NATIONAL RECOVERY ADMINISTRATION

DIVISION OF REVIEW

SUMMARY OF ANALYSIS

OF

TRADE PRACTICE PROVISIONS IN NRA CODES

(EXCLUDING I. PRODUCTION CONTROL; II. MINIMUM PRICE; III. OPEN PRICE FILING; IV. BID FILING; V. STANDARDS LABELING)

Includes:

(1) List of trade practices found in codes
(2) Types of restrictions placed on each practice
(3) Number of times the restriction is cited in both codes and supplements.

July 20, 1935.

PRELIMINARY DRAFT

(NOT FOR RELEASE: FOR USE IN DIVISION ONLY)

C O N F I D E N T I A L

MEMORANDUM TO SECTION HEADS

SUBJECT: WORK MATERIALS NO. 2
SUMMARY OF ANALYSIS OF CERTAIN TRADE PRACTICE PROVISIONS IN NRA CODES

This material is tentative and preliminary. It is not an official document and is not released for general use. It is distributed to Section Heads for appropriate confidential use in connection with the research work in their respective fields.

L. C. Marshall
Director, Division of Review

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EXPLANATORY NOTES

This study includes a summary of an analysis of all trade practice provisions in the codes with the exception of provisions relating to (1) production control, (2) minimum price, (3) open price filing, (4) bid filing, and (5) standards and labeling. The codal provisions relating to these five subjects have been analyzed and at present are set forth elsewhere on charts.

All approved codes and supplements administered by NRA are included in this study with the exception of Number 141, Investment Bankers. Nineteen "LP" codes and the Petroleum Code, Number 10, were excluded from the analysis, since the trade practices therein were not administered by NRA. The analysis, thus, comprehends 555 codes and 189 supplements; from the latter figure are excluded seven "appendices", three "consolidations" and two "subdivisions."

In addition to a listing of the various types of trade practices covered in the codes, there is included under each specific practice: (1) the different types of restrictions placed on it, and (2) the number of times the restriction is cited in both codes and supplements. In making the count, each supplement was regarded as a separate code and so counted. If the provision appeared in one or more than one division of any code, it was counted once and only once.

The classifications and sub-classifications are preliminary and tentative only, and should not be regarded as definitive.

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I. PROVISIONS PRIMARILY DESIGNED TO RESTRICT THE GRANTING OF INDIRECT CONCESSIONS TO INFLUENCE A SALE (Continued)

1. Concessions primarily related to time of buyer's payment (Continued)

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Maximum period specified	2
Detailed terms and conditions specified	3
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1. Concessions primarily related to time of buyer's payment (Continued)

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Sales not contingent upon buyer's credit standing

Prohibited	2
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I. PROVISIONS PRIMARILY DESIGNED TO RESTRICT THE GRANTING OF INDIRECT CONCESSIONS TO INFLUENCE A SALE (Continued)

1. Concessions primarily related to time of buyer's payment (Continued)

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I. PROVISIONS PRIMARILY DESIGNED TO RESTRICT THE GRANTING OF INDIRECT CONCESSIONS TO INFLUENCE A SALE (Continued)

2. Concessions primarily related to risks of buyer

"Guarantees"

Prohibited	2
Prohibited if excessive	2
Prohibited if discriminatory	1
Prohibited if deceptive	13
Must be filed in accordance with open price provisions	3
Members of industry to establish rules governing	2
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Price guarantees

Prohibited	158
Prohibited if discriminatory	2
Time limit specified	12
Prohibited unless seller protected against price decrease	5
Must be set forth in written agreement	2
Other restrictions on	17
Must be filed in accordance with open price provision	3
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Contracts for deferred delivery not subject to price change

Prohibited	8
Prohibited if discriminatory	1
Time limit specified	6
Must be in writing	2
Other restrictions on	3
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Price offer not subject to change

Prohibited	2
Time limit specified	10
Must be set forth in written agreement	1
Other restrictions on	2
Must be filed in accordance with open price system	1
Must be reported to Code Authority	1

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Prohibited	13

I. PROVISIONS PRIMARILY DESIGNED TO RESTRICT THE GRANTING OF INDIRECT CONCESSIONS TO INFLUENCE A SALE (Continued)

2. Concessions primarily related to risks of buyer (Continued)

Delaying acceptance of order

Prohibited	1

"Options"

Prohibited	8
Time limit specified	3
Other restrictions on	8

Agreements indefinite as to time or quantity

Prohibited	55
Prohibited if discriminatory	1
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Offers without time limit

