No. 4</i> )	10-24-34	XVIII	573
	Ring, Hog — and Ringer Manufacturing ( <i>see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 32</i> )	5-22-34	XI	531
517	Ring Traveler Manufacturing	9-7-34	XVI	135
	Amendment, No. 1	12-13-34	XIX	403
434	River and Harbor Improvement	5-18-34	X	239
	Amendment, No. 1	7-2-34	XII	365
	Rivet, Tubular Split and Outside Pronged — Manufacturing ( <i>see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 52</i> )	9-22-34	XVII	405
68	Road Machinery Manufacturing	10-31-33	II	137
	Amendment, No. 1	4-26-34	X	459
	Amendment, No. 2	9-27-34	XVII	277
	Resale value of second-hand or old equipment:			
	Regulations approved	2-1-35	XXI	574
	Amendment	4-6-35	XXII	643
	Regulations temporarily approved	10-15-34	XVIII	627
530	Road Material, Bituminous — Distributing ( <i>see also Bituminous Road Material Distributing</i> )	10-26-34	XVIII	87
211	Robe and Allied Products	1-16-34	V	213
	Amendment, No. 1	4-26-34	X	465
	Amendment, No. 2	12-6-34	XIX	349
	Expenses, Extending time within which Code Authority shall submit plan for equitable allocation of	8-3-34	XIV	602
	Hours and wages, Granting partial stay of provisions relevant to	11-26-34	XIX	607
	Hours and wages, Granting tolerance from code provisions relevant to	10-25-34	XVIII	665
	Hours of labor, Granting temporary exemption for	9-27-34	XVII	521
	Robe, Motor — Division. ( <i>See Light Sewing Industry Except Garments.</i> )			
76	Rock Crusher Manufacturing	11-1-33	II	231
	Amendment, No. 1	11-22-34	XIX	243
	Rock and Ore Crusher ( <i>see also Machinery and Allied Products Supplement, No. 17</i> )	6-11-34	XI	761
321	Rock and Slag Wool Manufacturing	3-6-34	VII	497
	Amendment, No. 1	7-18-34	XIII	407
	Code Authority membership increased	4-25-35	XXIII	285
	Hazardous occupations, Approving a list of	8-4-34	XIV	604
	Hours of labor, Temporary provisional stay relevant to	3-8-35	XXII	563
	Hours of labor, Temporary Stay relevant to	12-22-34	XX	410
419	Rock, Soft Lime ( <i>see also Soft Lime Rock</i> )	5-7-34	X	27
394	Rod, Lighting — Manufacturing ( <i>see also Lighting Rod Manufacturing</i> )	4-19-34	IX	283
250	Rod, Wire,—and Tube Die ( <i>see also Wire, Rod and Tube Die</i> )	2-1-34	VI	65
	Roll, Transparent Sheet and — Division. ( <i>See Transparent Materials Converters.</i> )			
	Roller and Silent Chain ( <i>see also Machinery and Allied Products Supplement, No. 24</i> )	7-5-34	XII	587
324	Roller Engraving, Textile Print ( <i>see also Textile Print Roller Engraving</i> )	3-8-34	VII	539

Code No.	Industry	Date	Volume	Page
368	Roller, Print — and Print Block Manufacturing ( <i>see also</i> Print Roller and Print Block Manufacturing) .....	3-26-34	VIII	541
106	Rollers, Printers' ( <i>see also</i> Printers' Rollers) .....	11-8-33	II	611
	Rolling Mill Machinery and Equipment ( <i>see also</i> Machinery and Allied Products Supplement, No. 14) .....	6-7-34	XI	679
171	Rolling Steel Door .....	12-21-33	IV	297
	Amendment, No. 1 .....	12-4-34	XIX	341
	Rolling, Steel and — Mill Castings Division. ( <i>See</i> Non-Ferrous Foundry.)			
	Roofing and Sheet Metal Contracting ( <i>see also</i> Construction Supplement, No. 8) .....	5-10-34	X	817
99	Roofing, Asphalt Shingle and — Manufacturing ( <i>see also</i> Asphalt Shingle and Roofing Manufacturing) .....	11-6-33	II	523
389	Roofing, Clay and Shale — Tile ( <i>see also</i> Clay and Shale Roofing Tile) .....	4-6-34	IX	219
375	Roofing Granule Manufacturing and Distributing .....	3-31-34	IX	11
	Amendment, No. 1 .....	10-6-34	XVII	353
	Roofing, Slate — Division. ( <i>See</i> Slate.)			
	Rope, Wire — and Strand Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 34) .....	5-4-34	XI	557
156	Rubber Manufacturing .....	12-15-33	IV	69
	Automobile Fabrics, Proofing and Backing Division .....	12-15-33	IV	84
	Hard Rubber Division .....	12-15-33	IV	98
	Heel and Sole Division .....	12-15-33	IV	101
	Mechanical Rubber Goods Division .....	12-15-33	IV	104
	Rainwear Division .....	12-15-33	IV	113
	Rubber Flooring Division .....	12-15-33	IV	88
	Rubber Footwear Division .....	12-15-33	IV	93
	Rubber Sundries Division .....	12-15-33	IV	110
	Sponge Rubber Division .....	12-15-33	IV	108
	Amendment, No. 1 .....	4-30-34	X	501
	Amendment, No. 2 .....	9-1-34	XVI	271
	Amendment, No. 3 .....	12-18-34	XIX	441
	Budget and expenditure rules stayed .....	5-6-35	XXIII	322
	Heel and Sole Division, Approving group customer classification definitions .....	11-2-34	XVIII	690
	Jar Rings Subdivision of the Mechanical Rubber Goods Division, Guaranty provisions, Stay relevant to .....	4-2-35	XXII	629
	Jar Rings Subdivision of the Mechanical Rubber Goods Division, Trade Practices, Partial stay of .....	11-7-34	XIX	544
	Jurisdictional adjudication:			
	Chemically waterproofed clothing .....	12-3-34	XIX	626
	Raincoats .....	11-9-34	XIX	552
	Suedine jackets .....	11-19-34	XIX	581
	Liability provisions stayed for the Mechanical Rubber Goods Division .....	1-31-35	XXI	570
	Mechanical Rubber Goods Division, Terms of sale, Stay relevant to .....	5-2-35	XXIII	309
	Post-dating of product shipments, Approval of stay for Rainwear Division of provisions relevant to .....	1-26-35	XXI	567
	Price lists and terms of sale, Stay for the Heel and Sole Division relevant to .....	2-1-35	XXI	576
	Prices and terms of sale, Stay for the Rubber Footwear Division relevant to .....	3-25-35	XXII	602

Code No.	Industry	Date	Volume	Page
156	Rubber Manufacturing—Continued. Terms of sale, Partial discontinuance of a stay governing uniform -----	5-18-35	XXIII	371
	Uniform accounting manual, Approving -----	9-25-34	XVII	507
377	Rubber, Reclaimed — Manufacturing ( <i>see also</i> Reclaimed Rubber Manufacturing) -----	4- 2-34	IX	41
	Rubber, Scrap — Trade Division. ( <i>See</i> Scrap Iron, Nonferrous Scrap Metals and Waste Materials Trade.)			
174	Rubber Tire Manufacturing -----	12-21-33	IV	335
	Budget and expenditure rules stayed -----	5-14-35	XXIII	354
410	Rubber Tire, Retail — and Battery Trade ( <i>see also</i> Retail Rubber Tire and Battery Trade) -----	5- 1-34	IX	519
	Rugby Football. ( <i>See</i> Athletic Goods Manufacturing.)			
202	Rug, Carpet and — Manufacturing ( <i>see also</i> Carpet and Rug Manufacturing) -----	1-12-34	V	83
355	Rug Chemical Processing Trade -----	3-23-34	VIII	365
512	Rug, Grass and Fibre — Manufacturing ( <i>see also</i> Grass and Fibre Rug Manufacturing) -----	8-27-34	XVI	55
	Rug, Oriental — Importing Trade ( <i>see also</i> Importing Trade Supplement, No. 1) -----	9-14-34	XVI	511
	Rules. ( <i>See</i> Administration; Codes of Fair Competition; National Industrial Recovery.)			
	Rules and regulations concerning labels bearing Emblems or Insignia of the N. R. A. -----	1-17-34	V	778
	Rules and regulations governing the posting of labor provisions of codes of Fair Competition -----	2-12-34	VI	662
	Rules and Regulations under Section 10 (a) and Delegation of Authority under Section 2 (b) of the National Industrial Recovery Act -----	10-14-33	VI	646
	Rules, Prescribing — and Regulations for the Interpretation and Application of certain Labor Provisions of Codes of Fair Competition as they may affect Handicapped Workers -----	2-17-34	VII	706
	Ruling, Trade Binding and Paper. ( <i>See</i> Graphic Arts.)			
	Runner Brick, Sleeve, Nozzle, and — and Tuyeres Division. ( <i>See</i> Refractories.)			
45	Saddlery Manufacturing -----	10- 3-33	I	551
	Amendment, No. 1 -----	5-18-34	X	575
	Amendment, No. 2 -----	8- 1-34	XIV	245
	Safe, Fire Resistive — Division. ( <i>See</i> Business Furniture, Storage Equipment and Filing Supply Amendment, No. 1.)			
	Safe, Fire Resistive ( <i>see also</i> Business Furniture, Storage Equipment and Filing Supply Supplement, No. 1) -----	7-30-34	XIV	405
	Safety and Health Standards, Force of provisions subsequent to approval by Administrator -----	6-15-34	XII	638
315	Safety Equipment, Industrial — Industry and Industrial Safety Equipment Trade ( <i>see also</i> Industrial Safety Equipment Industry and Industrial Safety Equipment Trade) -----	3- 1-34	VII	421
	Safety, Metal — Tread Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Appendix, No. 7) -----	2-15-35	XXI	487
198	Safety, Railway — Appliance ( <i>see also</i> Railway Safety Appliance) -----	1-12-34	V	33
489	Safety Razor and Safety Razor Blade Manufacturing -----	7-21-34	XIII	203
	Label requirements, Approving temporary stay of -----	1-22-35	XX	475

Code No.	Industry	Date	Volume	Page
489	Safety Razor and Safety Razor Blade Manufacturing—Continued.			
	Terms of sale, Export sales granted stay relevant to provisions applicable to	2- 2-35	XXI	579
	Wages above the minimum, Equitable adjustment of	10-26-34	XVIII	671
	Sales, Granting limited exemption from provisions of Codes of Fair Competition in connection with — to Hospitals	1-23-34	V	782
	Sales, Granting permanent stay of exemption from Codes of Fair Competition in connection with — to Hospitals for certain Industries	3- 3-34	VII	726
	Sales, Stay of order granting limited exemption from provisions of Codes of Fair Competition in Connection with — to Hospitals	2- 2-34	VI	659
556	Sales, Wholesale and Retail Automobile —, Supply, Repair, Maintenance and Service Industry in the Territory of Hawaii ( <i>see also</i> Wholesale and Retail Automobile Sales, Supply, Repair, Maintenance and Service Industry in the Territory of Hawaii)	3-26-35	XXII	53
429	Salmon, Canned ( <i>see also</i> Canned Salmon)	5-15-34	X	167
20	Salt Producing	9- 7-33	I	277
	Amendment, No. 1	10-26-34	XVIII	363
	Amendment, No. 2	12-12-34	XIX	389
318	Salvage, Wrecking and ( <i>see also</i> Wrecking and Salvage)	3- 3-34	VII	459
301	Sample Card	2-19-34	VII	231
	Amendment, No. 1	10-18-34	XVIII	223
	Sand, Administrative Approval of Industrial — Division of the Crushed Stone, Sand Gravel and Slag Industries	12-27-33	IV	707
109	Sand, Crushed Stone, — and Gravel and Slag Industries ( <i>see also</i> Crushed Stone, Sand and Gravel and Slag Industries)	11-10-33	II	641
	Sand, Miscellaneous — Castings Division. ( <i>See</i> Non-Ferrous Foundry.)			
365	Sand-Lime Brick	3-26-34	VIII	497
	Amendment, No. 1	7-12-34	XIII	295
	Hazardous occupations, Approving a list of	11-23-34	XIX	597
388	Sandstone	4- 6-34	IX	205
	Amendment, No. 1	9-21-34	XVII	175
	Hazardous occupations, Extending time to file a list of	6-15-34	XII	639
	Sanitary Brass Plumbing Fittings Division. ( <i>See</i> Plumbing Fixtures.)			
371	Sanitary Milk Bottle Closure	3-26-34	VIII	581
	Amendment, No. 1	10-16-34	XVIII	203
200	Sanitary Napkin and Cleansing Tissue	1-12-34	V	59
	Hazardous occupations, Approving a list of	5-20-35	XXIII	373
	Sales to hospitals, Permanent stay of certain provisions of the code relevant to	5-31-34	XI	806
	Sanitary Seats Division. ( <i>See</i> Plumbing Fixtures.)			
342	Sanitary and Waterproof Specialties Manufacturing	3-17-34	VIII	169
	Amendment, No. 1	11-12-34	XIX	173
	Amendment, No. 2	1-18-35	XX	285
	Hours of labor, Partial exemption relevant to	12-20-34	XX	403
	Jurisdictional adjudication for raincoats	11- 9-34	XIX	552
	Prices, Extension of a stay relevant to publication of a schedule of	1-22-35	XX	476
	Prices, Extension of a stay relevant to publication of a schedule of	4-27-35	XXIII	290

Code No.	Industry	Date	Volume	Page
	Sanitary and Waterproof Specialties Manufacturing—Continued.			
	Prices, Stay of Code provision relevant to publication of a schedule of-----	10-19-34	XVIII	651
	Sardine, California — Processing ( <i>see also</i> Fishery Supplement, No. 3)-----	4-24-34	X	645
	Sardine, New England — Canning ( <i>see also</i> Fishery Supplement, No. 8)-----	12-18-34	XIX	527
169	Savings, Building and Loan Associations-----	12-21-33	IV	279
	Amendment, No. 1-----	8-24-34	XV	443
52	Savings, Mutual — Bank ( <i>see also</i> Mutual Savings Bank)-----	10- 9-33	I	623
274	Saw and Steel Products Manufacturing-----	2-10-34	VI	381
	Amendment, No. 1-----	8-10-34	XV	243
	Amendment, No. 2-----	8-24-34	XV	447
	Saw Mill Machinery ( <i>see also</i> Machinery and Allied Products Supplement, No. 43)-----	10-11-34	XVIII	561
	Sawmill Machinery Subdivision. ( <i>See</i> Machinery and Allied Products.)			
256	Scallop, Schiffli, the Hand Machine Embroidery, and the Embroidery Thread and — Cutting ( <i>see also</i> Schiffli, the Hand Machine Embroidery, and the Embroidery Thread and Scallop Cutting)-----	2- 2-34	VI	133
538	Scarf, Women's Neckwear and — Manufacturing ( <i>see also</i> Women's Neckwear and Scarf Manufacturing)-----	12-19-34	XIX	79
191	Scavenger, Cinders, Ashes, and — Trade ( <i>see also</i> Cinders, Ashes and Scavenger Trade)-----	12-30-33	IV	569
256	Schiffli, the Hand Machine Embroidery, and the Embroidery Thread and Scallop Cutting-----	2- 2-34	VI	133
	Amendment, No. 1-----	7-31-34	XIV	231
	Amendment, No. 2-----	3-21-35	XXII	223
	Code Authority, General N. R. A. Code Authority designated to act as this Industry's-----	4- 6-35	XXII	645
447	School, Private Home Study ( <i>see also</i> Private Home Study School)-----	5-31-34	XI	61
	School Supplies and Equipment Trade ( <i>see also</i> Wholesaling or Distributing Trade Supplement, No. 12)-----	7- 5-34	XII	599
114	Scientific Apparatus-----	11-14-33	III	31
	Amendment, No. 1-----	7-20-34	XIII	459
	Amendment, No. 2-----	5-17-35	XXIII	193
	Clinical Thermometer Section, Trade Marks, Stay of provisions applicable to-----	4- 3-35	XXII	633
	Cost-accounting System, Extending time to report on a-----	1-11-35	XX	450
	Scientific Glassware Division. ( <i>See</i> American Glassware.)			
	Scissors and Shears Section. ( <i>See</i> Cutlery, Manicure Implement and Painters and Paper-hangers Tool Manufacturing and Assembling Supplement, No. 10.)			
	Scourers, Wool — and Carbonizers Division. ( <i>See</i> Wool Textile Amendment, No. 1.)			
330	Scrap Iron, Non-Ferrous Scrap Metals and Waste Materials Trade-----	3-12-34	VIII	1
	Cotton Rag Trade Division-----	3-12-34	VIII	1
	Non-Ferrous Scrap Metal Trade Division-----	3-12-34	VIII	1
	Scrap Iron and Steel Trade Division-----	3-12-34	VIII	1
	Scrap Rubber Trade Division-----	3-12-34	VIII	1
	Textile Waste Trade Division-----	3-12-34	VIII	1
	Waste Paper Trade Division-----	3-12-34	VIII	1

Code No.	Industry	Date	Volume	Page
330	Scrap Iron—Continued.			
	Wool Stock Trade Division .....	3-12-34	VIII	1
	Amendment, No. 1 .....	10-25-34	XVIII	339
	Amendment, No. 2 .....	11- 6-34	XVIII	547
	Hazardous occupations:			
	Cotton Rag list approved .....	3-28-35	XXII	607
	Nonferrous Scrap Metals list approved .....	3-28-35	XXII	608
	Scrap Iron and Steel Trade list approved .....	4-18-35	XXII	676
	Scrap Rubber list approved .....	3-23-35	XXII	596
	Supplement, No. 1 for Waste Paper Trade .....	7-12-34	XIII	575
	Prices, Cancelling previous determinations of minimum net .....	12-28-34	XX	420
	Prices, establishing and publishing minimum net .....	8-21-34	XV	682
	Prices, Revising minimum net .....	11-16-34	XIX	578
	Prices, Superseding previous order establishing minimum net .....	9-25-34	XVII	509
112	Screen, All-Metal Insect ( <i>see also</i> All-Metal Insect Screen) .....	11-14-33	III	9
	Screw, Cap — Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 19) .....	5- 3-34	X	697
	Screw, Machine — Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 23) .....	5-10-34	X	829
	Screw, Machine — Nut Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 20) .....	5- 5-34	X	733
	Screw Machine Products Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 18) .....	4-28-34	X	659
	Screw, Socket — Products Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 49) .....	9- 1-34	XVI	451
	Screw, Wood — Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 24) .....	5-10-34	X	843
	Script, Extending stay of provisions in Retail Trade, Retail Jewelry Trade and Retail Food and Grocery Trade Relevant to .....	11-28-34	XIX	610
	Seythe and Sneath Division. ( <i>See</i> Tool and Implement Manufacturing Supplement, No. 7.) .....			
294	Seal, Gunned Label and Embossed ( <i>see also</i> Gunned Label and Embossed Seal) .....	2-17-34	VII	151
477	Seating, Public ( <i>see also</i> Public Seating) .....	7-10-34	XIII	1
	Seats, Sanitary — Division. ( <i>See</i> Plumbing Fixtures.) .....			
268	Secondary Aluminum .....	2- 8-34	VI	305
	Amendment, No. 1 .....	10-25-34	XVIII	343
	Hazardous occupations, Approving a list of .....	11-19-34	XIX	588
173	Secondary, Smelting and Refining of —Metals into Brass and Bronze Alloys in Ingot Form ( <i>see also</i> Smelting and Refining of Secondary Metals into Brass and Bronze Alloys in Ingot Form) .....	12-21-33	IV	325



Code No.	Industry	Date	Volume	Page
478	Secondary Steel Products Warehousing Trade... Secretary of Agriculture	7-10-34	XIII	19
	Amendment of Executive Order which Delegated to the — certain Authority under the National Industrial Recovery Act.....	10-20-33	VI	647
	Amendment of Executive Orders which Delegated to the — Certain Authority under the National Industrial Recovery Act.....	1- 8-34	VI	649
	Code Approval, Delegating power for joint — with the Administrator for Industrial Recovery.....	6-29-34	XII	620
	Continuing in effect the Authority Delegated to the — By Executive Order No. 6182.....	7-21-33	VI	645
	Delegation of certain functions and powers to.....	6-26-33	I	712
	Transferring specified codes from the jurisdiction of the — back to the National Recovery Administration.....	3-30-35	XXII	552
	Secretary of the Interior: Oil regulations, Delegation of authority for Petroleum, Delegation of authority to administer the code for.....	6-30-34	XII	623
	Securities Engraving and Printing. ( <i>See Graphic Arts.</i> )	8-29-33	I	730
411	Security Vault, Bank — Manufacturing ( <i>see also Bank and Security Vault Manufacturing</i> ).....	5- 1-34	IX	539
547	Seed Trade.....	2- 2-35	XXI	57
	Selling, Piece Goods — Division. ( <i>See Wool Textile Amendment, No. 1.</i> )			
	Service, Construction News ( <i>see also Construction Supplement, No. 19</i> ).....	12-20-34	XX	345
384	Service, Funeral ( <i>see also Funeral Service</i> ).....	4- 4-34	IX	155
439	Service, Tank Car ( <i>see also Tank Car Service</i> ).....	5-22-34	X	315
	Service Trades or Industries:			
	Code Committees and Code Eagles.....	6-28-34	XII	678
	Glasgow, Montana, is a town of more than 2,500 in population.....	8-28-34	XVI	530
	Hotel Industry, Partial Suspension of the Code for the.....	6-28-34	XII	679
	Laundry Trade, Partial Suspension of the Code for the.....	6-13-34	XII	631
	Local Codes for uncodified.....	6-28-34	XII	615
	Partial Suspension of Codes for.....	5-28-34	XI	797
	President's Reemployment Agreement, Exception for retail and — in towns of less than 2,500 population from.....	5-15-34	X	952
	President's Reemployment Agreement, Supplementary rules and regulations for employers in towns of less than 2,500 in population from the.....	8- 6-34	XV	631
	Suspension, Partial — of Codes for.....	5-26-34	X	954
	Texas, Population decision for.....	9-13-34	XVI	582
167	Set Up Paper Box Manufacturing.....	12-18-33	IV	243
	Amendment, No. 1.....	10- 8-34	XVII	369
	Setting, Stone — Contractors ( <i>see also Construction Supplement, No. 20</i> ).....	12-31-34	XX	357
136	Sewer, Vitrified Clay — Pipe Manufacturing ( <i>see also Vitrified Clay Sewer Pipe Manufacturing</i> ).....	11-27-33	III	445
226	Sewing, Light — Industry Except Garment ( <i>see also Light Sewing Industry Except Garments</i> ).....	1-23-34	V	403

Code No.	Industry	Date	Volume	Page
402	Sewing Machine.....	4-21-34	IX	407
	Rebuilders Division.....	4-21-34	IX	421
416	Shade, Leather Cloth and Lacquered Fabrics, Window — Cloth and Impregnated Fabrics Industries ( <i>see also</i> Leather Cloth and Lac- quered Fabrics, Window Shade Cloth and Im- pregnated Fabrics Industries).....	5- 3-34	IX	607
473	Shade, Woven Wood Fabric ( <i>see also</i> Woven Wood Fabric Shade).....	6-28-34	XII	161
	Shaft, Replacement Axle — Manufacturing ( <i>see also</i> Automotive Parts and Equipment Manu- facturing Supplement, No. 2).....	7- 3-34	XII	533
389	Shale, Clay and — Roofing Tile ( <i>see also</i> Clay and Shale Roofing Tile).....	4- 6-34	IX	219
	Shank, Shoe — Manufacturing ( <i>see also</i> Fabri- cated Metal Products Manufacturing and Metal Finishing and Metal Coating Supple- ment, No. 6).....	2-21-34	VII	677
383	Shaping, Wood Turning and — Industries ( <i>see also</i> Wood Turning and Shaping Industries).. Shaving Brush Manufacturers' Division. ( <i>See Brush Manufacturing.</i> ).....	4- 4-34	IX	125
	Shears, Scissors and — Section. ( <i>See</i> Cutlery, Manicure Implement and Painters and Paper- hangers Tool Manufacturing and Assembling Supplement, No. 10.).....			
	Sheep and Glove Division. ( <i>See</i> Leather Amend- ment, No. 2.).....			
	Sheep Lined and Leather Garment Division. ( <i>See</i> Cotton Garment Amendment, No. 5.).....			
	Sheet Metal Distributing Trade ( <i>see also</i> Whole- saling or Distributing Trade Supplement, No. 16).....	7-27-34	XIV	381
	Sheet Metal, Roofing and — Contracting ( <i>see also</i> Construction Supplement, No. 8).....	5-10-34	X	817
	Sheet Metal Division. ( <i>See</i> Wholesaling or Dis- tributing Trade.).....			
	Sheet Mica Division. ( <i>See</i> Mica.).....			
	Sheet, Transparent — and Roll Division. ( <i>See</i> Transparent Materials Converters.).....			
	Sheeting. ( <i>See</i> Cotton Textile.).....			
403	Shellac, Bleached — Manufacturing ( <i>see also</i> Bleached Shellac Manufacturing).....	4-21-34	IX	423
	Shellfish, Midwest Fish and — Preparing or Wholesaling ( <i>see also</i> Fishery Supplement, No. 9).....	2-20-35	XXI	537
	Shellfish, New England Fish and — Preparing and Wholesaling or Wholesaling ( <i>see also</i> Fish- ery Supplement, No. 7).....	9- 8-34	XVI	493
528	Shelling, Pecan ( <i>see also</i> Pecan Shelling).....	10-23-34	XVIII	59
452	Shell, Oyster — Crushers ( <i>see also</i> Oyster Shell Crushers).....	6- 2-34	XI	125
	Sheltered Workshops:			
	Appointing member of the — Committee....	6-17-35	XXIII	409
	Appointing Members of National Com- mittee.....	8- 9-34	XV	653
	Approving a specified list of.....	9-20-34	XVII	480
	Committee, Amending Previous orders re- ferring to the membership and functions of the.....	2- 9-35	XXI	601
	Committee, Providing for the design and use of insignia, specifying pledge to be signed, and appointing National.....	5-11-34	X	961

Code No.	Industry	Date	Volume	Page
	Sheltered Workshops—Continued.			
	Exemption, Granting conditional — from Code of Fair Competition.....	3- 3-34	VII	727
	Exemptions, Granting — from previous order and specified shops approved.....	9- 7-34	XVI	564
	Insignia, Amendment of rules applicable to.....	9- 1-34	XVI	548
	Insignia, Authorizing the National Committee to issue the N. R. A.....	7- 2-34	XII	690
	Members, Reappointing three.....	11-12-34	XIX	557
	Shelving, Steel — Division. (See Business Furniture, Storage Equipment and Filing Supply.)			
99	Shingle, Asphalt — and Roofing Manufacturing (see also Asphalt Shingle and Roofing Manufacturing).....	11- 6-33	II	523
	Shingle, Red Cedar — Division. (See Lumber and Timber Products.)			
2	Shipbuilding and Shiprepairing.....	7-26-33	I	25
	Amendment, No. 1 (Planning and Fair Practice Agency).....	10-10-33	I	701
	Amendment, No. 2.....	3-29-34	IX	649
	Amendment, No. 3.....	4- 2-34	IX	673
	Hours, Further exemption from maximum — provisions.....	5- 4-34	X	955
	Hours, Further stay for.....	6-20-34	XII	649
	Hours, Granting extension of — exemption in the.....	2- 1-34	VI	658
	Hours, Granting further extension of exemption for designers and mold loftmen from provisions relevant to.....	11-14-34	XIX	565
	Hours of labor, Granting specified exemptions relevant to.....	12-29-34	XX	421
	Hours, Partial stay to permit emergency work relevant to.....	2-19-35	XXI	617
	Extended.....	5- 2-35	XXIII	311
	Hours, Temporary stay of — Provisions.....	4-27-34	IX	938
	Industrial Relations Committee, Membership and Expenses.....	8-15-34	XV	667
245	Shipping, Corrugated and Solid Fiber — Container (see also Corrugated and Solid Fiber Shipping Container).....	2- 1-34	VI	1
	Shiprepairing. (See Shipbuilding and Shiprepairing Industry.)			
	Shirt, Men's and Boys' — and Blouse Division. (See Cotton Garment Amendment, No. 5.)			
	Shirtings Division. (See Cotton Textile Supplement, No. 1.)			
	Shoe. (See Athletic Goods Manufacturing.)			
44	Shoe, Boot and (see also Boot and Shoe).....	10- 3-33	I	541
	Shoe Findings, Leather and — Trade (see also Wholesaling or Distributing Trade Supplement, No. 9).....	5-17-34	XI	493
405	Shoe Last.....	4-23-34	IX	451
	Amendment, No. 1.....	10-26-34	XVIII	367
	Cost inclusion and application, extension of time within which to formulate uniform method of.....	7-12-34	XIII	747
184	Shoe and Leather Finish, Polish and Cement Manufacturing.....	12-30-33	IV	485
	Shoe and Leather Finish and Cement Division.....	12-30-33	IV	485
	Shoe Polish Division.....	12-30-33	IV	485
	Amendment, No. 1.....	8- 2-34	XIV	285
	Amendment, No. 2.....	5- 6-35	XXIII	67

Code No.	Industry	Date	Volume	Page
387	Shoe Machinery	4- 6-34	IX	193
444	Shoe Pattern Manufacturing	5-26-34	X	397
372	Shoe Rebuilding Trade	3-27-34	VIII	593
	Suspension of Code, Partial	5-28-34	XI	797
	Shoe Shank Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 6)	2-21-34	VII	677
413	Shoe Stock, Pasted ( <i>see also</i> Pasted Shoe Stock)	5- 3-34	IX	567
286	Shop, Beauty and Barber — Mechanical Equipment Manufacturing ( <i>see also</i> Beauty and Barber Shop Mechanical Equipment Manufacturing)	2-16-34	VI	569
	Shop Equipment, Automotive — Manufacturing ( <i>see also</i> Automotive Parts and Equipment Manufacturing Supplement, No. 7)	11-30-34	XIX	505
	Shopping Bag Division. ( <i>See</i> Paper Bag Manufacturing.)			
262	Shoulder Pad Manufacturing	2- 5-34	VI	231
	Shovel, Dragline, and Crane	11- 8-33	II	563
	Amendment, No. 1	4- 4-34	IX	685
	Amendment, No. 2	9-12-34	XVI	359
102	Amendment, No. 3	4- 6-35	XXII	387
	Bidding, Exemption pertinent to — and interpretation of delivery basis	4-20-34	IX	926
	Shovel and Post Hole Digger Division. ( <i>See</i> Tool and Implement Manufacturing Supplement, No. 7.)			
435	Shower Door	5-19-34	X	253
497	Shrinking, Textile Examining, — and Refinishing ( <i>see also</i> Textile Examining, Shrinking and Refinishing)	8- 6-34	XV	1
518	Shuttle Manufacturing	9- 7-34	XVI	141
	Sign, Advertising Metal — and Display Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 17)	4-20-34	IX	869
	Sign Division. ( <i>See</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 13.)			
506	Sign, Electric and Neon ( <i>see also</i> Electric and Neon Sign)	8-24-34	XV	131
	Signalling Apparatus Subdivision, Stay granted to the. ( <i>See</i> Electrical Manufacturing.)			
	Silica Refractories Division. ( <i>See</i> Refractories.)			
	Silk. ( <i>See</i> Hat Manufacturing.)			
172	Silk, Rayon and — Dyeing and Printing ( <i>see also</i> Rayon and Silk Dyeing and Printing)	12-21-33	IV	311
	Silk, Temporary placing of — Industry under the Cotton Textile Industry	7-15-33	I	20
48	Silk Textile	10- 7-33	I	587
	Amendment, No. 1	7-17-34	XIII	371
	Amendment, No. 2	8-31-34	XVI	251
	Amendment, No. 3	10-16-34	XVIII	207
	Amendment, No. 4	1-31-35	XXI	237
	Amendment, No. 5	2-11-35	XXI	315
	Amendment, No. 6	3-20-35	XXII	199
	Code Authority, Increasing Industry representatives on the	12- 7-34	XIX	639
	Hours, Curtailment of Machine — for the	12-23-33	IV	705

Code No.	Industry	Date	Volume	Page
48	Silk Textile—Continued.			
	Labor Controversies, Administration of-----	6-28-34	XII	680
	Price list, Approving an agency for filing-----	4-22-35	XXII	681
	Work Assignment Board, Reports, Extending time to submit-----	12-27-34	XX	418
	Work Assignment Board, Rules and Regulations for the-----	10-16-34	XVIII	635
	Silver and Metal Polish Division. ( <i>See Furniture and Floor Wax and Polish Amendment, No. 1.</i> )			
	Silverware Division. ( <i>See Wholesaling or Distributing Trade.</i> )			
177	Silverware Manufacturing-----	12-23-33	IV	389
	Hotelware, Flatware and Hollow Ware Division-----	12-23-33	IV	389
	Pewter, Chromium Plate and Miscellaneous Division-----	12-23-33	IV	389
	Plated Flatware Division-----	12-23-33	IV	389
	Plated Hollow Ware Division-----	12-23-33	IV	389
	Plated Toiletware and Novelties Division-----	12-23-33	IV	389
	Sterling Flatware Division-----	12-23-33	IV	389
	Sterling Hollow Ware Division-----	12-23-33	IV	389
	Sterling Novelties Division-----	12-23-33	IV	389
	Sterling Toiletware Division-----	12-23-33	IV	389
	Amendment, No. 1-----	10-15-34	XVIII	179
	Budget and expenditure rules stayed-----	5-10-35	XXIII	341
	Cost accounting system, Approval of-----	8-7-34	XV	636
	Skewer Division. ( <i>See Wood Turning and Shaping.</i> )			
194	Skirt, Blouse and — Manufacturing ( <i>see also Blouse and Skirt Manufacturing</i> )-----	12-30-33	IV	605
109	Slag, Crushed Stone, Sand and Gravel and ( <i>see also Crushed Stone, Sand and Gravel and Slag</i> )-----	11-10-33	II	641
	Slag, Administrative approval of Industrial Sand Division of the Crushed Stone, Sand and Gravel and — Industries-----	12-27-33	IV	707
321	Slag Wool, Rock and — Manufacturing ( <i>see also Rock and Slag Wool Manufacturing</i> )-----	3-6-34	VII	497
	Slashers, Cotton and Yarn Winders, Warpings and — Division. ( <i>See Textile Processing Amendment, No. 3.</i> )			
218	Slate-----	1-22-34	V	297
	Blackboard Slate Division-----	1-22-34	V	297
	Slate Roofing Division-----	1-22-34	V	297
	Structural and Electrical Division-----	1-22-34	V	297
	Amendment, No. 1-----	7-3-34	XII	383
	Credit, Contract terms and sales practices, Approval of rules providing for uniform-----	2-8-35	XXI	598
	Sleeve, Nozzle, and Runner Brick and Tuyères Division. ( <i>See Refractories.</i> )			
243	Slide Fastener-----	1-31-34	V	635
	Budget and expenditure rules stayed-----	5-14-35	XXIII	355
283	Slip Covers, Ready-Made Furniture — Manufacturing ( <i>see also Ready-Made Furniture Slip Covers Manufacturing</i> )-----	2-16-34	VI	527
214	Slit Fabric Manufacturing-----	1-16-34	V	245
	Amendment, No. 1-----	11-9-34	XIX	149
	Amendment, No. 2-----	4-1-35	XXII	329
	Amendment, No. 3-----	4-13-35	XXII	431

Code No.	Industry	Date	Volume	Page
354	Small Arms and Ammunition Manufacturing-----	3-22-34	VIII	347
	Amendment, No. 1-----	3-29-34	IX	655
	Effective Date, Extension of the-----	3-29-34	IX	886
	Small Locomotive Manufacturing ( <i>see also</i> Machinery and Allied Products Supplement, No. 4)-----	5- 5-34	X	759
173	Smelting and Refining of Secondary Metals into Brass and Bronze Alloys in Ingot Form-----	12-21-33	IV	325
	Smelting, Lead — and Refining Division. ( <i>See</i> Lead.)-----			
225	Smoking Pipe Manufacturing-----	1-23-34	V	393
	Amendment, No. 1-----	1-15-35	XX	261
	Cost Accounting System, Approval of Standard-----	8- 9-34	XV	654
	Cost Accounting System extended-----	3-20-35	XXII	589
549	Smoking Tobacco, Cigarette, Snuff, Chewing, and — Manufacturing ( <i>see also</i> Cigarette, Snuff, Chewing and Smoking Tobacco Manufacturing)-----	2- 9-35	XXI	95
	Snap Fastener Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 16)-----	4- 6-34	IX	811
	Snathe, Scythe and — Division. ( <i>See</i> Tool and Implement Manufacturing.)-----			
549	Snuff, Cigarette, —, Chewing, and Smoking Tobacco Manufacturing ( <i>see also</i> Cigarette, Snuff, Chewing and Smoking Tobacco Manufacturing)-----	2- 9-35	XXI	95
83	Soap and Glycerine Manufacturing-----	11- 2-33	II	317
	Amendment, No. 1-----	8-28-34	XVI	181
	Consolidation, No. 1 for Cleanser-----	9- 1-34	XVI	425
	Supplement, No. 1 for Pacific Coast Section of the Soap and Glycerine Manufacturing-----	6-29-34	XII	525
	Amendment, No. 1-----	11- 2-34	XVIII	503
350	Soapstone, Talc and ( <i>see also</i> Talc and Soapstone)-----	3-21-34	VIII	287
	Soccer. ( <i>See</i> Athletic Goods Manufacturing.)-----			
	Socket Screw Products Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 49)-----	9- 1-34	XVI	451
	Socket Wrenches, Detachable — Division. ( <i>See</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 15.)-----			
459	Soft Drink, Bottled ( <i>see also</i> Bottled Soft Drink)-----	6- 7-34	XI	225
393	Soft Fibre Manufacturing-----	4- 9-34	IX	273
	Amendment, No. 1-----	9-13-34	XVI	387
	Amendment, No. 2-----	10-25-34	XVIII	347
	Softener, Water — and Filter ( <i>see also</i> Machinery and Allied Products Supplement, No. 28)-----	7- 9-34	XIII	547
419	Soft Lime Rock-----	5- 7-34	X	27
	Softwood, Northeastern — Division. ( <i>See</i> Lumber and Timber Products.)-----			
	Sole and Belting Division. ( <i>See</i> Leather Amendment, No. 2.)-----			
	Sole, Heel and — Division. ( <i>See</i> Rubber Manufacturing.)-----			
309	Solid Braided Cord-----	2-26-34	VII	349
	Amendment, No. 1-----	9-13-34	XVI	391
	Amendment, No. 2-----	1-30-35	XXI	199
	Label regulation, Approving one-----	4- 1-35	XXII	624