Prohibited	6

Offers not expiring within specified period of time

Prohibited	7

Offers without withdrawal provisions

Prohibited	2
Other restrictions on	1

Guarantees against defective goods

Excessive allowances prohibited	10
Prohibited if discriminatory	1
Limit specified on amount of allowance	3
Time limit specified	50
Must be set forth in written contract	1
Other restrictions on	19
Other restrictions on amount of allowance	2
Must be filed in accordance with open price system	2
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I. PROVISIONS PRIMARILY DESIGNED TO RESTRICT THE GRANTING OF INDIRECT CONCESSIONS TO INFLUENCE A SALE (Continued)

2. Concessions primarily related to risks of buyer (Continued)

"Product guarantees"

Prohibited	7
Prohibited if excessive or unreasonable	2
Prohibited if deceptive	2
Time limit specified	11
Limit specified on amount of allowance	1
Must be set forth in a written agreement	2
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Must be filed in accordance with open price provision	3
Must be reported to Code Authority	1
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Prohibited	31

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Prohibited	9

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Prohibited	3
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Prohibited if excessive or unreasonable	16
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I. PROVISIONS PRIMARILY DESIGNED TO RESTRICT THE GRANTING OF INDIRECT CONCESSIONS TO INFLUENCE A SALE (Continued)

2. Concessions primarily related to risks of buyer (Continued)

"Accepting return of merchandise"

Prohibited	11
Handling or service charge required	5
Prohibited if excessive or unreasonable	4
Excessive allowances prohibited	9
Prohibited if discriminatory	2
Limit specified on amount of allowance	5
Time limit specified	19
Other restrictions on	9
Other restrictions on allowances	3
Approval of Code Authority required	2
Acceptance of returns must be reported to Code Authority	4
Code Authority with administrative approval to establish rules governing	2
Code Authority to study and recommend to NRA rules governing	2

Accepting return of obsolete, discontinued or "unsalable" merchandise

Prohibited	9
Handling or service charge required	1
Limit on amount of allowance specified	3
Acceptance of returns must be reported to Code Authority	1
Code Authority with administrative approval to establish rules governing	1
Code Authority to study and recommend to NRA rules governing	1

Exchanging merchandise

Prohibited	4

Accepting return of other than defective merchandise

Prohibited	39
Excessive allowances prohibited	1
Handling or service charge required	16
Maximum limit specified	1
Limit specified on amount of allowance	5
Time limit specified	10
Other restrictions on	9
Acceptance of returns must be reported to Code Authority	1

I. PROVISIONS PRIMARILY DESIGNED TO RESTRICT THE GRANTING OF INDIRECT CONCESSIONS TO INFLUENCE A SALE (Continued)

2. Concessions primarily related to risks of buyer (Continued)

Repurchase agreements

Prohibited	6

"Money-back" agreements

Must be filed in accordance with open price system	1
Code Authority to study and recommend to N.R.A. rules governing	1

Sales subject to trial

Prohibited	10
Amount limited	2
Time limit specified	6
Other restrictions on	8
Must be reported to Code Authority	1
Approval of Code Authority required	1

Sales on approval

Prohibited	8
Time limit specified	6

Shipments without order

Prohibited	11
Other restrictions on	1

Sales on consignment or memorandum

Prohibited	145
Prohibited except under circumstances defined by Code Authority	87
Prohibited except under circumstances defined by Code Authority with administrative approval	53
Prohibited if secret	1
Prohibited if discriminatory	1
Time limit specified	3
Must be set forth in written contract	5
Code Authority to establish rules governing	4
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I. PROVISIONS PRIMARILY DESIGNED TO RESTRICT THE GRANTING OF INDIRECT CONCESSIONS TO INFLUENCE A SALE (Continued)

2. Concessions primarily related to risks of buyer (Continued)

Storing goods with customer

Prohibited	22
Must pay reasonable remuneration	1
Other restrictions on	1

Display for direct sale in customer's store

Code Authority approval required	1

Renting or leasing industry products

Prohibited	6
Prohibited unless charge made is adequate	4
Prohibited if discriminatory	1
Time limit specified	1
Must be set forth in written contract	3
Other restrictions on	3
Must be reported to Code Authority	1
Code Authority with administrative approval to establish rules governing	1
Code Authority to study and recommend to N.R.A. rules governing	

Resale guarantees

Prohibited	11

Agreeing that payment be governed by sales of secondary product

Prohibited	1

Accepting orders for specific job before customer secures award

Prohibited	2

Guaranteeing accounts due customers

Prohibited	3

"Compensation of customer for business losses"

Prohibited	1
Prohibited if discriminatory	1

I. PROVISIONS PRIMARILY DESIGNED TO RESTRICT THE GRANTING OF INDIRECT CONCESSIONS TO INFLUENCE A SALE (Continued)

2. Concessions primarily related to risks of buyer (Continued)

Unilateral agreements (buyer not bound)