Code No.	Industry	Date	Volume	Page
280	Solid, Retail — Fuel ( <i>see also</i> Retail Solid Fuel). Special Refractories Division. ( <i>See</i> Refractories.)	2-14-34	VI	469
122	Special Tool, Die and Machine Shop----- Amendment, No. 1----- Specialties. ( <i>See</i> Retail Lumber, Lumber Products, Building Materials, and Building Specialties.)	11-17-33 4-20-34	III X	187 427
522	Specialties, Architectural, Ornamental, and Miscellaneous Iron, Bronze, Wire and Metal — Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 55)-----	11-20-34	XIX	479
	Specialties, Automotive Chemical — Manufacturing. ( <i>See also</i> Automotive Chemical Specialties Manufacturing)-----	9-27-34	XVII	33
342	Specialties, Cork Composition and Cork — Manufacturing Division. ( <i>See</i> Cork.)			
432	Specialties, Sanitary and Waterproof — Manufacturing ( <i>see also</i> Sanitary and Waterproof Specialties Manufacturing)-----	3-17-34	VIII	169
	Specialty Accounting Supply Manufacturing-----	5-17-34	X	211
65	Budget and expenditure rules stayed-----	5- 6-35	XXIII	323
	Specialty, Advertising ( <i>see also</i> Advertising Specialty)-----	10-31-33	II	97
424	Spice Grinding-----	5-11-34	X	99
	Amendment, No. 1-----	9-25-34	XVII	213
	Amendment, No. 2-----	1-31-35	XXI	243
	Spinners. ( <i>See</i> Wool Textile Amendment, No. 1.)			
	Spinning, Metal — and Stamping Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Appendix, No. 2)-----	11-22-34	XIX	453
	Spirit and Oil Soluble Gum Division. ( <i>See</i> Natural Organic Products.)			
	Spirits, Distilled (Labor Provisions)-----	3-21-34	VIII	719
	Spirits, Distilled — Rectifying (Labor Provisions)-----	5- 3-34	IX	739
	Sponge Preparing and Wholesaling or Wholesaling ( <i>see also</i> Fishery Supplement, No. 11)-----	4-27-35	XXIII	225
	Sponge Rubber Division. ( <i>See</i> Rubber Manufacturing.)			
414	Spool, Bobbin and ( <i>see also</i> Bobbin and Spool)-----	5- 3-34	IX	579
	Spool Division. ( <i>See</i> Wood Turning and Shaping.)			
397	Spray Painting and Finishing Equipment Manufacturing-----	4-19-34	IX	317
	Amendment, No. 1-----	7-18-34	XIII	411
	Spring, Leaf — Manufacturing ( <i>see also</i> Automotive Parts and Equipment Manufacturing Supplement, No. 3)-----	7-18-34	XIII	631
	Spring, Railway and Industrial ( <i>see also</i> Machinery and Allied Products Supplement, No. 2)-----	4-23-34	X	629
329	Spring, Upholstery — and Accessories ( <i>see also</i> Upholstery Spring and Accessories)-----	3-10-34	VII	605
50	Sprinkler, Automatic ( <i>see also</i> Automatic Sprinkler)-----	10- 9-33	I	605
	Sprocket Chain ( <i>see also</i> Machinery and Allied Products Supplement, No. 34)-----	7-21-34	XIII	695
531	Squash. ( <i>See</i> Athletic Goods Manufacturing.)			
	Stained and Leaded Glass-----	11- 2-34	XVIII	109
	Stamping, Metal Spinning and — Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Appendix, No. 2)-----	11-22-34	XIX	453

Code No.	Industry	Date	Volume	Page
	Standard Steel Barrel and Drum Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 26)-----	5-16-34	X	921
	Standardized Stationery and Business Forms. ( <i>See Graphic Arts.</i> )			
327	Staple, Cut Tack, Wire Tack, and Small — Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 40)-----	7- 6-34	XIII	495
	Staple, Machine Applied — and Stapling Machine ( <i>see also</i> Machine Applied Staple and Stapling Machine)-----	3-10-34	VII	579
	Stationery, Bank and Commercial. ( <i>See Graphic Arts.</i> )			
190	Stationery, Commercial — and Office Outfitting Trade ( <i>see also</i> Wholesaling or Distributing Trade Supplement, No. 3)-----	3-16-34	VIII	761
	Stationery, Paper — and Tablet Manufacturing ( <i>see also</i> Paper Stationery and Tablet Manufacturing)-----	12-30-33	IV	559
	Stationery, Wholesale — Trade ( <i>see also</i> Wholesaling or Distributing Trade Supplement, No. 6)-----	4-21-34	X	621
	Statistical, Central — Board, Appointing of ( <i>see also</i> Central Statistical Board)-----	7-27-33	I	724
	Statistical, Providing for submission of — information by persons subject to codes-----	12- 7-33	III	662
	Statistical reports, Requiring certain — from members of industries subject to Codes of Fair Competition-----	3-16-34	VIII	870
307	Stay Manufacturing-----	2-26-34	VII	315
	Amendment, No. 1-----	8- 7-34	XV	193
	Steam Engine Manufacturing ( <i>see also</i> Machinery and Allied Products Supplement, No. 16)-----	6-11-34	XI	747
279	Steam Heating Equipment-----	2-12-34	VI	455
	Amendment, No. 1-----	9-21-34	XVII	179
	Amendment, No. 2-----	12- 6-34	XIX	355
	Hazardous occupations, Approving a list of-----	10- 9-34	XVII	556
	Steel and Copperplate Engraving and Printing. ( <i>See Graphic Arts.</i> )			
	Steel and Rolling Mill Castings Division. ( <i>See Non-Ferrous Foundry.</i> )			
82	Steel Casting-----	11- 2-33	II	299
	Amendment, No. 1-----	8-11-34	XV	257
	Amendment, No. 2-----	8-24-34	XV	451
	Amendment, No. 3-----	10- 2-34	XVII	293
	Consolidation, No. 1, for Manganese Steel Casting-----	9-14-34	XVI	431
	Steel Flooring, Open — (Grating) Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 41)-----	7-11-34	XIII	559
	Steel Goods Division. ( <i>See Tool and Implement Manufacturing.</i> )			
11	Steel, Iron and ( <i>see also</i> Iron and Steel)-----	8-19-33	I	171
495	Steel Joist-----	8- 1-34	XIV	63
	Labor complaints, Approval of application for the handling of — by the National Recovery Administration-----	10-30-34	XVIII	683
	Steel Locker Division. ( <i>See Business Furniture, Storage Equipment and Filing Supply.</i> )			



Code No.	Industry	Date	Volume	Page
263	Steel, Machine Knife and Allied — Products Manufacturing ( <i>see also</i> Machine Knife and Allied Steel Products Manufacturing)-----	2- 6-34	VI	243
271	Steel, Non-Ferrous and — Convector Manufacturing (Concealed Radiator Industry) ( <i>see also</i> Non-Ferrous and Steel Convector Manufacturing (Concealed Radiator Industry).)-----	2-10-34	VI	341
	Steel Package Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 25)-----	5-16-34	X	907
390	Steel Plate Fabricating-----	4- 6-34	IX	233
171	Steel, Rolling—Door ( <i>see also</i> Rolling Steel Door)-----	12-21-33	IV	297
274	Steel, Saw and — Products Manufacturing ( <i>see also</i> Saw and Steel Products Manufacturing)-----	2-10-34	VI	381
478	Steel, Secondary — Products Warehousing Trade ( <i>see also</i> Secondary Steel Products Warehousing Trade)-----	7-10-34	XIII	19
	Steel, Standard — Barrel and Drum Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 26)-----	5-16-34	X	921
480	Steel, Structural — and Iron Fabricating ( <i>see also</i> Structural Steel and Iron Fabricating)-----	7-11-34	XIII	47
	Steel Tire Manufacturing ( <i>see also</i> Machinery and Allied Products Supplement, No. 1)-----	4-23-34	X	637
62	Steel Tubular and Firebox Boiler-----	10-23-33	II	57
	Amendment, No. 1-----	12-14-34	XIX	409
313	Steel Wool-----	2-28-34	VII	397
492	Stereotype Dry Mat-----	7-27-34	XIV	17
179	Stereotyping, Electrotyping and ( <i>see also</i> Electrotyping and Stereotyping)-----	12-23-33	IV	415
	Sterling. ( <i>See</i> Silverware Manufacturing.)			
	Stick, Candy — Division. ( <i>See</i> Wood Turning and Shaping.)			
116	Stick, Mop ( <i>see also</i> Mop Stick)-----	11-14-33	III	57
276	Stitching, Pleating, — and Bonnaz and Hand Embroidery ( <i>see also</i> Pleating, Stitching and Bonnaz and Hand Embroidery)-----	2-10-34	VI	403
95	Stock Exchange Firms-----	11- 4-33	II	481
	Stone, Administration approval of Industrial Sand Division of the Crushed — Sand and Gravel and Slag Industries-----	12-27-33	IV	707
109	Stone, Crushed —, Sand and Gravel, and Slag Industries ( <i>see also</i> Crushed Stone, Sand and Gravel, and Slag Industries)-----	11-10-33	II	641
158	Stone Finishing Machinery and Equipment-----	12-15-33	IV	129
	Amendment, No. 1-----	1-14-35	XX	223
519	Stone, Natural Cleft ( <i>see also</i> Natural Cleft Stone)-----	9-11-34	XVI	147
	Stone Setting Contractors ( <i>see also</i> Construction Supplement, No. 20)-----	12-31-34	XX	357
	Stoneware Division. ( <i>See</i> Earthenware Manufacturing.)			
	Stopper, Cork — Manufacturers Division. ( <i>See</i> Cork.)			
88	Storage, Business Furniture, — Equipment and Filing Supply ( <i>see also</i> Business Furniture, Storage Equipment and Filing Supply)-----	11- 4-33	II	383
479	Storage, Cold — Door Manufacturing ( <i>see also</i> Cold Storage Door Manufacturing)-----	7-11-34	XIII	31
40	Storage, Electric — and Wet Primary Battery ( <i>see also</i> Electric Storage and Wet Primary Battery)-----	10- 3-33	I	499

Code No.	Industry	Date	Volume	Page
399	Storage, Household Goods — and Moving Trade (see also Household Goods Storage and Moving Trade)	4-19-34	IX	349
147	Storage, Motor Vehicle — and Parking Trade (see also Motor Vehicle Storage and Parking Trade)	12- 7-33	III	377
	Strap, Bag Case and — Division. (See Leather Amendment, No. 2.)			
	Strapping Division. (See Leather Industry Amendment, No. 1.)			
	Straps, Canvas Lug — Division. (See Leather Industry Amendment, No. 1.)			
	Straw. (See Hat Manufacturing.)			
331	Straw, Bulk Drinking —, Wrapped Drinking Straw, Wrapped Toothpick, and Wrapped Manicure Stick (see also Bulk Drinking Straw, Wrapped Drinking Straw, Wrapped Toothpick, and Wrapped Manicure Stick)	3-14-34	VIII	13
	Structural and Electrical Division. (See Slate.)			
123	Structural Clay Products	11-27-33	III	197
	Amendment, No. 1	5- 1-34	X	513
	Amendment, No. 2	11- 5-34	XVIII	527
480	Structural Steel and Iron Fabricating	7-11-34	XIII	47
	Effective Date of Code, Staying	8- 6-34	XV	633
	Effective Date of Code, Stay of	7-23-34	XIV	562
	Staying operation of the Code	10- 9-34	XVII	557
447	Study, Private Home — School (see also Private Home Study School)	5-31-34	XI	45
	Subdivisions of Supplements:			
	Construction:			
	General Contractors, No. 1:			
	Highway Contractors, No. 1	3-16-35	XXII	523
	Subscription and Mail Order Book Publishing Division. (See Book Publishing.)			
	Sugar, Beet — Labor Provision	10-27-33	II	687
5	Suit, Coat and (see also Coat and Suit)	8- 4-33	I	51
	Suit, Men's Wash — Manufacturers Division. (See Cotton Garment.)			
469	Sulphonated Oil Manufacturing	6-26-34	XII	99
	Sulphur Group. (See Chemical Manufacturing Supplement, No. 1.)			
	Sundries, Rubber — Division. (See Rubber Manufacturing.)			
	Supplement:			
	Automobile Manufacturing:			
	Funeral Vehicle and Ambulance Sub-division, No. 1	11- 8-33	II	671
	Automotive Parts and Equipment Manufacturing:			
	Automobile Hot Water Heater Manufacturing, No. 1	6-25-34	XII	475
	Amendment, No. 1	10-23-34	XVIII	289
	Automotive Shop Equipment Manufacturing, No. 7	11-30-34	XIX	505
	Carburetor Manufacturing, No. 5	10-24-34	XVIII	585
	Gasket Manufacturing, No. 9	12-20-34	XX	333
	Leaf Spring Manufacturing, No. 3	7-18-34	XIII	631
	Amendment, No. 1	5-11-35	XXIII	157
	Oil Filter Manufacturing, No. 6	10-24-34	XVIII	595
	Powdered Metal Bearing Manufacturing, No. 8	12-18-34	XIX	517
	Radiator Manufacturing, No. 10	2- 1-35	XXI	509

Code No.	Industry	Date	Volume	Page
	Supplement—Continued.			
	Automotive Parts and Equipment Manufacturing—Continued.			
	Replacement Axle Shaft Manufacturing, No. 2.....	7- 3-34	XII	533
	Amendment, No. 1.....	11- 9-34	XIX	145
	Wheel and Rim Manufacturing, No. 4.....	10-24-34	XVIII	573
	Amendment, No. 1.....	4-23-35	XXIII	13
	Business Furniture, Storage Equipment and Filing Supply:			
	Filing Supply, No. 2.....	7-30-34	XIV	391
	Cost formula, Extending time to report a.....	11-12-34	XIX	556
	Discriminations and terms of sales, Temporary stay relevant to.....	3-23-35	XXII	594
	Fire Resistive Safe No. 1.....	7-30-34	XIV	405
	Cost formula, Extending time to report a.....	11- 9-34	XIX	549
	Chemical Manufacturing:			
	Agricultural Insecticide and Fungicide, No. 1.....	5- 1-34	X	685
	Nicotine Group.....	5- 1-34	X	685
	Sulphur Group.....	5- 1-34	X	685
	Pyrethrum-Retonone Group.....	5- 1-34	X	685
	Amendment, No. 1.....	10-19-34	XVIII	227
	Costs, Determination extended for Lead Arsenate and Calcium Arsenate of lowest reasonable.....	2- 6-35	XXI	587
	Costs, Determination for Lead Arsenate and Calcium Arsenate of lowest reasonable.....	11- 9-34	XIX	546
	Price filing provisions for inter-Industry sales, Temporary stay for.....	11-22-34	XIX	592
	Sales, Stay of provisions relevant to Inter-Industry.....	7-30-34	XIV	583
	Written Agreements with jobbers, Extending application of provisions requiring.....	11-30-34	XIX	612
	Carbon Dioxide, No. 2.....	5- 4-34	X	723
	Amendment, No. 1.....	8-16-34	XV	313
	Written agreements with jobbers, Extending application of provisions requiring.....	12- 3-34	XIX	617
	Written agreements with jobbers, Further extension of provisions requiring.....	1- 2-35	XX	428
	Industrial Alcohol, No. 3.....	8-21-34	XV	557
	Construction:			
	Building Granite, No. 18.....	8-20-34	XV	535
	Cement Gun Contractors, No. 4.....	3-21-34	VIII	793
	Amendment, No. 1.....	7-19-34	XIII	417
	Amendment, No. 2.....	4-18-35	XXII	463
	Construction News Service, No. 19.....	12-20-34	XX	345
	Cork Insulation Contractors, No. 21.....	4- 1-35	XXII	537
	Electrical Contracting, No. 6.....	4-19-34	IX	849
	Amendment, No. 1.....	7-23-34	XIV	107
	Elevator Manufacturing, No. 3.....	3-21-34	VIII	803
	Amendment, No. 1.....	1-26-35	XXI	183
	General Contractors, No. 1.....	2-17-34	VII	667
	Building Contractors Subdivision.....	2-17-34	VII	667
	Heavy Construction and Railroad Contractors Subdivision.....	2-17-34	VII	667