Prohibited	33
Other restrictions on	2

Contracts containing penalty clauses

Prohibited	1
Prohibited unless provision for bonus	3

Contracts containing liquidated damages clauses

Prohibited	2

Contracts not subject to adjustment necessitated by non-controllable factors

Prohibited	3

Assuming liability for non-performance caused by non-controllable factors

Prohibited	15

Assuming liability for damage to buyer's drawings or equipment caused by non-controllable factors

Prohibited	1

Assuming liability for errors in plans or specifications furnished or approved by buyer

Prohibited	3

Assuming liability for consequential damages

Prohibited	13

Assuming liability for patent infringement

Prohibited	3

Failure to give advance notice of discontinued lines

Prohibited	1

I. PROVISIONS PRIMARILY DESIGNED TO RESTRICT THE GRANTING OF INDIRECT CONCESSIONS TO INFLUENCE A SALE (Continued)

3. Concessions primarily related to supplying additional goods

"Any gratuities"

Prohibited	68
Prohibited if excessive	2
Prohibited if discriminatory	1
Must be filed in accordance with open price provision	2

Free deals

Prohibited	83
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Premiums

Prohibited	49
Prohibited unless cost is recovered	11
Prohibited if excessive	3
Prohibited if secret	2
Prohibited if discriminatory	4
Prohibited if deceptive	52
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Sales of other or additional goods at reduced prices

Prohibited	25

Combination sales

Prohibited	19
Prohibited unless total price equals sum of unit prices	12
Other restrictions on	7
Code Authority to study and recommend to N.R.A. rules governing	1

Combination offers

Prohibited	26
Prohibited unless total price equals sum of unit prices	2
Other restrictions on	3

I. PROVISIONS PRIMARILY DESIGNED TO RESTRICT THE GRANTING OF INDIRECT CONCESSIONS TO INFLUENCE A SALE (Continued)

3. Concessions primarily related to supplying additional goods (Cont'd)

Coupons

Prohibited	4
Prohibited unless cost is recovered	2
Other restrictions on	5

Samples

Prohibited	8
Prohibited unless adequate charge is made	17
Prohibited if excessive	3
Prohibited if deceptive	1
Maximum limit specified	17
Time limit specified	5
Other restrictions on	33
Must be filed in accordance with open price provisions	1

Script books

Prohibited	1

Prizes

Prohibited	21
Prohibited unless cost is recovered	4
Prohibited if discriminatory	5
Prohibited if deceptive	51
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Sales promotion awards

Prohibited if discriminatory	1
Maximum limit specified	1
Other restrictions on	2

Containers

Prohibited unless adequate charge made	2
Other restrictions on	3

Special containers

Prohibited unless adequate charge made	14

I. PROVISIONS PRIMARILY DESIGNED TO RESTRICT THE GRANTING OF INDIRECT CONCESSIONS TO INFLUENCE A SALE (Continued)

3. Concessions primarily related to supplying additional goods (Cont'd)

Labels

Prohibited unless adequate charge made	1

Special labels

Prohibited unless adequate charge made	9

Special equipment

Prohibited	5
Prohibited unless adequate charge made	12
Other restrictions on	3

Accessories

Prohibited unless adequate charge made	3
Must be filed in accordance with open price system	1

Certain advertising material

Prohibited unless adequate charge made	1
Maximum limit specified	1
Other restrictions on	1

Display materials

Prohibited	5
Prohibited unless adequate charge made	4
Prohibited if excessive	1
Maximum limit specified	1
Other restrictions on	2
Code Authority to establish rules governing	1

Printed matter (other than advertising material)

Prohibited	1
Prohibited unless adequate charge made	4
Prohibited if discriminatory	1
Other restrictions on	1

I. PROVISIONS PRIMARILY DESIGNED TO RESTRICT THE GRANTING OF INDIRECT CONCESSIONS TO INFLUENCE A SALE (Continued)

4. Concessions rendered buyer through use of seller's employees or property

"Any unusual service"

Prohibited	25
Prohibited unless adequate charge made	36
Prohibited if unreasonable	1
Prohibited if secret	2
Must be set forth in written agreement	2
Must be filed in accordance with open price provision	4

Providing sales help

Prohibited	8
Prohibited unless adequate charge made	1
Prohibited if excessive	1
Prohibited if secret	2
Prohibited if discriminatory	1
Prohibited unless represented as employees of manufacturer	1
Time limit specified	2
Other restrictions on	2

Demonstrating

Prohibited	9
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Estimating

Prohibited unless adequate charge made	2
Other restrictions on	2

Furnishing drawings

Prohibited	2
Prohibited unless adequate charge made	8
Prohibited if excessive	1
Approval of Code Authority required with administrative approval	13

Furnishing plans and specifications

Prohibited unless adequate charge made	7
Other restrictions on	2
Approval of Code Authority required	1

I. PROVISIONS PRIMARILY DESIGNED TO RESTRICT THE GRANTING OF INDIRECT CONCESSIONS TO INFLUENCE A SALE (Continued)

4. Concessions rendered buyer through use of seller's employees property (Continued)

Furnishing surveys and formulae

Prohibited unless adequate charge made	4

Installation and erection

Prohibited	2
Prohibited unless adequate charge made	16
Other restrictions on	3
Must be filed in accordance with open price provision.	1
Code Authority to establish rules governing	1
Code Authority to study and recommend to Administrator rules governing	1

Inspections

Prohibited unless adequate charge made	4

Furnishing unusual processing services specified in codes

Prohibited	1
Prohibited unless adequate charge made	5
Prohibited if discriminatory	1

Stampings or markings

Prohibited	1
Prohibited unless adequate charge made	8
Other restrictions on	2

Repair and maintenance

Prohibited unless adequate charge made	14
Prohibited if discriminatory	1
Time limit specified	4
Other restrictions on	5

Reconditioning

Prohibited unless adequate charge made	11

I. PROVISIONS PRIMARILY DESIGNED TO RESTRICT THE GRANTING OF INDIRECT CONCESSIONS TO INFLUENCE A SALE (Continued)

4. Concessions rendered buyer through use of seller's employees or property (Continued)

Engineering services

Prohibited unless adequate charge made..... 6
Approval of Code Authority required..... 1
Code Authority with administrative approval to establish rules governing..... 1

"Handling"

Prohibited unless adequate charge made..... 8

Crating or packing

Prohibited unless adequate charge made 6

Repacking

Prohibited..... 1

Delivery service by seller's trucks

Prohibited unless adequate charge made..... 5
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Prohibited..... 2
Prohibited unless adequate charge made.....11
Prohibited if excessive..... 1
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I. PROVISIONS PRIMARILY DESIGNED TO RESTRICT THE GRANTING OF INDIRECT CONCESSIONS TO INFLUENCE A SALE (Continued)

5. Concessions rendered buyer through financial assistance or favors

Favors

Prohibited	1
Prohibited if secret	1

Entertainment

Prohibited if excessive or lavish	17

Patronizing publications in which buyer is interested

Prohibited	15
Prohibited if unreasonable	1
Maximum limit specified	2
Other restrictions on	3

Participating in "Group Showing"

Prohibited	6
Other restrictions on	1
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Prohibited if discriminatory	4
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Gifts to organizations (in which buyer is interested)

Prohibited	4
Other restrictions on	1
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Paying buyer's personal expenses

Prohibited	4
Prohibited if discriminatory	1

I. PROVISIONS PRIMARILY DESIGNED TO RESTRICT THE GRANTING OF INDIRECT CONCESSIONS TO INFLUENCE A SALE (Continued)

5. Concessions rendered buyer through financial assistance or favors (Continued)

Paying permit or inspection fees of buyer

Prohibited	4

Paying customer's insurance

Prohibited	4
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Must be set forth in written agreement	1

Paying customer's advertising expenses for products other than member's

Prohibited	2
Prohibited if discriminatory	1

Assuming reversed telephone or telegraph charges

Prohibited	14

Assisting customer to obtain used products for trade-ins

Prohibited	1

Assisting customer to find purchaser for used products

Prohibited	1
Other restrictions on	1

Subsidizing or financing buyer

Prohibited	26
Prohibited if secret	8
Must be set forth in written agreement	1

Employing customers, employees, relatives, associates

Prohibited	4
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Purchase of buyer's capital stock

Prohibited	1
Must be filed in accordance with open price provision	2

Financing payments due customer

Prohibited unless adequate charge made	1

I. PROVISIONS PRIMARILY DESIGNED TO RESTRICT THE GRANTING OF INDIRECT CONCESSIONS TO INFLUENCE A SALE (Continued)

6. Concessions related to manner and/or time of shipment

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Other restrictions on	6

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Prohibited	4
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Limit specified	2

Deferred delivery

Prohibited	12
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Must be set forth in written agreement	5
Other restrictions on	10
Must be reported to Code Authority	2

I. PROVISIONS PRIMARILY DESIGNED TO RESTRICT THE GRANTING OF INDIRECT CONCESSIONS TO INFLUENCE A SALE (Continued)

7. Concessions through payment or diversion of commissions or fees to customer

Payment of commissions or fees by members to buyers

Prohibited	16
Prohibited if excessive	1
Prohibited if secret	1
Prohibited if discriminatory	1
Must be filed in accordance with open price provision	9