Code No.	Industry	Date	Volume	Page
	Supplement—Continued.			
	Construction—Continued.			
	General Contractors, No. 1—Contd.			
	Highway Contractors Subdivision..	2-17-34	VII	667
	Expense, Interpretation relevant to collection of administrative..	10-11-34	XVIII	614
	Highway Contractors Subdivision, No. 1.....	3-16-35	XXII	523
	Heavy Construction and Railroad Contractors Subdivision, No. 2.....	4-29-35	XXIII	237
	Heating, Piping, and Air Conditioning Contractors', No. 16.....	7-26-34	XIV	331
	Effective date, Partial extension of	9-20-34	XVII	478
	Insulation Contractors, No. 12.....	6- 7-34	XI	653
	Kalamein, No. 13.....	6- 9-34	XI	703
	Amendment, No. 1.....	4-16-35	XXII	447
	Marble Contracting, No. 17.....	8-11-34	XV	485
	Registration of members, Approval of extension of time limit for the	10- 4-34	XVII	537
	Mason Contractors, No. 7.....	4-19-34	IX	863
	Amendment, No. 1.....	7-23-34	XIV	111
	Expense, Interpretation relevant to collection of administrative.....	10-11-34	XVIII	614
	Painting, Paperhanging and Decorating, No. 2.....	3-12-34	VIII	739
	Amendment, No. 1.....	7-10-34	XIII	265
	Plastering and Lathing Contracting, No. 14.....	6-27-34	XII	487
	Plumbing Contracting, No. 9.....	5-15-34	X	895
	Amendment, No. 1.....	8-11-34	XV	253
	Amendment, No. 2.....	4-20-35	XXII	479
	Resilient Flooring Contracting, No. 10.....	5-29-34	XI	569
	Roofing and Sheet Metal Contracting, No. 8.....	5-10-34	X	817
	Amendment, No. 1.....	3-20-35	XXII	193
	Stone Setting Contractors, No. 20.....	12-31-34	XX	357
	Terazzo and Mosaic Contracting, No. 15.....	7-13-34	XIII	583
	Tile Contracting, No. 5.....	4- 2-34	IX	765
	Amendment, No. 1.....	7-12-34	XIII	299
	Sales, Staying one provision applicable to.....	4-11-35	XXII	658
	Trade practice provision, Stay of one.....	1-29-35	XXI	569
	Wood Floor Contracting, No. 11.....	5-29-34	XI	583
	Amendment, No. 1.....	1-14-35	XX	235
	Cotton Textile:			
	Cotton Converting, No. 1.....	1-24-34	V	713
	All-Cotton Clothing Lining Division.....	1-24-34	V	720
	Clothiers' Linings Division.....	1-24-34	V	718
	Corset, Brassière, and Allied Trades Fabrics Division.....	1-24-34	V	719
	Curtain and Drapery Fabrics Division.....	1-24-34	V	721
	Interlinings Division.....	1-24-34	V	724
	Shirtings Division.....	1-24-34	V	722
	Wash Goods Division.....	1-24-34	V	723
	Amendment, No. 1.....	12-27-34	XX	131

Code No.	Industry	Date	Volume	Page
Supplement—Continued.				
Electrical Manufacturing:				
	Portable Electric Lamp and Shade, No. 2	6-27-34	XII	501
	Amendment, No. 1	2-12-35	XXI	325
	Refrigeration, No. 1	6- 9-34	XI	715
	Jurisdictional adjudication for equipment with one horsepower, or less, motors	1-22-35	XX	474
	Wiring Device, No. 3	1-15-35	XX	389
	Imports, Continuing stay relevant to	3-13-35	XXII	575
	Imports, Permanent stay relevant to	4-22-35	XXII	682
Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating:				
	Advertising Metal Sign and Display Manufacturing, No. 17	4-20-34	IX	869
	Amendment, No. 1	10- 5-34	XVII	323
	Architectural, Ornamental, and Miscellaneous Iron, Bronze, Wire and Metal Specialties Manufacturing, No. 55	11-20-34	XIX	479
	Code Authority, Extending term of office for the temporary	2- 9-35	XXI	599
	Artistic Lighting Equipment Manufacturing, No. 37	6-28-34	XII	509
	Price lists, Extending time to file	11-22-34	XIX	593
	Price lists, Stay of provisions relevant to	5-10-35	XXIII	335
	Brass Forging Manufacturing, No. 42	7-19-34	XIII	645
	Bright Wire Goods Manufacturing, No. 21	5- 7-34	X	781
	Cap Screw Manufacturing, No. 19	5- 3-34	X	697
	Credit Terms, Approving uniform	10- 9-34	XVII	547
	Chain Manufacturing, No. 3	1-31-34	V	739
	Amendment, No. 1	3-27-35	XXII	257
	Tire Chain Consignment Plan approved	4- 1-35	XXII	622
	Complete Wire and Iron Fence, No. 38	7- 3-34	XII	545
	Amendment, No. 1	1-22-35	XX	295
	Amendment, No. 2	3- 1-35	XXI	441
	Cut Tack, Wire Tack, and Small Staple Manufacturing, No. 40	7- 6-34	XIII	495
	Price lists, Temporary stay relevant to	1-17-35	XX	465
	Price lists, Temporary stay relevant to —, extended	4-18-35	XXII	675
	Cutlery, Manicure Implement, and Painters and Paperhangers Tool Manufacturing and Assembling, No. 10	3-26-34	VIII	823
	Amendment, No. 1	11-12-34	XIX	159
	Amendment, No. 2	1-16-35	XX	273
	Price provisions, Partial stay relevant to	2-26-35	XXI	634
	Selling prices, Partial stay of provisions relevant to	5-20-35	XXIII	372
	Statement of quality, Approving a standard	5-10-35	XXIII	339
	Cutting Die Manufacturing, No. 35	6- 8-34	XI	691
	Drapery and Carpet Hardware Manufacturing, No. 22	5- 9-34	X	793
	Amendment, No. 1	2-15-35	XXI	367
	Electric Industrial Truck Manufacturing, No. 4	1-31-34	V	751

Code No.	Industry	Date	Volume	Page
Supplement—Continued.				
Fabricated Metal Products, etc.—Contd.				
	Electro Plating and Metal Polishing and Metal Finishing, No. 46.....	8-22-34	XV	585
	Code Authority powers, duties and procedure, Approval stay partially discontinued.....	3-18-35	XXII	582
	Specifications of quality of Electro deposited coating, Tentative approval of.....	5-17-35	XXIII	365
	File Manufacturing, No. 54.....	10- 9-34	XVII	445
	Flexible Metal Hose and Tubing Manufacturing, No. 33.....	5-24-34	XI	543
	Amendment, No. 1.....	10-31-34	XVIII	449
	Forged Tool Manufacturing, No. 9.....	3-24-34	VIII	811
	Amendment, No. 1.....	10-17-34	XVIII	213
	Galvanized Ware Manufacturing, No. 27.....	5-17-34	XI	441
	Seconds, Approval of plan for the sale of.....	1-23-35	XX	478
	Terms of payment for Industry products, Staying code provisions applicable to.....	10-31-34	XVIII	685
	Hack Saw Blade Manufacturing, No. 8.....	3-17-34	VIII	779
	Amendment, No. 1.....	11- 1-34	XVIII	491
	Amendment, No. 2.....	5-17-35	XXIII	183
	Budget and expenditure rules stated.....	5- 6-35	XXIII	319
	Hand Bag Frame Manufacturing, No. 45.....	8- 1-34	XIV	463
	Hand Chain Hoist Manufacturing, No. 2.....	1-30-34	V	727
	Hog Ring and Ringer Manufacturing, No. 32.....	5-22-34	XI	531
	Amendment, No. 1.....	11- 6-34	XVIII	537
	Job Galvanizing Metal Coating, No. 28.....	5-17-34	XI	455
	Amendment, No. 1.....	2-25-35	XXI	421
	Lift Truck and Portable Elevator Manufacturing, No. 36.....	6-23-34	XII	461
	Liquid Fuel Appliance Manufacturing, No. 53.....	9-24-34	XVII	419
	Amendment, No. 1.....	3- 8-35	XXII	117
	Price list filing, Staying provisions relevant to.....	5-11-35	XXIII	345
	Machine Screw Manufacturing, No. 23.....	5-10-34	X	829
	Amendment, No. 1.....	2-19-35	XXI	407
	Machine Screw Nut Manufacturing, No. 20.....	5- 5-34	X	733
	Amendment, No. 1.....	2-27-35	XXI	437
	Budget and expenditure rules stated.....	5-14-35	XXIII	353
	Metallie Wall Structure Industrial Sub-division, No. 1.....	1-10-34	V	703
	Amendment, No. 1.....	10-30-34	XVIII	417
	Amendment, No. 2.....	3- 7-35	XXII	103
	Milk and Ice Cream Can Manufacturing, No. 30.....	5-17-34	XI	481
	Amendment, No. 1.....	2- 1-35	XXI	247
	Non-Ferrous Hot Water Tank Manufacturing, No. 14.....	4- 4-34	IX	775
	Amendment, No. 1.....	4- 6-35	XXII	379
	Open Steel Flooring (Grating) Manufacturing, No. 41.....	7-11-34	XIII	559
	Perforating Manufacturing, No. 48.....	8-31-34	XVI	437
	Price guarantees, Approving circumstances for making.....	4-30-35	XXIII	299

Code No.	Industry	Date	Volume	Page
	Supplement—Continued.			
	Fabricated Metal Products, etc.—Contd.			
	Pipe Tool Manufacturing, No. 47.....	8-23-34	XV	601
	Porcelain Enameling Manufacturing, No. 13.....	3-31-34	IX	749
	Frit Division.....	3-31-34	IX	749
	Jobbing Shop Division.....	3-31-34	IX	749
	Sign Division.....	3-31-34	IX	749
	Table Top Division.....	3-31-34	IX	749
	Amendment, No. 1.....	9-27-34	XVII	267
	Power and Gang Lawn Mower Manu- facturing, No. 12.....	3-26-34	VIII	837
	Amendment, No. 1.....	8- 8-34	XV	205
	Prison Equipment Manufacturing, No. 39.....	7- 5-34	XII	561
	Amendment, No. 1.....	11- 6-34	XVIII	543
	Pulp and Paper Mill Wire Cloth Manu- facturing, No. 44.....	7-30-34	XIV	421
	Railway Car Appliances, No. 5.....	2- 9-34	VI	637
	Refrigeration Valves and Fittings Manu- facturing, No. 51.....	9- 6-34	XVI	479
	Screw Machine Products Manufactur- ing, No. 18.....	4-28-34	X	659
	Amendment, No. 1.....	5-16-34	X	555
	Amendment, No. 2.....	9- 8-34	XVI	311
	Amendment, No. 3.....	10-12-34	XVIII	171
	Shoe Shank Manufacturing, No. 6.....	2-21-34	VII	677
	Amendment, No. 1.....	11- 6-34	XVIII	553
	Amendment, No. 2.....	1-31-35	XXI	231
	Snap Fastener Manufacturing, No. 16.....	4- 6-34	IX	811
	Amendment, No. 1.....	10-23-34	XVIII	303
	Budget and expenditure rules stated.....	5-10-35	XXIII	342
	Socket Screw Products Manufacturing, No. 49.....	9- 1-34	XVI	451
	Budget and expenditure rules stated.....	5-14-35	XXIII	356
	Standard Steel Barrel and Drum Manu- facturing, No. 26.....	5-16-34	X	921
	Amendment, No. 1.....	3-30-35	XXII	279
	Steel Package Manufacturing, No. 25.....	5-16-34	X	907
	Amendment, No. 1.....	4-13-35	XXII	435
	Tackle Block Manufacturing, No. 11.....	3-26-34	VIII	849
	Tool and Implement Manufacturing, No. 7.....	3-15-34	VIII	747
	Axe Division.....	3-15-34	VIII	747
	Hammers Division.....	3-15-34	VIII	747
	Hatchet Division.....	3-15-34	VIII	747
	Scythe and Snaathe Division.....	3-15-34	VIII	747
	Shovel and Post Hole Digger Di- vision.....	3-15-34	VIII	747
	Steel Goods Division.....	3-15-34	VIII	747
	Amendment, No. 1.....	9-19-34	XVII	137
	Amendment, No. 2.....	1-16-35	XX	277
	Tubular Split and Outside Pronged Rivet Manufacturing, No. 52.....	9-22-34	XVII	405
	Vise Manufacturing, No. 50.....	9- 1-34	XVI	465
	Vitreous Enameled Ware Manufactur- ing, No. 43.....	7-22-34	XIII	709
	Amendment, No. 1.....	3-30-35	XXII	285
	Terms of payment for industry products, Staying code provi- sions relevant to.....	11-16-34	XIX	577

Code No.	Industry	Date	Volume	Page
	Supplement—Continued.			
	Fabricated Metal Products, etc.—Contd.			
	Warm Air Pipe and Fittings Manufacturing, No. 31.....	5-18-34	XI	501
	Amendment, No. 1.....	11-15-34	XIX	197
	Washing Machine Parts Manufacturing, No. 29.....	5-17-34	XI	469
	Wire Rope and Strand Manufacturing, No. 34.....	5-24-34	XI	557
	Amendment, No. 1.....	10-31-34	XVIII	475
	Amendment, No. 2.....	5- 6-35	XXIII	81
	Selling practices, Equitable adjustments with the American Petroleum Equipment Industry for.....	3- 2-35	XXI	645
	Wood Screw Manufacturing, No. 24.....	5-10-34	X	843
	Wrench Manufacturing, No. 15.....	4- 4-34	IX	789
	Adjustable Monkey Wrenches Division.....	4- 4-34	IX	789
	Adjustable Pipe Wrenches Division.....	4- 4-34	IX	789
	Adjustable Wrenches and Pliers Division.....	4- 4-34	IX	789
	Adjustable Wrenches Division.....	4- 4-34	IX	789
	Chain Pipe Wrenches (Tongs) Division.....	4- 4-34	IX	789
	Detachable Socket Wrenches Division.....	4- 4-34	IX	789
	Drop-forged Wrenches (Alloy) Division.....	4- 4-34	IX	789
	Drop-forged Wrenches (Carbon) Division.....	4- 4-34	IX	789
	Ratchet and Miscellaneous Wrenches Division.....	4- 4-34	IX	789
	Amendment, No. 1.....	9- 6-34	XVI	295
	Sales to manufacturers of automobiles and use as original equipment, Partial stay relevant to.....	5-22-35	XXIII	380
	Terms of sales, Partial stay of provisions relevant to.....	2-11-35	XXI	604
	Fishery:			
	Atlantic Mackerel Fishing, No. 4.....	5- 3-34	X	711
	Production, Approval of plan of curtailment of.....	7-14-34	XIII	751
	Production, Approval of plan of curtailment of.....	8- 6-34	XV	625
	Production, Approving curtailment of.....	6- 9-34	XI	819
	Production of mackerel, Rescinding curtailment of.....	10-26-34	XVIII	666
	Blue Crab, No. 5.....	5- 5-34	X	747
	Amendment, No. 1.....	12-18-34	XIX	423
	Wages of pickers, Extending time to report on.....	9-17-34	XVII	465
	California Sardine Processing, No. 3.....	4-24-34	X	645
	Hours and wages for nonoffice employees, Substitution of applicable provisions from the Fishery Code.....	12-11-34	XIX	644
	Fresh Oysters, No. 1.....	3-10-34	VII	693
	Amendment, No. 1.....	11-16-34	XIX	203
	Competitive and administrative rules, Partial stay for specified members from application of certain.....	9-26-34	XVII	510



Code No.	Industry	Date	Volume	Page
	Supplement—Continued.			
	Fishery—Continued.			
	Fresh Oysters, No. 1—Continued.			
	Hours of labor, rates of pay, etc., Extending time to report on.....	8- 6-34	XV	628
	Middle Atlantic Preparing and Wholesale ing or Wholesaling, No. 10.....	3- 8-35	XXII	495
	Midwest Fish and Shellfish Preparing or Wholesaling, No. 9.....	2-20-35	XXI	537
	New England Fish and Shellfish Preparing and Wholesaling or Wholesaling, No. 7.....	9- 8-34	XVI	493
	Clam packing, Jurisdictional interpretation subjecting — to the code for Canning.....	11-14-34	XIX	563
	New England Sardine Canning, No. 8.....	12-18-34	XIX	527
	Northwest and Alaska Fish and Shellfish Preparing and Wholesaling or Wholesaling, No. 12.....	5-10-35	XXIII	251
	Sponge Preparing and Wholesaling or Wholesaling, No. 11.....	4-27-35	XXIII	225
	Trout Farming, Eastern Section, No. 6.....	7-25-34	XIV	345
	Hazardous occupations, Approving a list of.....	10- 9-34	XVII	558
	Wholesale Lobster, No. 2.....	4-13-34	IX	823
	Amendment, No. 1.....	11- 9-34	XIX	153
	Importing Trade:			
	Linen Importing Trade, No. 2.....	11-22-34	XIX	495
	Oriental Rug Importing Trade, No. 1.....	9-14-34	XVI	511
	Machinery and Allied Products:			
	Air Filter, No. 32.....	7-21-34	XIII	671
	Amendment, No. 1.....	11-22-34	XIX	231
	Bakery Equipment Manufacturing, No. 29.....	7-13-34	XIII	595
	Beater and Jordan and Allied Equipment, No. 7.....	5-14-34	X	871
	Amendment, No. 1.....	8-13-34	XV	263
	Caster and Floor Truck Manufacturing, No. 26.....	7- 7-34	XIII	523
	Cereal Machinery, No. 44.....	11-14-34	XIX	463
	Chemical Engineering Equipment, No. 23.....	7- 5-34	XII	573
	Coal Cutting Machine, No. 46.....	1- 4-35	XX	379
	Coal Mine Loading Machine, No. 45.....	1- 4-35	XX	369
	Concrete Mixer, No. 37.....	8- 1-34	XIV	477
	Contractors' Pump, No. 11.....	6- 5-34	XI	631
	Conveyor and Material Preparation Equipment Manufacturing, No. 22.....	6-19-34	XII	445
	Amendment, No. 1.....	8-18-34	XV	347
	Report on one Trade Practice Provision, Extension of time to file.....	9-25-34	XVII	502
	Diamond Core Drill Manufacturing, No. 9.....	5-31-34	XI	597
	Amendment, No. 1.....	7-18-34	XIII	393
	Diesel Engine Manufacturing, No. 40.....	8- 1-34	XIV	493
	Envelope Machine Manufacturing, No. 31.....	7-20-34	XIII	659
	Gas-Powered Industrial Truck Manufacturing, No. 33.....	7-21-34	XIII	683
	Hoist Builders, No. 20.....	6-12-34	XII	403
	Hoisting Engine Manufacturing, No. 19.....	6-12-34	XII	417
	Amendment, No. 1.....	8-18-34	XV	351
	Hydraulic Machinery, No. 41.....	8- 2-34	XIV	535
	Jack Manufacturing, No. 38.....	8- 1-34	XIV	509
	Kiln, Cooler and Dryer Manufacturing, No. 21.....	6-12-34	XII	431

Code No.	Industry	Date	Volume	Page
Supplement—Continued.				
Machinery and Allied Products—Continued.				
	Locomotive Appliance, No. 12.....	6- 5-34	XI	645
	Amendment, No. 1.....	2-13-35	XXI	343
	Locomotive Manufacturing, No. 3.....	4-30-34	X	677
	Amendment, No. 1.....	5-12-34	X	547
	Amendment, No. 2.....	12-31-34	XX	151
	Mechanical Lubricator, No. 10.....	6- 4-34	XI	619
	Amendment, No. 1.....	8- 9-34	XV	219
	Mechanical Press Manufacturing, No. 27.....	7- 9-34	XIII	535
	Mine Car Manufacturing, No. 47.....	2- 5-35	XXI	523
	Multiple V-Belt Drive, No. 30.....	7-13-34	XIII	605
	Oil Field Pumping Engine Manufacturing, No. 35.....	7-25-34	XIV	357
	Power Transmission, No. 25.....	7- 6-34	XIII	509
	Pulp and Paper Machinery, No. 42.....	8-11-34	XV	501
	Pulverizing Machinery and Equipment, No. 15.....	6- 9-34	XI	723
	Railway and Industrial Spring, No. 2.....	4-23-34	X	629
	Railway Appliance Manufacturing, No. 39.....	8- 1-34	XIV	523
	Reduction Machinery, No. 18.....	6-11-34	XI	775
	Refrigerating Machinery, No. 36.....	7-30-34	XIV	435
	Hours and general labor provisions, Provisional exemption from the Electrical Manufacturing Code relevant to.....	4-13-35	XXII	666
	Jurisdictional adjudication staying applicable provisions for equipment with one horsepower, or less, motors.....	1-22-35	XX	474
	Rock and Ore Crusher, No. 17.....	6-11-34	XI	761
	Roller and Silent Chain, No. 24.....	7- 5-34	XII	587
	Rolling Mill Machinery and Equipment, No. 14.....	6- 7-34	XI	679
	Saw Mill Machinery, No. 43.....	10-11-34	XVIII	561
	Small Locomotive Manufacturing, No. 4.....	5- 5-34	X	759
	Sprocket Chain, No. 34.....	7-21-34	XIII	695
	Steam Engine Manufacturing, No. 16.....	6-11-34	XI	747
	Steel Tire Manufacturing, No. 1.....	4-23-34	X	637
	Water Meter Manufacturing, No. 8.....	5-16-34	X	935
	Waterpower, Equipment, No. 13.....	6- 7-34	XI	665
	Amendment, No. 1.....	6 26-34	XII	309
	Water Softener and Filter, No. 28.....	7- 9-34	XIII	547
	Wire Machinery, No. 5.....	5- 9-34	X	807
	Woodworking Machinery, No. 6.....	5-14-34	X	855
	Amendment, No. 1.....	3-30-35	XXII	291
	Price schedules, Partial termination of stay relevant to waiting period after filing.....	9-21-34	XVII	498
Packaging Machinery Industry and Trade:				
	Can Labeling and Can Casing Machinery Industry and Trade, No. 1.....	5- 5-34	X	767
	Amendment, No. 1.....	11- 1-34	XVIII	479
	Paper Box Machinery Industry and Trade, No. 2.....	5-21-34	XI	515
Retail Trade:				
	Booksellers Trade, No. 1.....	4-13-34	IX	947
	Retail Custom Fur Manufacturing Trade, No. 2.....	9-25-34	XVII	435
	Effective date of code, Stay of.....	10- 5-34	XVII	540
	Retail Custom Millinery Trade, No. 3.....	1-25-35	XXI	493

Code No.	Industry	Date	Volume	Page
	Supplement—Continued.			
	Scrap Iron, Nonferrous Scrap Metals and Waste Materials Trade:			
	Waste Paper Trade, No. 1	7-12-34	XIII	575
	Prices, Cancelling previous determinations of minimum net	12-28-34	XX	420
	Prices, Establishing and publishing minimum net	8-21-34	XV	682
	Prices, Revising minimum net	11-16-34	XIX	578
	Prices, Superseding previous order establishing minimum net	9-25-34	XVII	509
	Soap and Glycerine Manufacturing:			
	Pacific Coast Section of the Soap and Glycerine Manufacturing, No. 1	6-29-34	XII	525
	Amendment, No. 1	11- 2-34	XVIII	503
	Wholesaling or Distributing Trade:			
	Athletic Goods Distributing Trade, No. 13	7-17-34	XIII	619
	Homework provisions, Extending the operation of specified code provisions relevant to	10-31-34	XVIII	684
	Beauty and Barber Equipment and Supplies Trade, No. 4	4- 4-34	IX	803
	Amendment, No. 1	8-31-34	XVI	225
	Amendment, No. 2	1- 9-35	XX	187
	Reports, Granting authority to secure divisional	4-27-35	XXIII	291
	Button Jobbers' or Wholesalers' Trade, No. 15	7-26-34	XIV	369
	Men's Wear Division	7-26-34	XIV	369
	Women's Wear Division	7-26-34	XIV	369
	Book inspection provisions stayed	5-17-35	XXIII	363
	Charcoal and Package Fuel Distributing Trade, No. 19	8- 7-34	XV	473
	Commercial Stationery and Office Outfitting Trade, No. 3	3-16-34	VIII	761
	Amendment, No. 1	5- 6-35	XXIII	59
	Selling, Approval for Open Price Plan of	3- 2-35	XXI	642
	Copper, Brass, Bronze and Related Alloys Trade, No. 21	8-13-34	XV	511
	Electrical Wholesale Trade, No. 20	8-13-34	XV	525
	Amendment, No. 1	3-14-35	XXII	151
	Furriers Supplies Trade, No. 10	6- 2-34	XI	609
	Fur Wholesaling and Distributing Trade, No. 11	6- 9-34	XI	737
	Amendment, No. 1	10-27-34	XVIII	385
	Leather and Shoe Findings Trade, No. 9	5-17-34	XI	493
	Amendment, No. 1	9-27-34	XVII	253
	Radio Wholesaling Trade, No. 7	4-21-34	X	611
	Amendment, No. 1	9- 1-34	XVI	265
	Amendment, No. 2	9-13-34	XVI	383
	School Supplies and Equipment Trade, No. 12	7- 5-34	XII	599
	Sheet Metal Distributing Trade, No. 16	7-27-34	XIV	381
	Amendment, No. 1	2-18-35	XXI	393
	Upholstery and Decorative Fabrics Trade, No. 1	3- 6-34	VII	687
	Amendment, No. 1	10- 3-34	XVII	319
	Wholesale Dry Goods Trade, No. 8	5-14-34	X	885
	Hosiery and Underwear Division	5-14-34	X	885
	House Furnishings Division	5-14-34	X	885
	Knitted Outerwear Division	5-14-34	X	885
	Men's Furnishings Division	5-14-34	X	885
	Notions Division	5-14-34	X	885

Code No.	Industry	Date	Volume	Page
	Supplement—Continued.			
	Wholesaling or Distributing Trade—Contd.			
	Wholesale Dry Goods Trade, No. 8—Con.			
	Piece Goods Division.....	5-14-34	X	885
	Ready-to-wear Division.....	5-14-34	X	885
	Amendment, No. 1.....	9-14-34	XVI	409
	Wholesale Embroidery Trade, No. 23 ..	8-24-34	XV	615
	Wholesale Hardware Trade, No. 17.....	7-30-34	XIV	451
	Exemption, Terminating — for members from the Industry of Wholesaling Plumbing Products, Heating Products and/or Dis- tributing Pipe, Fittings, and Valves.....	10-23-34	XVIII	659
	Wholesale Jewelry Trade, No. 22.....	8-21-34	XV	569
	Terms, Exempting Assembled Watch members from their code provisions subject to compliance with.....	10-29-34	XVIII	674
	Wholesale Millinery Trade, No. 5.....	4-16-34	IX	843
	Amendment, No. 1.....	8-30-34	XVI	215
	Wholesale Paint, Varnish, Lacquer, Allied and Kindred Products Trade, No. 18.....	8- 4-34	XIV	547
	Free Goods, Changing approval restrictions from Returnable Goods to.....	11-30-34	XIX	614
	Wholesale Stationery Trade, No. 6.....	4-21-34	X	621
	Amendment, No. 1.....	9-10-34	XVI	333
	Amendment, No. 2.....	1-14-35	XX	231
	Wholesale Wallpaper Trade, No. 2.....	3-16-34	VIII	771
	Amendment, No. 1.....	5-10-34	X	543
	Amendment, No. 2.....	8-27-34	XVI	165
	Amendment, No. 3.....	4-19-35	XXII	471
	Woolens and Trimmings Distributing Trade, No. 14.....	7-23-34	XIV	321
	Wood Turning and Shaping Industries: Dowel, No. 1.....	8-20-34	XV	549
	Supplies, Beauty and Barber Equipment and — Trade ( <i>see also</i> Wholesaling or Distributing Trade Supplement, No. 4).....	4- 4-34	IX	803
37	Supplies, Builders — Trade ( <i>see also</i> Builders Supplies Trade).....	10- 3-33	I	469
	Supplies, Electrical — Division. ( <i>See</i> Whole- saling or Distributing Trade.)			
	Supplies, Furriers — Trade ( <i>see also</i> Wholesaling or Distributing Trade Supplement, No. 10).....	6- 2-34	XI	609
61	Supplies, Industrial — and Machinery Distribu- tors Trade ( <i>see also</i> Industrial Supplies and Machinery Distributors Trade).....	10-23-33	II	47
284	Supplies, Pottery — and Backwall and Radiant ( <i>see also</i> Pottery Supplies and Backwall and Radiant).....	2-16-34	VI	539
	Supplies, School — and Equipment Trade ( <i>see also</i> Wholesaling or Distributing Trade Supple- ment, No. 12).....	7- 5-34	XII	599
88	Supplies, Woolen and Trimming Garment — Di- vision. ( <i>See</i> Wholesaling or Distributing Trade.)			
	Supply, Business Furniture, Storage Equipment and Filing ( <i>see also</i> Business Furniture, Storage Equipment and Filing Supply).....	11- 4-33	II	383
	Supply, Filing ( <i>see also</i> Business Furniture, Stor- age Equipment and Filing Supply Supplement, No. 2).....	7-30-34	XIV	391

Code No.	Industry	Date	Volume	Page
261	Supply, Foundry ( <i>see also</i> Foundry Supply)-----	2- 5-34	VI	219
90	Supply, Funeral ( <i>see also</i> Funeral Supply)-----	11- 4-33	II	421
432	Supply, Specialty Accounting — Manufacturing ( <i>see also</i> Specialty Accounting Supply Manu- facturing)-----	5-17-34	X	211
556	Supply, Wholesale and Retail Automobile Sales, —, Repair, Maintenance and Service Industry In The Territory of Hawaii ( <i>see also</i> Wholesale and Retail Automobile Sales Supply, Repair, Maintenance and Service Industry In The Ter- ritory of Hawaii)-----	3-26-35	XXII	53
	Supreme Court Decision-----	5-27-35	XXIII	383
507	Surgical Distributors Trade-----	8-24-34	XV	147
231	Surgical Dressings-----	1-27-34	V	485
	Approving extension of time within which to comply with condition of approval in the-----	2-15-34	VI	663
	Extending time for presenting plan for ad- justment of wages above the minimum for the — Industry-----	3- 8-34	VII	731
	Wages, Extension of time to present a plan for adjustment of — above the minimum-----	5-21-34	X	979
501	Surgical, Manufacturing and Wholesale ( <i>see also</i> Manufacturing and Wholesale Surgical)-----	8- 9-34	XV	57
	Suspended Walls and Arches Division. ( <i>See</i> Re- fractories.)			
94	Suspender, Garter, — and Belt Manufacturing ( <i>see also</i> Garter, Suspender and Belt Manufac- turing)-----	11- 4-33	II	471
	Swatter, Fly — Manufacturing ( <i>see also</i> Fabri- cated Metal Products Manufacturing and Metal Finishing and Metal Coating Appendix, No. 1)-----	9- 7-34	XVI	413
	Sweeping Compound Division. ( <i>See</i> Furniture and Floor Wax and Polish Amendment, No. 1.)			
14	Synthetic, Rayon and — Yarn Producing ( <i>see</i> <i>also</i> Rayon and Synthetic Yarn Producing)-----	8-26-33	I	223
	Table, Blown — Glassware Division. ( <i>See</i> American Glassware.)			
	Table Pad Division. ( <i>See</i> Light Sewing Indus- try Except Garments.)			
255	Table Oil Cloth-----	2- 2-34	VI	125
	Table Top Division. ( <i>See</i> Fabricated Metal Products Manufacturing and Metal Finishing, Metal Coating Supplement, No. 13.)			
190	Tablet, Paper Stationery and — Manufacturing ( <i>see also</i> Paper Stationery and Tablet Manufacturing)-----	12-30-33	IV	559
	Tack, Cut —, Wire Tack, and Small Staple Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finish- ing and Metal Coating Supplement, No. 40)-----	7- 6-34	XIII	495
	Tackle Block Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 11)-----	3-26-34	VIII	849
13	Tackle, Fishing ( <i>see also</i> Fishing Tackle)-----	8-19-33	I	217
249	Tag-----	2- 1-34	VI	53
	Amendment, No. 1-----	10-25-34	XVIII	351

Code No.	Industry	Date	Volume	Page
249	Tag—Continued.			
	Budget and expenditures rules stayed.....	5-16-35	XXIII	361
	Homework, Prohibiting.....	4-27-34	IV	940
	Homework provision of Code, Further stay of.....	6-19-34	XII	645
494	Tailoring, Merchant and Custom ( <i>see also</i> Merchant and Custom Tailoring).....	7-31-34	XIV	47
350	Tale and Soapstone.....	3-21-34	VIII	287
	Amendment, No. 1.....	11- 6-34	XVIII	557
439	Tank Car Service.....	5-22-34	X	315
	Expenses of Code Administration, Termination of exemption relevant to collection of.....	7-17-34	XIII	757
154	Tank, Metal ( <i>see also</i> Metal Tank).....	12-15-33	IV	47
	Tank, Non-Ferrous Hot Water — Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 14).....	4- 4-34	IX	775
374	Tanning Extract.....	3-29-34	IX	1
	Amendment, No. 1.....	10- 9-34	XVII	399
	Hour provisions, Stay pending amendment.....	6- 8-34	XI	818
441	Tape, Bias ( <i>see also</i> Bias Tape).....	5-23-34	X	343
328	Tapioca Dry Products.....	3-10-34	VII	593
	Amendment, No. 1.....	10-11-34	XVIII	155
	Hazardous occupations, Approving a list of.....	3-12-35	XXII	574
	Tariff, procedure to be followed for — relief under Section 3 (e) of the N. I. R. A.....	10-23-33	II	700
	Technical and Industrial Glassware Division. ( <i>See</i> American Glassware.)			
	Tennis ( <i>See</i> Athletic Goods Manufacturing.)			
	Terazzo and Mosaic Contracting ( <i>see also</i> Construction Supplement, No. 15).....	7-13-34	XIII	583
74	Terra Cotta Manufacturing.....	10-31-33	II	209
	Territorial, Approval of Administrator's — Cooperation Agreement ( <i>see also</i> Administrator's Territorial Cooperation Agreement).....	8-27-34	XVI	522
	Territories:			
	Agreements, Delegating authority to the Administrator to enter into — for.....	6-27-34	XII	612
	Can Manufacturing and Canning, Exemptions from Codes for — in the.....	7-23-34	XIV	563
	Exemptions and agreements and issuance of N. R. A. Insignia under Codes of Fair Competition in the.....	7- 2-34	XII	687
	Hawaii, Extending exemption from Codes of Fair Competition for.....	8-29-34	XVI	532
554	Territory, Graphic Arts Industry In The — of Hawaii ( <i>see also</i> Graphic Arts Industry In The Territory of Hawaii).....	3- 7-35	XXII	1
550	Territory, Manufacturing Industry In The — of Hawaii ( <i>see also</i> Manufacturing Industry In the Territory of Hawaii).....	2-14-35	XXI	105
553	Territory, Restaurant Trade in the — of Hawaii ( <i>see also</i> Restaurant Trade in the Territory of Hawaii).....	3- 5-35	XXI	153
525	Territory, Retail Trade in the — of Hawaii ( <i>see also</i> Retail Trade in the Territory of Hawaii).....	10-15-34	XVIII	1
556	Territory, Wholesale and Retail Automobile Sales, Supply, Repair, Maintenance and Service Industry In The — of Hawaii ( <i>see also</i> Wholesale and Retail Automobile Sales, Supply, Repair, Maintenance and Service Industry In The Territory of Hawaii).....	3-26-35	XXII	53

Code No.	Industry	Date	Volume	Page
	Text Book Publishing Division. ( <i>See Book Publishing.</i> )			
	Text, Play and Dramatic — Publishing Division. ( <i>See Book Publishing.</i> )			
	Textile and Hosiery Packing Manufacturers. ( <i>See Graphic Arts.</i> )			
	Textile, Asbestos — Products Division. ( <i>See Asbestos.</i> )			
27	Textile Bag	9-18-33	I	361
	Amendment, No. 1	12-23-33	IV	671
1	Textile, Cotton ( <i>See also Cotton Textile</i> )	7- 9-33	I	1
497	Textile Examining, Shrinking and Refinishing. By-Laws amended and Code members defined	8- 6-34	XV	1
	Textile Finishing, Temporarily placed under Cotton Textile Industry	11-24-34	XIX	601
	Textile Labor Relations Board, Creation of the	7-21-33	I	716
	Textile Machinery Manufacturing	9-26-34	XVII	459
35	Amendment, No. 1	10- 3-33	I	449
	Textile, Millinery and Dress Trimming Braid and Textile Planning Committee:	6- 1-34	XI	377
69	Appointing a	10-31-33	II	149
324	Textile Print Roller Engraving	5- 7-35	XXIII	328
	Amendment, No. 1	3- 8-34	VII	539
	Amendment, No. 2	7- 3-34	XII	387
235	Textile Processing	11-16-34	XIX	215
	Amendment, No. 1	1-30-34	V	539
	Amendment, No. 2	4-26-34	X	471
	Amendment, No. 3	7-27-34	XIV	187
	Cotton Rayon and Tubular Knit Goods Dyers and Finishers Division	8- 6-34	XV	181
	Cotton Yarn Dyers and Bleachers Division	8- 6-34	XV	181
	Cotton Yarn Glazers Division	8- 6-34	XV	181
	Cotton Yarn Mercerizers Division	8- 6-34	XV	181
	Cotton and Yarn Winders, Warpings and Slashers Division	8- 6-34	XV	181
	Hosiery Dyers Division	8- 6-34	XV	181
	Hosiery Finishers Division	8- 6-34	XV	181
	Novelty Yarn Twisters Division	8- 6-34	XV	181
	Rayon Yarn Dyers Division	8- 6-34	XV	181
	Rayon Yarn General Converters Division	8- 6-34	XV	181
	Rayon Yarn Straight Twisters Division	8- 6-34	XV	181
	Rayon Yarn Winders, Warpings, Slashers and Beamers Division	8- 6-34	XV	181
	Raw Stock and Top Dyers Division	8- 6-34	XV	181
	Woolen and Worsted Yarn Dyers Division	8- 6-34	XV	181
	Woolen and Worsted Woven Piece Goods Dyers and Finishers Division	8- 6-34	XV	181
	Woolen and Worsted Knitted Piece Goods Dyers and Finishers Division	8- 6-34	XV	181
	Amendment, No. 4	9-25-34	XVII	217
	Amendment, No. 5	10-31-34	XVIII	471
	Amendment, No. 6	1-14-35	XX	227
	Amendment, No. 7	3-21-35	XXII	227
48	Textile, Silk ( <i>see also Silk Textile</i> )	10- 7-33	I	587
267	Textile, Used — Bag ( <i>see also Used Textile Bag</i> )	2- 8-34	VI	295
380	Textile, Used — Machinery and Accessories Distributing Trade ( <i>see also Used Textile Machinery and Accessories Distributing Trade</i> )	4- 4-34	IX	81