Payment of commissions or fees by members to other than bona fide or controlled sales representatives

Prohibited	12
Maximum limit specified	2

Payment of commissions or fees by members to purchasing agents compensated by buyers

Prohibited	20
Prohibited if secret	1
Other restrictions on	1

Payments of commissions or fees by agents of members to buyers

Prohibited	10

Splitting of commissions or fees by agents of members with agents of buyers without buyer's knowledge

Prohibited	1

Splitting of commissions or fees by members or their agents with buyers or their agents

Prohibited	60

Payment of brokerage to other than bona fide brokers

Prohibited	17

I. PROVISIONS PRIMARILY DESIGNED TO RESTRICT THE GRANTING OF INDIRECT CONCESSIONS TO INFLUENCE A SALE (Continued)

8. Concessions through allowances or payments for value rendered by buyer

"Allowances"

Prohibited	9
Prohibited if excessive or unreasonable	5
Prohibited if secret	9
Prohibited if discriminatory	8
Prohibited if misrepresentative	1
Must be set forth in written agreement	3
Other restrictions on	3
Must be filed in accordance with open price provision	96
Must be reported to Code Authority	2

Trade-in allowances

Prohibited	27
Prohibited if excessive or unreasonable	9
Prohibited if discriminatory	6
Maximum limit specified	6
Must be set forth in written agreement	1
Other restrictions on	5
Must be filed in accordance with open price provision	6
Must be reported to Code Authority	5
Code Authority with administrative approval to establish rules governing	8
Code Authority to study and recommend to Administrator rules governing	1
Members of industry with administrative approval to establish rules governing	1

Advertising allowances

Prohibited	44
Prohibited if excessive or unreasonable	34
Prohibited if secret	9
Prohibited if discriminatory	33
Prohibited if misrepresentative	13
Maximum limit specified	11
Must be set forth in written agreement	31
Other restrictions on	24
Must be filed in accordance with open price provision	3
Must be reported to Code Authority	6
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Policy memorandum, No. 326	2
Approval of Code Authority required	1

I. PROVISIONS PRIMARILY DESIGNED TO RESTRICT THE GRANTING OF INDIRECT CONCESSIONS TO INFLUENCE A SALE (Continued)

8. Concessions through allowances or payments for value rendered by buyer (Continued)

Catalogue allowances

Prohibited	9
Prohibited if secret	1
Prohibited if discriminatory	1

Distribution service allowances

Prohibited	8
Prohibited if excessive or unreasonable	7
Prohibited if secret	1
Prohibited if discriminatory	7
Prohibited if misrepresentative	1
Must be set forth in written agreement	8
Other restrictions on	2
Must be reported to Code Authority	1

Container allowances

Prohibited	3
Prohibited if excessive or unreasonable	13
Limit specified	3
Prohibited on containers smaller than specified size	1
Must be filed in accordance with open price provision	1

Installation allowance

Prohibited	1

Allowance for further processing

Prohibited	1

Maintenance or repair allowance

Prohibited if excessive or unreasonable	1

Rental allowances for space hired

Prohibited	2
Prohibited if excessive or unreasonable	2
Prohibited if discriminatory	2

I. PROVISIONS PRIMARILY DESIGNED TO RESTRICT THE GRANTING OF INDIRECT CONCESSIONS TO INFLUENCE A SALE (Continued)

8. Concessions through allowances or payment for value rendered by buyer (Continued)

Allowance on supplies furnished by purchaser for production of product ordered

Prohibited if misrepresentative	1
Other restrictions on	1

Cartage allowances when buyer receives goods at factory

Prohibited	4
Prohibited if excessive or unreasonable	1
Limit specified	1
Other restrictions on	2
Must be filed in accordance with open price provision	1

"Allowance for any special service"

Prohibited	1

Label Allowances

Prohibited if excessive	1
Maximum limit specified	1
Must be filed in accordance with open price provision	1

Purchasing from buyer

Prohibited	9
Prohibited if excessive or unreasonable	9
Prohibited if misrepresentative	1
Other restrictions on	3