Code No.	Industry	Date	Volume	Page
	Textile Waste Trade Division. ( <i>See Scrap Iron, Non-ferrous Scrap Metals and Waste Materials Trade.</i> )			
3	Textile, Wool ( <i>see also Wool Textile</i> )-----	7-26-33	I	33
348	Theatrical, Burlesque ( <i>see also Burlesque Theatrical</i> )-----	3-20-34	VIII	257
8	Theatrical, Legitimate Full Length Dramatic and Musical ( <i>see also Legitimate Full Length Dramatic and Musical Theatrical</i> )-----	8-16-33	I	81
	Thread. ( <i>See Cotton Textile.</i> )			
	Thread, Notion, — and Women's Garments Division. ( <i>See Wholesaling or Distributing Trade.</i> )			
256	Thread, Schiffli, the Hand Machine Embroidery, and the Embroidery — and Scallop Cutting ( <i>see also Schiffli, the Hand Machine Embroidery, and the Embroidery Thread and Scallop Cutting</i> )-----	2- 2-34	VI	133
	Thread, Temporary placing of Cotton — Industry under the Cotton Textile Industry-----	7-16-33	I	21
54	Throwing-----	10-11-33	I	643
	Amendment, No. 1-----	2- 2-34	VI	599
	Amendment, No. 2-----	4-19-34	X	413
	Amendment, No. 3-----	8- 1-34	XIV	249
	Temporary placing of — Industry under the Cotton Textile Industry-----	7-14-33	I	20
	Ticket and Coupon. ( <i>See Graphic Arts.</i> )			
	Tie, Railroad Cross — Division. ( <i>See Lumber and Timber Products Amendment, No. 6.</i> )			
	Tie, Railroad Cross — Division, Extending time to elect member of Administrative Agencies in the. ( <i>See Lumber and Timber Products</i> )			
150	Tile, Asphalt and Mastic ( <i>see also Asphalt and Mastic Tile</i> )-----	12- 7-33	III	617
389	Tile, Clay and Shale Roofing ( <i>see also Clay and Shale Roofing Tile</i> )-----	4- 6-34	IX	219
364	Tile, Clay Drain — Manufacturing ( <i>see also Clay Drain Tile Manufacturing</i> )-----	3-24-34	VIII	483
	Tile Contracting ( <i>see also Construction Supplement, No. 5</i> )-----	4- 2-34	IX	765
	Tile, Cork Floor — Manufacturers Division. ( <i>See Cork.</i> )			
92	Tile, Floor and Wall Clay — Manufacturing ( <i>see also Floor and Wall Clay Tile Manufacturing</i> )-----	11- 4-33	II	443
9	Timber, Lumber and — Products ( <i>see also Lumber and Timber Products</i> )-----	8-19-33	I	95
	Tire Manufacturers and Distributors, Agreement among-----	4-19-34	IX	882
410	Tire, Retail Rubber — and Battery Trade ( <i>see also Retail Rubber Tire and Battery Trade</i> )-----	5- 1-34	IX	519
174	Tire, Rubber — Manufacturing ( <i>see also Rubber Tire Manufacturing</i> )-----	12-21-33	IV	335
	Tire, Steel — Manufacturing ( <i>see also Machinery and Allied Products Supplement, No. 1</i> )-----	4-23-34	X	637
200	Tissue, Sanitary Napkin and Cleansing ( <i>see also Sanitary Napkin and Cleansing Tissue</i> )-----	1-12-34	V	59
549	Tobacco, Cigarette, Snuff, Chewing, and Smoking — Manufacturing ( <i>see also Cigarette, Snuff, Chewing, and Smoking Tobacco Manufacturing</i> )-----	2- 9-35	XXI	95
466	Tobacco, Retail — Trade ( <i>see also Retail Tobacco Trade</i> )-----	6-19-34	XII	35



Code No.	Industry	Date	Volume	Page
462	Tobacco, Wholesale — Trade ( <i>see also</i> Wholesale Tobacco Trade)-----	6- 9-34	XI	275
	Toes, Grain Insoles, Counters, Fox — and Heels. ( <i>See</i> Leather Amendment, No. 2.)-----			
	Toilet Brush Manufacturers' Division. ( <i>See</i> Brush Manufacturing.)-----			
361	Toilet Preparations, Perfume, Cosmetic and Other ( <i>see also</i> Perfume, Cosmetic and Other Toilet Preparations)-----	3-23-34	VIII	435
	Toiletware. ( <i>See</i> Silverware Manufacturing.)-----			
431	Toll Bridge-----	5-17-34	X	199
	Amendment, No. 1-----	12-20-34	XX	105
	Amendment, No. 2-----	5- 6-35	XXIII	71
	Tool, Cutlery, Manicure Implement and Painters and Paperhangers — Manufacturing and Assembling ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 10)-----	3-26-34	VIII	823
	Tool, Forged — Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 9)-----	3-24-34	VIII	811
	Tool and Implement Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 7)-----	3-15-34	VIII	747
139	Tool, Machine — and Equipment Distributing Trade ( <i>see also</i> Machine Tool and Equipment Distributing Trade)-----	11-27-33	III	485
103	Tool, Machine — and Forging Machinery ( <i>see also</i> Machine Tool and Forging Machinery)-----	11- 8-33	II	577
	Tool, Mine — Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Appendix No. 4)-----	1- 4-35	XX	327
	Tool, Pipe — Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 47)-----	8-23-34	XV	601
122	Tool, Special — Die and Machine Shop ( <i>see also</i> Special Tool Die and Machine Shop)-----	11-17-33	III	187
331	Toothpick, Bulk Drinking Straw, Wrapped Drinking Straw, Wrapped —, and Wrapped Manicure Stick ( <i>see also</i> Bulk Drinking Straw, Wrapped Drinking Straw, Wrapped Toothpick, and Wrapped Manicure Stick)-----	3-14-34	VIII	13
	Toothpick Division. ( <i>See</i> Wood Turning and Shaping.)-----			
	Topmakers Division. ( <i>See</i> Wool Textile Amendment, No. 1.)-----			
	Topography, Advertising. ( <i>See</i> Graphic Arts.)-----			
86	Toy and Playthings-----	11- 4-33	II	353
385	Track, Railroad Special — Equipment Manufacturing ( <i>see also</i> Railroad Special Track Equipment Manufacturing)-----	4- 6-34	IX	165
	Track. ( <i>See</i> Athletic Goods Manufacturing.)-----			
	Trade Binding and Paper Ruling. ( <i>See</i> Graphic Arts.)-----			
	Trade Lithographic Plate Making. ( <i>See</i> Graphic Arts.)-----			
	Trade Mounting and Finishing. ( <i>See</i> Graphic Arts.)-----			

Code No.	Industry	Date	Volume	Page
60	Trade, Retail and Retail Drug ( <i>see also</i> Retail and Retail Drug Trade)-----	10-21-33	II	27
	Trade Typesetting. ( <i>See</i> Graphic Arts.)			
471	Trailer Manufacturing-----	6-26-34	XII	131
	Amendment, No. 1-----	7-31-34	XIV	235
	Hazardous occupations, Approving a list of-----	9-19-34	XVII	477
	Transfer, Dry — Manufacturers. ( <i>See</i> Graphic Arts.)			
28	Transit-----	9-18-33	I	371
	Transmission, Power ( <i>see also</i> Machinery and Allied Products Supplement, No. 25)-----	7- 6-34	XIII	509
	Transpareny, Decalcomania and. ( <i>See</i> Graphic Arts.)			
382	Transparent Materials Converters-----	4- 4-34	IX	103
	Cellulose Ribbon Division-----	4- 4-34	IX	103
	Transparent Bag and Envelope Division-----	4- 4-34	IX	103
	Transparent Household Rolls Division-----	4- 4-34	IX	103
	Transparent Sheet and Roll Division-----	4- 4-34	IX	103
	Amendment, No. 1-----	1-11-35	XX	211
	Amendment, No. 2-----	2-14-35	XXI	355
111	Transport, Air ( <i>see also</i> Air Transport)-----	11-14-33	III	1
160	Trapping, Fur — Contractors ( <i>see also</i> Fur Trapping Contractors)-----	12-15-33	IV	151
517	Traveler, Ring — Manufacturing ( <i>see also</i> Ring Traveler Manufacturing)-----	9- 7-34	XVI	135
	Tread, Metal Safety — Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Appendix, No. 7)-----	2-15-35	XXI	487
212	Trimming, Drapery and Upholstery ( <i>see also</i> Drapery and Upholstery Trimming)-----	1-16-34	V	225
69	Trimming, Millinery and Dress — Braid and Textile ( <i>see also</i> Millinery and Dress Trimming Braid and Textile)-----	10-31-33	II	149
	Trimming, Woolen and — Garment Supplies Division. ( <i>See</i> Wholesaling or Distributing Trade.)			
	Trimmings, Woolens and — Distributing Trade. ( <i>See</i> Wholesaling or Distributing Trade Supplement, No. 14.)			
	Trout Farming, Eastern Section ( <i>see also</i> Fishery Supplement, No. 6)-----	7-25-34	XIV	345
	Truck, Caster and Floor — Manufacturing ( <i>see also</i> Machinery and Allied Products Supplement, No. 26)-----	7- 7-34	XIII	523
	Truck, Electric Industrial — Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 4)-----	1-31-34	V	751
	Truck, Gas-Powered Industrial — Manufacturing ( <i>see also</i> Machinery and Allied Products Supplement, No. 33)-----	7-21-34	XIII	683
	Truck, Lift — and Portable Elevator Manufacturing. ( <i>See</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement No. 36)-----	6-23-34	XII	461
278	Trucking-----	2-10-34	VI	431
	Amendment, No. 1-----	3-26-34	VIII	711
	Amendment, No. 2-----	9- 5-34	XVI	279
	Amendment, No. 3-----	9-12-34	XVI	365
	Amendment, No. 4-----	5- 6-35	XXIII	77
	Amendment, No. 5-----	5-11-35	XXIII	175

Code No.	Industry	Date	Volume	Page
278	Trucking—Continued.			
	Code Authorities, Extending time for elections of state — in California.....	7-27-34	XIV	578
	Code Authorities, Extending time for elections of state — in New Hampshire.....	7-27-34	XIV	579
	Elections, display insignia, file tariffs and register, Extending time to conduct.....	5-31-34	XI	807
	Extension, Approving — of certain time provisions.....	5- 1-34	IX	947
	Hours of labor, Interpretation regarding.....	5- 6-35	XXIII	324
	Jurisdictional adjudication with Household Goods Storage and Moving Trade.....	3- 8-35	XXII	566
	Mail, Granting exemption to certain members of the Industry operating under contracts with the U. S. Government for transporting.....	10-15-34	XVIII	629
	Public relief, Granting exemption from all provisions of code, except Registration, for members receiving.....	12- 8-34	XIX	640
	Registration and bills of lading, Drive-It-Yourself Industry exempted from provisions relevant to.....	3- 8-35	XXII	564
	Registration and Display of Insignia, Extending time for.....	7- 7-34	XIII	726
	Registration and election, Extending time for.....	6-18-34	XII	642
	Registration, Extending time for.....	6-30-34	XII	686
	Registration insignia, forms and other items, Approval of.....	2-27-35	XXI	639
	Registration requirements, Exemption from.....	11- 5-34	XVIII	697
	Vote, Granting permission to Members to — if registered between specified dates.....	7-28-34	XIV	580
	Wage scale, Interpretation relevant to.....	10-17-34	XVIII	644
	Wage scale, Making the base of operations the determining factor in determining the.....	10-17-34	XVIII	643
345	Tube, Collapsible ( <i>see also</i> Collapsible Tube).....	3-17-34	VIII	209
305	Tube, Fibre Can and ( <i>see also</i> Fibre Can and Tube).....	2-24-34	VII	285
250	Tube, Wire, Rod, and — Die ( <i>see also</i> Wire, Rod, and Tube Die).....	2- 1-34	VI	65
	Tubing, Flexible Metal Hose and — Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 33).....	5-24-34	XI	543
	Tubular Split and Outside Pronged Rivet Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 52).....	9-22-34	XVII	405
62	Tubular, Steel — and Firebox Boiler ( <i>see also</i> Steel Tubular and Firebox Boiler).....	10-23-33	II	57
	Tumbler, Automatic — Glassware Division. ( <i>See</i> American Glassware.)			
260	Turning, Ornamental Moulding, Carving and ( <i>see also</i> Ornamental Moulding, Carving and Turning).....	2- 5-34	VI	205
	Turning, Variety Wood — and Small Turned Wood Handles Division. ( <i>See</i> Wood Turning and Shaping.)			
383	Turning, Wood — and Shaping Industries ( <i>see also</i> Wood Turning and Shaping Industries).....	4- 4-34	IX	125
	Tuyeres, Sleeve, Nozzle, and Runner Brick and — Division. ( <i>See</i> Refractories.)			
	Twine and Cordage Division. ( <i>See</i> Wholesaling or Distributing Trade.)			

Code No.	Industry	Date	Volume	Page
303	Twine, Cordage and ( <i>see also</i> Cordage and Twine). Twine, Cordage and Wrapping — Division. ( <i>See</i> Cordage and Twine.) Twisted-in-Wire Manufacturers' Division. ( <i>See</i> Brush Manufacturing.) Twisters, Rayon Yarn Straight — Division. ( <i>See</i> Textile Processing Amendment, No. 3.) Typesetting Trade. ( <i>See</i> Graphic Arts.)	2-21-34	VII	257
386	Umbrella Frame and Umbrella Hardware Manu- facturing-----	4- 6-34	IX	179
	Amendment, No. 1-----	5-24-35	XXIII	209
	Code Authority, Extending time to elect-----	4-14-34	IX	919
	Contracts, Stay of Code provisions relevant to readjustment of existing-----	5-29-34	XI	804
	Homework, Termination of stay for-----	11-24-34	XIX	602
51	Umbrella Manufacturing-----	10- 9-33	I	613
	Amendment, No. 1-----	2- 2-34	VI	605
	Amendment, No. 2-----	7-27-34	XIV	191
	Amendment, No. 3-----	3- 6-35	XXII	91
408	Undergarment and Neglige-----	4-27-34	IX	491
	Amendment, No. 1-----	11- 7-34	XIX	97
	Amendment, No. 2-----	12-29-34	XX	143
	Competitive conditions, Extending time for the Committee to file reports on-----	6-20-34	XII	651
	Competitive conditions, Extension of time to report on-----	11- 7-34	XIX	545
	Competitive conditions, Further extension of time to report on-----	12-18-34	XIX	659
	Hours and wages, Granting limited stay of provisions relevant to-----	12-15-34	XIX	651
	Wages, Stay of provisions relevant to-----	7-13-34	XIII	750
	Wage study, Extending time to report on-----	8-31-34	XVI	547
	Undergarment, Cotton — and Sleeping Garment Division. ( <i>See</i> Cotton Garment Amendment, No. 5.)			
23	Underwear and Allied Products Manufacturing--	9-18-33	I	309
	Amendment, No. 1-----	3-16-34	VIII	639
	Amendment, No. 2-----	5-10-34	X	535
	Amendment, No. 3-----	6- 8-34	XI	425
	Amendment, No. 4-----	7-13-34	XIII	307
	Distress Merchandise, Extension of time to file plan for regulating the disposal of-----	4-26-34	IX	935
	Hours of labor for the production of Knitted Polo Shirts, Corresponding provisions granted to the Cotton Garment Industry relevant to-----	4-12-35	XXII	659
	Hours of labor for the production of Knitted Polo Shirts, Exemption for the Cotton Garment Code relevant to-----	4-12-35	XXII	661
	Hours of machine operation, Provisional exemption relevant to-----	4-23-35	XXIII	278
	Knit Elastic Fabric Group, Hours and wages, Modification of provisions relevant to — for-----	11-10-34	XIX	553
	Knit Elastic Group, Exemption for machine and employee hours in the-----	3-29-34	IX	887
	Machine operation, Partial termination of stay for hours of-----	5-14-34	X	966
	Price Provisions, Stay of code-----	8-22-34	XV	719
	Temporarily placed under Cotton Textile Industry-----	7-21-33	I	717
	Stay extended-----	10-20-33	II	697

Code No.	Industry	Date	Volume	Page
	Underwear, Hosiery and — Division. ( <i>See Wholesaleing or Distributing Trade Supplement, No. 8.</i> )			
272	Uniforms. ( <i>See Athletic Goods Manufacturing.</i> )			
	Unit Heater and/or Unit Ventilator Manufacturing	2-10-34	VI	355
	Amendment, No. 1	9-22-34	XVII	183
	Hazardous occupations, Approving a list of	10- 9-34	XVII	559
	Upholstery and Decorative Fabrics Trade ( <i>see also Wholesaleing or Distributing Trade Supplement, No. 1</i> )	3- 6-34	VI	687
125	Upholstery and Drapery Textile	11-27-33	III	259
	Amendment, No. 1	2- 6-35	XXI	281
	Extension of time, Further — for certain manufacturers to elect not to be bound under the Code of Fair Competition for the			
		12-11-33	IV	686
	Upholstery Division. ( <i>See Leather Amendment, No. 2.</i> )			
212	Upholstery, Drapery and — Trimming ( <i>see also Drapery and Upholstery Trimming</i> )	1-16-34	V	225
329	Upholstery Spring and Accessories	3-10-34	VII	605
	Amendment, No. 1	8- 4-34	XIV	317
	Price, Stay of provisions relevant to — filing and publication	4-27-34	IX	941
	Prices and terms of sale, Stay of provisions relevant to	5-22-35	XXIII	379
502	Upward-Acting Door	8-11-34	XV	71
542	Used Machinery and Equipment Distributing Trade	1-10-35	XX	59
267	Used Textile Bag	2- 8-34	VI	295
	Amendment, No. 1	8-29-34	XVI	207
	Hazardous occupations, Extension of time to file list of — for minors	3-23-34	VIII	873
380	Used Textile Machinery and Accessories Distributing Trade	4- 4-34	IX	81
	Amendment, No. 1	12-21-34	XX	115
	Hazardous occupations, Approving a list of	11-20-34	XIX	590
317	Vacuum Cleaner Manufacturing	3- 2-34	VII	449
	Budget and expenditure rules stayed	5-14-35	XXIII	357
	Cost Accounting, Extending time to file — system	4-17-34	IX	921
376	Valve, Air ( <i>see also Air Valve</i> )	3-31-34	IX	25
153	Valve and Fittings Manufacturing	12-15-33	IV	29
508	Valves, Industry of Wholesale Plumbing Products, Heating Products and/or Distributing Pipe, Fittings and ( <i>see also Industry of Wholesale Plumbing Products, Heating Products and/or Distributing Pipe, Fittings, and Valves</i> )	8-25-34	XV	163
	Valves, Refrigeration — and Fittings Manufacturing ( <i>see also Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 51</i> )	9- 6-34	XVI	479
	Vanilla Bean Division. ( <i>See Natural Organic Products.</i> )			
	Varnish, Paint and — Brush Manufacturers' Division. ( <i>See Brush Manufacturing.</i> )			
71	Varnish, Paint — and Lacquer Manufacturing ( <i>see also Paint, Varnish, and Lacquer Manufacturing</i> )	10-31-33	II	169
	Varnish, Wholesale Paint, — Lacquer, Allied and Kindred Products Trade ( <i>see also Wholesaleing or Distributing Trade Supplement, No. 18</i> )	8- 4-34	XIV	547

Code No.	Industry	Date	Volume	Page
411	Vault, Bank and Security — Manufacturing ( <i>see also</i> Bank and Security Vault Manufacturing) ..	5- 1-34	IX	539
461	Vegetable Ivory Button Manufacturing .....	6- 9-34	XI	263
	Swatch Matching Service, Staying provisions relevant to .....	3-19-35	XXII	588
486	Vehicle Body, Commercial ( <i>see also</i> Commercial Vehicle Body) .....	7-16-34	XIII	159
543	Vehicle, Motor — Maintenance Trade ( <i>see also</i> Motor Vehicle Maintenance Trade) .....	1-18-35	XX	73
46	Vehicle, Motor — Retailing Trade ( <i>see also</i> Motor Vehicle Retail Trade) .....	10- 3-33	I	563
147	Vehicle, Motor — Storage and Parking Trade ( <i>see also</i> Motor Vehicle Storage and Parking Trade) .....	12- 7-33	III	577
188	Velvet .....	12-30-33	IV	539
	Amendment, No. 1 .....	7- 5-34	XII	399
	Veneer Division. ( <i>See</i> Lumber and Timber Products.) .....			
229	Venetian Blind .....	1-24-34	V	447
	Amendment, No. 1 .....	3-23-35	XXII	245
	Hazardous occupations, Approving a list of .....	2-13-35	XXI	607
272	Ventilator, Unit Heater and/or Unit — Manufacturing ( <i>see also</i> Unit Heater and/or Unit Ventilator Manufacturing) .....	2-10-34	VI	355
	Violations, Prohibiting dismissal of employees for reporting alleged — of Codes of Fair Competition .....	5-15-34	X	949
	Vise Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 50) .....	9- 1-34	XVI	465
	Visible Filing Equipment Division. ( <i>See</i> Business Furniture, Storage Equipment and Filing Supply.) .....			
	Vitreous China Plumbing Fixtures Division. ( <i>See</i> Plumbing Fixtures.) .....			
136	Vitrified Clay Sewer Pipe Manufacturing .....	11-27-33	III	445
	Vitreous Enameled Ware Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 43) .....	7-22-34	XIII	709
	Volley Ball. ( <i>See</i> Athletic Goods Manufacturing.) .....			
395	Wadding .....	4-19-34	IX	297
	Wages and hours under various codes, Interpretation of temporary interruptions in work beyond the control of employee as affecting maximum .....	12-17-34	XIX	652
92	Wall, Floor and — Clay Tile ( <i>see also</i> Floor and Wall Clay Tile) .....	11- 4-33	II	443
	Wall Paper Division. ( <i>See</i> Wholesaling or Distributing Trade.) .....			
19	Wall Paper Manufacturing .....	9- 7-33	I	267
	Amendment, No. 1 .....	12-30-33	IV	677
	Amendment, No. 2 .....	8-24-34	XV	455
	Exemption from corresponding provisions of Graphic Arts .....	12-14-34	XIX	648
	Exemption from corresponding provisions of Graphic Arts, Modification of previous order allowing .....	1-22-35	XX	472
	Exemption from corresponding provisions of Graphic Arts stayed .....	12-31-34	XX	423
	Hours and wages, Temporary modification of provisions relevant to .....	12-18-34	XIX	660

Code No.	Industry	Date	Volume	Page
	Wall Structure, Metallic — Industrial Subdivision ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 1)-----	1-10-34	V	703
326	Wallboard, Fibre ( <i>see also</i> Fibre Wallboard)-----	3-10-34	VII	565
	Wallpaper, Wholesale — Trade ( <i>see also</i> Wholesale or Distributing Trade)-----	3-16-34	VIII	771
	Walls, Suspended — and Arches Division. ( <i>See</i> Refractories.)			
	Ware, Galvanized — Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 27)-----	5-17-34	XI	441
232	Warehousing, Merchandise — Trade ( <i>see also</i> Merchandise Warehousing Trade)-----	1-27-34	V	495
499	Warehousing, Refrigerated ( <i>see also</i> Refrigerated Warehousing)	8- 8-34	XV	25
478	Warehousing, Secondary Steel Products — Trade ( <i>see also</i> Secondary Steel Products Warehousing Trade)-----	7-10-34	XIII	19
137	Warm Air Furnace Manufacturing-----	11-27-33	III	461
	Amendment, No. 1-----	4-30-34	X	507
	Amendment, No. 2-----	6-27-34	XII	331
	Amendment, No. 3-----	11-19-34	XIX	227
	Code Administration, Termination of exemption for collection of expenses of-----	7-24-34	XIV	566
	Warm Air Pipe and Fittings Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 31)-----	5-18-34	XI	501
472	Warm Air Register-----	6-28-34	XII	145
	Amendment, No. 1-----	10- 6-34	XVII	357
	Amendment, No. 2-----	1- 7-35	XX	171
	Warpers, Cotton and Yarn Winders, — and Slashers Division. ( <i>See</i> Textile Processing Amendment, No. 3.)			
	Warps, Cotton — Division. ( <i>See</i> Wool Textile Amendment, No. 1.)			
	Wash Goods Division. ( <i>See</i> Cotton Textile Supplement, No. 1.)			
93	Washing and Ironing Machine Manufacturing... Amendment, No. 1----- Amendment, No. 2----- Amendment, No. 3----- Amendment, No. 4----- Code Administration, Termination of exemption relevant to collection of expenses of----- Price quotation, Stay of provisions for-----	11- 4-33 4-19-34 6- 2-34 6-22-34 2-21-35 8- 2-34 5-16-34	II X XI XII XXI XIV X	461 419 387 277 417 600 974
	Washing Machine Parts Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 29)-----	5-17-34	XI	469
149	Waste, Machined — Manufacturing ( <i>see also</i> Machined Waste Manufacturing)-----	12- 7-33	III	607
	Waste Paper Trade ( <i>see also</i> Scrap Iron, Nonferrous Scrap Metals and Waste Materials Trade Supplement, No. 1)-----	7-12-34	XIII	575
330	Waste, Scrap Iron, Nonferrous Scrap Metals and — Materials Trade ( <i>see also</i> Scrap Iron, Nonferrous Scrap Metals and Waste Materials Trade)-----	3-12-34	VIII	1
510	Watch, Assembled ( <i>see also</i> Assembled Watch)-----	8-27-34	XVI	21

Code No.	Industry	Date	Volume	Page
178	Watch Case Manufacturing-----	12-23-33	IV	403
	Amendment, No. 1-----	10-17-34	XVIII	219
	Amendment, No. 2-----	1- 8-35	XX	183
	Unstamped watch cases may be sold, Extension of time during which-----	7-31-34	XIV	589
266	Water Carrier, Inland — Trade in the Eastern Division of the United States Operating Via the New York Canal System (see also Inland Water Carrier Trade in the Eastern Division of the United States Operating Via the New York Canal System)-----	2- 6-34	VI	281
	Water Heater, Automobile Hot — Manufacturing (see also Automotive Parts and Equipment Manufacturing Supplement, No. 1)-----	6-25-34	XII	475
	Water Meter Manufacturing (see also Machinery and Allied Products Supplement, No. 8)-----	5-16-34	X	935
	Water Polo. (See Athletic Goods Manufacturing.)-----			
	Water Softener and Filter (see also Machinery and Allied Products Supplement, No. 28)-----	7- 9-34	XIII	547
	Water Soluble Gum Division. (See Natural Organic Products.)-----			
	Waterpower Equipment (see also Machinery and Allied Products Supplement, No. 13)-----	6- 7-34	XI	665
295	Waterproof Paper-----	2-17-34	VII	163
	Amendment, No. 1-----	10-16-34	XVIII	209
342	Waterproof Specialties, Sanitary and — Manufacturing (see also Sanitary and Waterproof Specialties Manufacturing)-----	3-17-34	VIII	169
140	Waterproofing, Dampproofing, Caulking Compounds and Concrete Floor Treatments Manufacturing-----	11-27-33	III	497
	Amendment, No. 1-----	8-28-34	XVI	185
224	Wax, Furniture and Floor — and Polish (see also Furniture and Floor Wax and Polish)-----	1-23-34	V	381
166	Waxed Paper-----	12-18-33	IV	233
	Amendment, No. 1-----	10-23-34	XVIII	309
	Hazardous occupations, Approving a list of-----	4- 8-35	XXII	647
	Wear Buttons, Men's — Division. (See Wholesale or Distributing Trade.)-----			
	Weaving, Temporary placing of Rayon — Industry under the Cotton Textile Industry-----	7-14-33	I	19
	Welting Division. (See Leather Amendment, No. 2.)-----			
488	Welt Manufacturing-----	7-20-34	XIII	191
	Wet Ground Mica Division. (See Mica.)-----			
227	Wet Mop Manufacturing-----	1-23-34	V	425
	Amendment, No. 1-----	7-29-34	XIII	465
96	Wheel, Buff and Polishing (see also Buff and Polishing Wheel)-----	11- 4-33	II	491
292	Wheel, Chilled Car (see also Chilled Car Wheel)-----	2-17-34	VII	129
170	Wheel, Grinding (see also Grinding Wheel)-----	12-21-33	IV	287
	Wheel and Rim Manufacturing (see also Automotive Parts and Equipment Manufacturing Supplement, No. 4)-----	10-24-34	XVIII	573
	Wholesale, Alcoholic Beverage (Labor Provisions)-----	5-22-34	X	601
163	Wholesale Automotive Trade-----	12-18-33	IV	185
	Amendment, No. 1-----	7-14-34	XIII	319
314	Wholesale Coal-----	3- 1-34	VII	409
	Amendment, No. 1-----	7-20-34	XIII	469
	Bids, Staying application of Order relevant to — Rendered to governmental agencies-----	6-27-34	XII	665



Code No.	Industry	Date	Volume	Page
314	Wholesale Coal—Continued.			
	Bituminous Coal Sales, Committee established to effect rules relevant to.....	3- 4-35	XXI	647
	Code Authorities, Appointment of Administration Members on Coordination Boards of the Several.....	6-21-34	XII	655
	Sales to hospitals, Disallowing special exemptions for.....	5-28-34	XI	791
458	Wholesale Confectioners'.....	6- 6-34	XI	205
	Amendment, No. 1.....	7-17-34	XIII	381
	Amendment, No. 2.....	10- 8-34	XVII	375
	Distribution of Merchandise, Extending stay of Article VIII, Rule 21 covering.....	6-21-34	XII	657
	Sabbath, Allowing optional day of observance.....	9- 6-34	XVI	561
	Sale, Approval of plan to govern — of "Distressed Candy".....	8-11-34	XV	660
	Trade Practice Provision, Extension of stay for one.....	7-23-34	XIV	565
	Wholesale Dry Goods Trade ( <i>see also</i> Wholesaling or Distributing Trade Supplement, No. 8).....	5-14-34	X	885
	Wholesale, Electrical — Trade ( <i>see also</i> Wholesaling or Distributing Trade Supplement, No. 20).....	8-13-34	XV	525
	Wholesale Embroidery Trade ( <i>see also</i> Wholesaling or Distributing Trade Supplement, No. 23).....	8-24-34	XV	615
186	Wholesale Food and Grocery Trade.....	1- 4-34	V	1
	Amendment, No. 1.....	4- 4-34	IX	693
	Amendment, No. 2.....	8- 2-34	XIV	293
	Amendment, No. 3.....	11-23-34	XIX	257
	Assessments, Stay of application of general order relevant to distributing trades.....	2-12-35	XXI	605
	Labor Provisions.....	11-15-33	III	645
	Loss limitations provisions:			
	Further stay of an amendment relevant to.....	5- 8-35	XXIII	331
	Stay of an amendment relevant to.....	12-22-34	XX	411
	Stay extended.....	2- 5-35	XXI	586
	Stay extended.....	3- 8-35	XXII	568
	Prices allowed for wages of labor, Stay of quotations to governmental agencies.....	9- 5-34	XVI	558
	Transportation charges, Stay for method of computing.....	5-25-34	X	985
	Wages of labor, Approving allowance for actual.....	3-21-34	VIII	872
	Wholesale Hardware Trade ( <i>see also</i> Wholesaling or Distributing Trade Supplement, No. 17).....	7-30-34	XIV	451
508	Wholesale, Industry of — Plumbing Products, Heating Products and/or Distributing Pipe, Fittings and Valves ( <i>see also</i> Industry of Wholesale Plumbing Products, Heating Products and/or Distributing Pipe, Fittings and Valves).....	8-25-34	XV	163
	Wholesale Jewelry Trade ( <i>see also</i> Wholesaling or Distributing Trade Supplement, No. 22).....	8-21-34	XV	569
	Wholesale Lobster ( <i>see also</i> Fishery Supplement, No. 2).....	4-13-34	IX	823
	Wholesale, Local — Bakers' Division. ( <i>See</i> Baking.).....			
501	Wholesale, Manufacturing and — Surgical ( <i>see also</i> Manufacturing and Wholesale Surgical).....	8- 9-34	XV	57
	Wholesale Millinery Trade ( <i>see also</i> Wholesaling or Distributing Trade Supplement, No. 3).....	4-16-34	IX	843

Code No.	Industry	Date	Volume	Page
449	Wholesale Monumental Granite.....	5-31-34	XI	79
	Amendment, No. 1.....	10-27-34	XVIII	393
	Amendment, No. 2.....	1-29-35	XXI	195
	Hazardous occupations, Approving a list of..	10-11-34	XVIII	619
	Price lists, Extending time to file.....	7- 5-34	XII	695
	Price lists, Granting application for extension of time within which to file.....	10-15-34	XVIII	630
484	Wholesale Monumental Marble.....	7-14-34	XIII	131
	Hazardous occupations, Approving a list of..	2-20-35	XXI	620
448	Wholesale, Optical — Industry and Trade ( <i>see also Optical Wholesale Industry and Trade</i> )..	5-31-34	XI	61
	Wholesale Paint, Varnish, Lacquer, Allied and Kindred Products Trade ( <i>see also Wholesaling or Distributing Trade Supplement, No. 18</i> )..	8- 4-34	XIV	547
556	Wholesale and Retail Automobile Sales, Supply, Repair, Maintenance and Service Industry in the Territory of Hawaii.....	3-26-35	XXII	53
	Wholesale Stationery Trade ( <i>see also Wholesaling or Distributing Trade Supplement, No. 6</i> )..	4-21-34	X	621
462	Wholesale Tobacco Trade.....	6- 9-34	XI	275
	Amendment, No. 1.....	9- 5-34	XVI	283
	Emergency price computation, Continuing previous order establishing basis of.....	4-29-35	XXIII	296
	Prices, Determination of basis for fixing minimum.....	7-12-34	XIII	748
	Amendment.....	9-15-34	XVI	585
	Extension.....	10-10-34	XVIII	612
	Extension.....	1- 9-35	XX	445
	Extension.....	1-24-35	XXI	555
	Extension.....	3-29-35	XXII	613
	Prices and discounts, Terminating provisions of the cigar merchandising plan relevant to Sabbath, Allowing optional day for observance	9-11-34	XVI	577
	Wholesale Wallpaper Trade ( <i>see also Wholesaling or Distributing Trade Supplement, No. 2</i> )..	8-28-34	XVI	531
	Wholesalers', Button Jobbers' or — Trade. ( <i>see also Wholesaling or Distributing Trade Supplement, No. 15</i> ).....	3-16-34	VIII	771
201	Wholesaling or Distributing Trade.....	7-26-34	XIV	369
	Beauty and Barber Supplies Division.....	1-12-34	V	69
	Buttons Division.....	1-12-34	V	69
	Buttons Division.....	1-12-34	V	69
	Charcoal and Packaged Fuel Division.....	1-12-34	V	69
	Cycle Jobbers Division.....	1-12-34	V	69
	Dry Goods Division.....	1-12-34	V	69
	Electrical Supplies Division.....	1-12-34	V	69
	Embroidery and Lace Division.....	1-12-34	V	69
	Floor Covering Division.....	1-12-34	V	69
	Furriers' Supplies Division.....	1-12-34	V	69
	Hardware Division.....	1-12-34	V	69
	Hats and Caps Division.....	1-12-34	V	69
	Jewelry Division.....	1-12-34	V	69
	Men's Novelty Jewelry Division.....	1-12-34	V	69
	Men's Wear Buttons Division.....	1-12-34	V	69
	Notion, Thread and Women's Garments Division.....	1-12-34	V	69
	Radio Division.....	1-12-34	V	69
	School Supplies Division.....	1-12-34	V	69
	Sheet Metal Division.....	1-12-34	V	69
	Silverware Division.....	1-12-34	V	69
	Supplies Division.....	1-12-34	V	69
	Twine and Cordage Division.....	1-12-34	V	69