Renting from buyer

Prohibited	4

I. PROVISIONS PRIMARILY DESIGNED TO RESTRICT THE GRANTING OF INDIRECT CONCESSIONS TO INFLUENCE A SALE (Continued)

9. Concessions through acceptance of competitor's materials from buyers

Exchange of own for competitor's products

Prohibited..... 29

Purchase of competitor's products from customer

Prohibited..... 24
Prohibited if price paid is excessive..... 1

I. PROVISIONS PRIMARILY DESIGNED TO RESTRICT THE GRANTING OF INDIRECT CONCESSIONS TO INFLUENCE A SALE (Continued)

10. Concessions through sale of substandard or obsolete goods

Sale of seconds

Prohibited	7
Prohibited if misleading or deceptive	5
Maximum limit specified	5
Other restrictions on	5
Must be reported to Code Authority	3
Approval of Code Authority required	1
Code Authority subject to Administrative review to establish rules governing	1
Code Authority with administrative approval to establish rules governing	5
Code Authority to study and recommend to N.R.A. rules governing	1

Sale of used goods

Prohibited if misleading or deceptive	8
Prohibited unless value given in trade-in recovered	1
Prohibited except during specified periods	1
Prohibited unless segregated from new products	1
Must be reported to Code Authority for dissemination or availability to members	3

Sale of damaged goods

Prohibited	1
Prohibited if misleading or deceptive	3
Maximum limit specified	2
Other restrictions on	3
Must be reported to Code Authority	3
Code Authority with administrative approval to establish rules governing	2

Sale of rebuilt or overhauled goods

Prohibited	2
Prohibited if misleading or deceptive	5
Must be reported to Code Authority for dissemination or availability to members	1

Sale of demonstrators

Prohibited	2
Prohibited if misleading or deceptive	2
Prohibited except after specified period of time	2
Must be reported to Code Authority	3

I. PROVISIONS PRIMARILY DESIGNED TO RESTRICT THE GRANTING OF INDIRECT CONCESSIONS TO INFLUENCE A SALE (Continued)

10. Concessions through sale of substandard or obsolete goods (Continued)

Sale of obsolete goods

Prohibited	1
Prohibited if misleading or deceptive	3
Other restrictions on	5
Must be reported to Code Authority	1
Must be reported to Code Authority for dissemination to members	3
Approval of Code Authority required	3
Code Authority to establish rules governing	3
Code Authority to study and recommend to NRA rules governing	1

Sale of Surplus stock

Maximum limit specified	2
Prohibited except during specified periods	2
Other restrictions on	1
Approval of Code Authority required	1
Must be reported to Code Authority	2
Code Authority with administrative approval to establish rules governing	4
Code Authority subject to administrative review to establish rules governing	3
Code Authority to study and recommend to NRA rules governing	2

Sale of discontinued lines

Prohibited	1
Prohibited if misleading or deceptive	3
Maximum limit specified	5
Prohibited except during specified periods	1
Must be set forth in written contract	1
Other restrictions on	4
Must be reported to Code Authority	3
Must be reported to Code Authority for dissemination to members	2
Approval of Code Authority required	4
Code Authority with administrative approval to establish rules governing	3
Code Authority subject to administrative review to establish rules governing	3

I. PROVISIONS PRIMARILY DESIGNED TO RESTRICT THE GRANTING OF INDIRECT CONCESSIONS TO INFLUENCE A SALE (Continued)

10. Concessions through sale of substandard or obsolete goods (Continued)

Sale of "returns"

Other restrictions on..... 1

Wilful manufacture of substandard products

Prohibited..... 3

Sales of scrap

Other restrictions on..... 1

Sales of "chaff"

Prohibited..... 1

Sale of "culled" goods

Other restrictions on..... 2

I. PROVISIONS PRIMARILY DESIGNED TO RESTRICT THE GRANTING OF INDIRECT CONCESSIONS TO INFLUENCE A SALE (Continued)

11. Concessions granted during performance contrary to provisions of agreement

Rebates

Prohibited	91
Prohibited if excessive or unreasonable	3
Prohibited if secret	454
Prohibited if discriminatory	24
Prohibited if misrepresentative	1
Must be set forth in written agreement	6
Other restrictions on	2
Must be filed in accordance with open price provision	51
Must be reported to Code Authority	2
Code Authority to study and recommend to Administrator rules governing	1

Departure from credit terms of contract

Prohibited	20
Prohibited if discriminatory	22

Settlement of old accounts at less than full value

Prohibited	4
Approval of Code Authority required, subject to review or disapproval of Administrator	1

Permitting improper deductions when buyer remits

Prohibited	10

Permitting buyer's cancellation or repudiation

Prohibited	33
Prohibited unless reimbursed for expense incurred	16
Other restrictions on	8
Must be reported to Code Authority	2
Code Authority with administrative approval to establish rules governing	1

Substitution of higher quality or greater quantity of goods

Prohibited	53
Prohibited unless adequate charge made	4
Prohibited if discriminatory	1
Limit specified	1

I. PROVISIONS PRIMARILY DESIGNED TO RESTRICT THE GRANTING OF INDIRECT CONCESSIONS TO INFLUENCE A SALE (Continued)

11. Concessions granted during performance contrary to provisions of agreement (Continued)

Substitution of new contract at lower price

Prohibited	6

Receipting bills before payment

Prohibited	2

"Extending or exceeding contract"

Prohibited	22
Other restrictions on	2
Code Authority to study and recommend to Administrator rules governing	1

"Collateral agreement not to enforce part of contract"

Prohibited	9

Departure from delivery date of contract

Prohibited	1

Retroactive settlement or adjustments

Prohibited	5
Prohibited if discriminating	2

I. PROVISIONS PRIMARILY DESIGNED TO RESTRICT THE GRANTING OF INDIRECT CONCESSIONS TO INFLUENCE A SALE (Continued)

12. Acceptance of forms of payment in which concessions may be concealed

Accepting securities

Prohibited	2
Prohibited if at more than market value	12
Other restrictions on	4
Must be reported to Code Authority	1

Accepting buyer's capital stock

Prohibited	5
Must be filed in accordance with open price provision	1

Accepting goods from buyer

Prohibited	2
Other restrictions on	1

Accepting "real or personal property"

Prohibited if at more than market value	4

Accepting negotiable instruments

Time limit specified	1
Other restrictions on	2

Accepting other than "lawful money"

Prohibited	6

Accepting credit transferred from one buyer to another

Prohibited	2

Selling for customer account and accepting proceeds for credit

Prohibited	1

Accepting form of payment other than specified in code

Prohibited	4
Prohibited if at more than market value	3

I. PROVISIONS PRIMARILY DESIGNED TO RESTRICT THE GRANTING OF INDIRECT CONCESSIONS TO INFLUENCE A SALE (Continued)

12. Acceptance of forms of payment in which concessions may be concealed (Continued)

Accepting rental payments as part payment on purchases

Limit specified.....	1
Code Authority to establish rules governing.....	2

Accepting deposit made to another manufacturer

Prohibited.....	1

Assignments (of receivables, etc.)

Must be reported to Code Authority.....	1

I. PROVISIONS PRIMARILY DESIGNED TO RESTRICT THE GRANTING OF INDIRECT CONCESSIONS TO INFLUENCE A SALE (Continued)

13. Types of agreements, offers, invoicing, etc., by means of which concessions may be concealed

Oral agreements

Prohibited	31
Limited as to amount involved and period of time	1

Oral offers

Prohibited	15

Oral appraisals

Prohibited	1

Oral orders

Prohibited	3

False billing

Prohibited	380

False orders

Prohibited	15

False receipts

Prohibited	11

False agreements

Prohibited	32

False offers

Prohibited	139

Delayed billing

Prohibited	23
Maximum period specified	4
Other restrictions on	2
Code Authority to establish rules governing	1

I. PROVISIONS PRIMARILY DESIGNED TO RESTRICT THE GRANTING OF INDIRECT CONCESSIONS TO INFLUENCE A SALE (Continued)

13. Types of agreements, offers, invoicing, etc., by means of which concessions may be concealed (Continued)

Misdated invoices

Prohibited..... 112

Misdated contracts

Prohibited..... 35

Misdated orders

Prohibited..... 8

Misdated offers

Prohibited..... 17

Misdated receipts

Prohibited..... 10

Invoices omitting terms of sale

Prohibited..... 25

Invoices omitting date of shipment

Prohibited..... 15

Invoices omitting specifications

Prohibited..... 23

Invoices omitting other specified detail

Prohibited..... 19

Agreements omitting terms of sale

Prohibited..... 25

Agreements omitting date of shipment

Prohibited..... 18

I. PROVISIONS PRIMARILY DESIGNED TO RESTRICT THE GRANTING OF INDIRECT CONCESSIONS TO INFLUENCE A SALE (Continued)

13. Types of agreements, offers, invoicing, etc., by means of which concessions may be concealed (Continued)

Agreements omitting specifications

Prohibited	38
Prohibited without provision for supply specifications within specified period	1
Seller may supply specifications after specified time	1