Code No.	Industry	Date	Volume	Page
201	Wholesaling or Distributing Trade—Continued.			
	Upholstery and Decorative Fabrics Division.....	1-12-34	V	69
	Wall Paper Division.....	1-12-34	V	69
	Woolen and Trimming Garment Supplies Division.....	1-12-34	V	69
	Amendment, No. 1.....	10-26-34	XVIII	371
	Reports, Granting authority to secure divisional.....	4-27-35	XXIII	291
	Supplement, No. 1 for Upholstery and Decorative Fabrics Trade.....	3- 6-34	VII	687
	Amendment, No. 1.....	10- 3-34	XVII	319
	Supplement, No. 2 for Wholesale Wallpaper Trade.....	3-16-34	VIII	771
	Amendment, No. 1.....	5-10-34	X	543
	Amendment, No. 2.....	8-27-34	XVI	165
	Amendment, No. 3.....	4-19-35	XXII	471
	Supplement, No. 3 for Commercial Stationery and Office Outfitting Trade.....	3-16-34	VIII	761
	Amendment, No. 1.....	5- 6-35	XXIII	59
	Selling, Approval for Open Price Plan of.....	3- 2-35	XXI	642
	Supplement, No. 4 for Beauty and Barber Equipment and Supplies Trade.....	4- 4-34	IX	803
	Amendment, No. 1.....	8-31-34	XVI	225
	Amendment, No. 2.....	1- 9-35	XX	187
	Reports, Granting authority to secure divisional.....	4-27-35	XXIII	291
	Supplement, No. 5 for Wholesale Millinery Trade.....	4-16-34	IX	843
	Amendment, No. 1.....	8-30-34	XVI	215
	Supplement, No. 6 for Wholesale Stationery Trade.....	4-21-34	X	621
	Amendment, No. 1.....	9-10-34	XVI	333
	Amendment, No. 2.....	1-14-35	XX	231
	Supplement, No. 7 for Radio Wholesaling Trade.....	4-21-34	X	611
	Amendment, No. 1.....	9- 1-34	XVI	265
	Amendment, No. 2.....	9-13-34	XVI	383
	Supplement, No. 8 for Wholesale Dry Goods Trade.....	5-14-34	X	885
	Hosiery and Underwear Division.....	5-14-34	X	885
	House Furnishings Division.....	5-14-34	X	885
	Knitted Outerwear Division.....	5-14-34	X	885
	Men's Furnishings Division.....	5-14-34	X	885
	Notions Division.....	5-14-34	X	885
	Piece Goods Division.....	5-14-34	X	885
	Ready-to-wear Division.....	5-14-34	X	885
	Amendment, No. 1.....	9-14-34	XVI	409
	Supplement, No. 9 for Leather and Shoe Findings Trade.....	5-17-34	XI	493
	Amendment, No. 1.....	9-27-34	XVII	253
	Supplement, No. 10 for Furriers Supplies Trade.....	6- 2-34	XI	609
	Supplement, No. 11 for Fur Wholesaling and Distributing Trade.....	6- 9-34	XI	737
	Amendment, No. 1.....	10-27-34	XVIII	385
	Supplement, No. 12 for School Supplies and Equipment Trade.....	7- 5-34	XII	599
	Supplement, No. 13 for Athletic Goods Distributing Trade.....	7-17-34	XIII	619
	Homework provisions, Extending the operation of specified code provisions relevant to.....	10-31-34	XVIII	684

Code No.	Industry	Date	Volume	Page
201	Wholesaling or Distributing Trade—Continued.			
	Supplement, No. 14 for Wooleens and Trimmings Distributing Trade	7-23-34	XIV	321
	Supplement, No. 15 for Button Jobbers' or Wholesalers' Trade	7-26-34	XIV	369
	Men's Wear Division	7-26-34	XIV	369
	Women's Wear Division	7-26-34	XIV	369
	Book inspection provisions stayed	5-17-35	XXIII	363
	Supplement, No. 16 for Sheet Metal Distributing Trade	7-27-34	XIV	381
	Amendment, No. 1	2-18-35	XXI	393
	Supplement, No. 17 for Wholesale Hardware Trade	7-30-34	XIV	451
	Exemption, Terminating — for members from the Industry of Wholesaling Plumbing Products, Heating Products and/or Distributing Pipe, Fittings, and Valves	10-23-34	XVIII	659
	Supplement, No. 18 for Wholesale Paint, Varnish, Lacquer, Allied and Kindred Products Trade	8- 4-34	XIV	547
	Free Goods, Changing approval restrictions from Returnable Goods to	11-30-34	XIX	614
	Supplement, No. 19 for Charcoal and Package Fuel Distributing Trade	8- 7-34	XV	473
	Supplement, No. 20 for Electrical Wholesale Trade	8-13-34	XV	525
	Amendment, No. 1	3-14-35	XXII	151
	Supplement, No. 21 for Copper, Brass, Bronze and Related Alloys Trade	8-13-34	XV	511
	Supplement, No. 22 for Wholesale Jewelry Trade	8-21-34	XV	569
	Terms, Exempting Assembled Watch members from their code provisions subject to compliance with	10-29-34	XVIII	674
	Supplement, No. 23 for Wholesale Embroidery Trade	8-24-34	XV	615
	Wholesaling, Fur — and Distributing Trade ( <i>see also</i> Wholesaling or Distributing Trade Supplement, No. 11)	6- 9-34	XI	737
	Wholesaling, Middle Atlantic Preparing and Wholesaling or ( <i>see also</i> Fishery Supplement, No. 10)	3- 8-35	XXII	495
	Wholesaling, Midwest Fish and Shellfish Preparing or ( <i>see also</i> Fishery Supplement, No. 9)	2-20-35	XXI	537
	Wholesaling, New England Fish and Shellfish Preparing and Wholesaling or ( <i>see also</i> Fishery Supplement, No. 7)	9- 8-34	XVI	493
	Wholly or Semi-Hand Made Bag Division. ( <i>See Paper Bag Manufacturing.</i> )			
	Wide Bed Sheeting. ( <i>See Cotton Textile.</i> )			
	Winders, Cotton and Yarn — Warpings and Slashers Division. ( <i>See Textile Processing Amendment, No. 3.</i> )			
	Window Face Bag Division. ( <i>See Paper Bag Manufacturing.</i> )			
533	Window Glass Manufacturing	11-22-34	XIX	13
205	Window, Metal ( <i>see also</i> Metal Window)	1-13-34	V	133
	Wine (Labor Provision)	8-18-34	XV	459
298	Wiping Cloth	2-17-34	VII	199
	Amendment, No. 1	9- 9-34	XVI	323
	Wages, Extending time for submission of a plan to adjust — above the minimum	3-26-34	VIII	877

Code No.	Industry	Date	Volume	Page
	Wire, Architectural, Ornamental, and Miscellaneous Iron, Bronze, — and Metal Specialties Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 55)-----	11-20-34	XIX	479
	Wire, Bright — Goods Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 21)-----	5- 7-34	X	781
	Wire Brush Manufacturers' Division. ( <i>See</i> Brush Manufacturing.)			
	Wire and Cable Subdivision. ( <i>See</i> Electrical Manufacturing.)			
	Wire, Complete — and Iron Fence ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 38)-----	7- 3-34	XII	545
32	Wire Covering, Knitting, Braiding and — Machine ( <i>see also</i> Knitting, Braiding and Wire Covering Machine)-----	10- 3-33	I	411
	Wire, Industrial — Cloth Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Appendix, No. 5)-----	2- 8-35	XXI	469
	Wire Machinery ( <i>see also</i> Machinery and Allied Products Supplement, No. 5)	5- 9-34	X	807
	Wire, Pulp and Paper Mill — Cloth Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 44)-----	7-30-34	XIV	421
	Wire Reinforcement ( <i>see also</i> Iron and Steel Consolidation, No. 1)	8-13-34	XVI	419
250	Wire, Rod, and Tube Die-----	2- 1-34	VI	65
	Amendment, No. 1-----	10- 6-34	XVII	361
	Amendment, No. 2-----	1-16-35	XX	281
	Wire Rope and Strand Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 34)-----	5-24-34	XI	557
	Wire Tack, Cut Tack, —, and Small Staple Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 40)-----	7- 6-34	XIII	495
	Wiring Device ( <i>see also</i> Electrical Manufacturing Supplement, No. 3)-----	1-15-35	XX	389
251	Witch Hazel-----	2- 1-34	VI	75
	Hazardous occupations, Approving a list of-----	11-21-34	XIX	591
41	Women's Belt-----	10- 3-33	I	511
	Amendment, No. 1-----	3-24-34	VIII	705
	Amendment, No. 2-----	12-29-34	XX	147
	Amendment, No. 3-----	2- 8-35	XXI	305
	Overtime, Permitting — under certain conditions for the — Industry-----	3- 6-34	VII	730
	Overtime work, Provisional approval of-----	4- 3-35	XXII	634
	Women's Garments, Notion, Thread and — Division. ( <i>See</i> Wholesaling or Distributing Trade.)			
538	Women's Neckwear and Scarf Manufacturing-----	12-19-34	XIX	79
	Budget and expenditure rules stayed-----	5-16-35	XXIII	362
	Wages, Stay of provisions relevant to-----	2-26-35	XXI	635
	Women's Wear, Carded — Division. ( <i>See</i> Wool Textile Amendment, No. 1.)			

Code No.	Industry	Date	Volume	Page
	Women's Wear Division. ( <i>See</i> Wholesaling or Distributing Trade Supplement, No. 15.)			
	Women's Wear, Worsted — Division. ( <i>See</i> Wool Textile Amendment, No. 1.)			
291	Wood Cased Lead Pencil Manufacturing.....	2-17-34	VII	109
	Price and Marketing Terms, Temporary stay of.....	11-24-34	XIX	603
	Price and Marketing Terms, Temporary stay extended for.....	3- 6-35	XXII	560
	Simplification and Standardization Schedule, Approval of.....	8-18-34	XV	674
186	Wood, End Grain Strip — Block ( <i>see also</i> End Grain Strip Wood Block).....	12-30-33	IV	511
473	Wood Fabric Shade, Woven ( <i>see also</i> Woven Wood Fabric Shade).....	6-28-34	XII	161
	Wood Floor Contracting ( <i>see also</i> Construction Supplement, No. 11).....	5-29-34	XI	583
270	Wood Heel.....	2- 9-34	VI	329
	Amendment, No. 1.....	8- 1-34	XIV	253
	Open prices, Temporary stay of provisions relevant to.....	12-18-34	XIX	661
221	Wood, Metal Hat Die and — Hat Block ( <i>see also</i> Metal Hat Die and Wood Hat Block).....	1-23-34	V	347
115	Wood Plug.....	11-14-33	III	47
	Amendment, No. 1.....	10-20-34	XVIII	265
	Amendment, No. 2.....	11- 7-34	XIX	101
	Hazardous occupations, Approving a list of.....	9-27-34	XVII	522
481	Wood Preserving.....	7-13-34	XIII	85
	Wood Screw Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 24).....	5-10-34	X	843
	Wood, Specialty — Flooring Division. ( <i>See</i> Lumber and Timber Products Amendment, No. 9.)			
383	Wood Turning and Shaping Industries.....	4- 4-34	IX	125
	Brush Handle and Brush Block Division.....	4- 4-34	IX	153
	Candy Stiek Division.....	4- 4-34	IX	147
	Clothespin Division.....	4- 4-34	IX	145
	Flat and Shaped Products Division.....	4- 4-34	IX	149
	Skewer Division.....	4- 4-34	IX	151
	Spool Division.....	4- 4-34	IX	144
	Toothpick Division.....	4- 4-34	IX	150
	Variety Wood Turning and Small Turned Wood Handles Division.....	4- 4-34	IX	142
	Amendment, No. 1.....	10-19-34	XVIII	261
	Clothespin Division, Extending time for the — to file prices.....	5-11-34	X	963
	Clothespin Division, Extending time to file prices for the.....	6-27-34	XII	674
	Hazardous occupations, Approving a list of.....	10- 9-34	XVII	560
	Supplement, No. 1, for Dowel.....	8-20-34	XV	549
338	Wooden Insulator Pin and Bracket Manufacturing.....	3-16-34	VIII	115
	Amendment, No. 1.....	11-12-34	XIX	177
	Hazardous occupations, Approving a list of.....	1-31-35	XXI	571
	Wooden Pail and Tub Subdivision. ( <i>See</i> Lumber and Timber Products Amendment, No. 18.)			
	Woodwork Division. ( <i>See</i> Lumber and Timber Products.)			
	Woodworking Machinery ( <i>see also</i> Machinery and Allied Products Supplement, No. 6).....	5-14-34	X	855

Code No.	Industry	Date	Volume	Page
143	Wool Felt Manufacturing-----	11-27-33	III	535
	Amendment, No. 1-----	11-30-34	XIX	307
	Export sales, Exemption relevant to-----	3- 7-35	XXII	561
	Hazardous occupations, Approval of a list of Occupations, Classification of hazardous — in the — Industry-----	10-29-34	XVIII	681
	Wool, Reworked — Division. (See Wool Textile Amendment, No. 1.)-----	3- 2-34	VII	724
321	Wool, Rock and Slag — Manufacturing (see also Rock and Slag Wool Manufacturing)-----	3- 6-34	VII	497
	Wool Scourers and Carbonizers Division. (See Wool Textile Amendment, No. 1.)-----			
313	Wool, Steel (see also Steel Wool)-----	2-28-34	VII	397
	Wool Stock Trade Division. (See Scrap Iron, Nonferrous Scrap Metals and Waste Mate- rials Trade.)-----			
3	Wool Textile-----	7-26-33	I	33
	Amendment, No. 1-----	1-23-34	V	679
	Blankets Division-----	1-23-34	V	679
	Carded Men's Wear Division-----	1-23-34	V	679
	Carded Spinner Division-----	1-23-34	V	679
	Carded Women's Wear Division-----	1-23-34	V	679
	Combers Division-----	1-23-34	V	679
	Cotton Warps Division-----	1-23-34	V	679
	Knitted Woolen Goods Division-----	1-23-34	V	679
	Piece Goods Selling Division-----	1-23-34	V	679
	Reworked Wool Division-----	1-23-34	V	679
	Topmakers Division-----	1-23-34	V	679
	Wool Scourers and Carbonizers Divi- sion-----	1-23-34	V	679
	Worsted Men's Wear Division-----	1-23-34	V	679
	Worsted Spinners, Bradford System, Division-----	1-23-34	V	679
	Worsted Spinners, French System, Division-----	1-23-34	V	679
	Worsted Women's Wear Division-----	1-23-34	V	679
	Amendment, No. 2-----	3- 6-34	VIII	715
	Amendment, No. 3-----	10-27-34	XVIII	397
	Export Sales, Exemption from Practice and Merchandising rules for the Piece Goods Selling Division for-----	7- 5-34	XII	696
	Labor Controversies, Administration of-----	6-28-34	XII	680
	Piece Goods Selling Division, Granting partial exemption from certain provisions of Trade Practices-----	9-18-34	XVII	473
	Practice and Merchandising, Approving rules of-----	3-27-34	VIII	878
	Practice and Merchandising Rules, Ap- proving an amendment to the-----	5-13-35	XXIII	350
	Productive Machinery, Stay of limitation on use of-----	7-11-34	XIII	744
	Sales Yarn Division, Amending rules of Prac- tice and Merchandising for the-----	10-16-34	XVIII	632
	Sales Yarn Division rules of Practice and Merchandising-----	5-28-34	XI	798
	Topmakers Division, Rules of Practice and Merchandising for the-----	5- 5-34	X	959
	Work Assignment Board: Creation of the-----	10-16-34	XVIII	633

Code No.	Industry	Date	Volume	Page
3	Wool Textile—Continued. Work Assignment Board—Continued. Hours of labor, Delegation of authority to administer.....	2- 1-35	XXI	577
	Reports, Extending time to submit.....	12-27-34	XX	418
	Rules and regulations for the.....	10-16-34	XVIII	635
213	Wool Trade.....	1-16-34	V	235
	Merchandise Warehousing Trade, Approval of specified exemptions from the.....	4-17-35	XXII	670
	Woolen Goods, Knitted — Division. ( <i>See</i> Wool Textile Amendment, No. 1.)			
87	Woolen, Leather and — Knit Glove ( <i>see also</i> Leather and Woolen Knit Glove).....	11- 4-33	II	367
	Woolen and Trimming Garment Supplies Division. ( <i>See</i> Wholesaling or Distributing Trade.)			
	Woolen and Worsted Yarn Dyers Division. ( <i>See</i> Textile Processing Amendment, No. 3.)			
	Woolens and Trimmings Distributing Trade ( <i>see also</i> Wholesaling or Distributing Trade Supplement, No. 14).....	7-23-34	XIV	321
	Wool-felt. ( <i>See</i> Hat Manufacturing.)			
	Work Assignment Boards, Wool Textile, Cotton Textile and Silk Textile, Reports, Extending time to submit.....	12-27-34	XX	418
	Work Assignment Boards, Wool Textile, Cotton Textile and Silk Textile rules and regulations for the.....	10-16-34	XVIII	635
	Workers, Interpreting provisions in codes which extend minimum hourly rates of pay to piece.....	1- 4-35	XX	434
	Workers, Prescribing Rules and Regulations for the Interpretation and Application of Certain Labor Provisions of the Codes of Fair Competition as they may affect Handicapped.....	2-17-34	VII	706
	Workshops. ( <i>See</i> Sheltered Workshops.)			
	Worsted. ( <i>See</i> Wool Textile Amendment, No. 1.)			
	Worsted, Woolen and — Yarn Dyers Division. ( <i>See</i> Textile Processing Amendment, No. 3.)			
	Woven Elastic Division. ( <i>See</i> Narrow Fabrics.)			
473	Woven Wood Fabric Shade.....	6-28-34	XII	161
331	Wrapped, Bulk Drinking Straw, — Drinking Straw, Wrapped Toothpick, and Wrapped Manicure Stick ( <i>see also</i> Bulk Drinking Straw, Wrapped Drinking Straw, Wrapped Toothpick, and Wrapped Manicure Stick).....	3-14-34	VIII	13
	Wrapping Twine, Cordage and — Division. ( <i>See</i> Cordage and Twine.)			
318	Wrecking and Salvage.....	3- 3-34	VII	459
	Amendment, No. 1.....	10-26-34	XVIII	375
	Wrench Manufacturing ( <i>see also</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 15).....	4- 4-34	IX	789
	Wrenches, Drop-forged — (Carbon) Division. ( <i>See</i> Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Supplement, No. 15.)			
	Wrestling. ( <i>See</i> Athletic Goods Manufacturing.)			
	Yarn. ( <i>See</i> Cotton Textile.)			
	Yarn, Cotton — Glazers Division. ( <i>See</i> Textile Processing Amendment, No. 3.)			
14	Yarn, Rayon and Synthetic — Producing ( <i>see also</i> Rayon and Synthetic Yarn Producing).....	8-26-33	I	223
475	Yeast.....	7- 2-34	XII	197



Code No.	Industry	Date	Volume	Page
555	Zinc.....	3-26-35	XXII	29
	High Grade Zinc Division.....	3-26-35	XXII	29
	Lithopone Division.....	3-26-35	XXII	29
	Prime Western Smelting Division.....	3-26-35	XXII	29
	Rolled Zinc Division.....	3-26-35	XXII	29
	Secondary Zinc Division.....	3-26-35	XXII	29
	Special Intermediate Zinc Division.....	3-26-35	XXII	29
	Sulphuric Acid Division.....	3-26-35	XXII	29
	Zinc Alloy Division.....	3-26-35	XXII	29
	Zinc Mining Division.....	3-26-35	XXII	29
Zinc Oxide Division.....	3-26-35	XXII	29	

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