Agreements omitting other specified detail

Prohibited	25

Offers omitting terms of sale

Prohibited	10

Offers omitting date of shipment

Prohibited	4

Offers omitting specifications

Prohibited	9

Offers omitting other specified detail

Prohibited	17

Orders omitting terms of sale

Prohibited	10

Orders omitting date of shipment

Prohibited	12

Orders omitting specifications

Prohibited	11

Orders omitting other specified detail

Prohibited	12

Split billing

Prohibited	3

I. PROVISIONS PRIMARILY DESIGNED TO RESTRICT THE GRANTING OF INDIRECT CONCESSIONS TO INFLUENCE A SALE (Continued)

13. Types of agreements, offers, invoicing, etc., by means of which concessions may be concealed (Continued)

Lump sum offers

Prohibited	83
Other restrictions on	6

Unitemized billing

Prohibited	10

Orders not subject to member's acceptance

Prohibited	6

Auction sales

Rules governing specified in code	1

I. PROVISIONS PRIMARILY DESIGNED TO RESTRICT THE GRANTING OF INDIRECT CONCESSIONS TO INFLUENCE A SALE (Continued)

14. Types of agreements, offers, invoicing, etc., primarily designed to prevent the concealing of concessions

Uniform contract form

Form prescribed	5
Code recommends use of specified form	2
Code Authority to establish	4
Code Authority to establish with administrative approval	40
Code Authority to study and recommend to NRA rules governing	2
Members of industry to establish	3

Uniform order form

Form contained in code	1
Code Authority to establish with administrative approval	4
Members of industry to establish	1

Uniform bid or quotation form

Code Authority to establish	1
Code Authority to establish with administrative approval	10
Members of industry to establish	1
Recommended by code	1

Standard invoice form

Code Authority to establish subject to disapproval of NRA	1

Standard leasing form

Industry association form incorporated by reference	1
Code Authority to establish with administrative approval	1

Form of contract

Must be approved by Code Authority subject to review of NRA	1
Must be filed in accordance with open price provision	1

II. PROVISIONS PRIMARILY DESIGNED TO PRESERVE OR MODIFY CHANNELS OF DISTRIBUTION

1. Provisions regulating customer classification

List of customer classes set forth in code

Specifically related to trade differentials.....	14
Not specifically related to trade differentials.....	20

Definition of customer classes

Set forth in code - specifically related to trade differentials.....	44
Set forth in code - not specifically related to trade differentials.....	18
Must be filed in accordance with open price provision....	6
Code Authority, with administrative approval, to establish definitions.....	20
Code Authority subject to NRA review to establish definitions.....	3

Classification of specific customers

Code Authority to classify.....	6
Policy memorandum No. 267.....	8

Submission of classified list of customers

Must be filed in accordance with open price provision....	9
Must be reported to Code Authority.....	6
Must be reported to Code Authority for classification....	3

Sales to other than certain specified classes of customers

Prohibited.....	9

Sales to certain specified classes of customers

Prohibited.....	4
Code Authority to study and recommend to NRA rules governing.....	1

II. PROVISIONS PRIMARILY DESIGNED TO PRESERVE OR MODIFY CHANNELS OF DISTRIBUTION (Continued)

2. Restrictions on granting of trade differentials

Trade differentials

Prohibited	3
Prohibited if discriminatory	2
Specified in code	2
Maximum limit specified	6
Must be adequate as between specified classes	1
Code Authority may review and modify	4
Must be reported to Code Authority	3
Code Authority to determine with administrative approval	30
Code Authority to study and recommend to NRA rules governing	2

Extension of trade differentials to parties not entitled thereto

Prohibited	44
Code Authority subject to administrative review to establish rules governing	1

Trade differentials to buyers' pools

Prohibited	3

II. PROVISIONS PRIMARILY DESIGNED TO PRESERVE OR MODIFY CHANNELS OF DISTRIBUTION (Continued)

3. Restrictions on granting of quantity discounts

Quantity discounts

Prohibited	2
Prohibited if excessive	8
Prohibited if discriminatory	3
Prohibited if retroactive	2
Prohibited if based on purchase of more than one product	1
Maximum limit specified	7
Time limit specified	1
Must be set forth in written agreement	2
Other restrictions on	13
Approval of Code Authority required	1
Code Authority to prescribe amount	2
Code Authority may review and modify	2
Must be filed in accordance with open price provision	31
Must be reported to Code Authority	1

Quantities on which discounts may be granted

Set forth in code	4

Quantity discounts based on more than one shipment

Prohibited	13
Prohibited if discriminatory	5
Prohibited if misleading or deceptive	1
Time limit specified	1
Must be set forth in written agreement	3
Other restrictions on	3
Code Authority to study and recommend to NRA rules governing	1

Quantity discounts on pooled orders

Prohibited	18
Other restrictions on	1
Must be filed in accordance with open price provision	1

Quantity discounts on less than bona fide order or shipment

Prohibited	17
Prohibited if discriminatory	1

II. PROVISIONS PRIMARILY DESIGNED TO PRESERVE OR MODIFY CHANNELS OF DISTRIBUTION (Continued)

5. Restrictions on granting of quantity discounts (Continued)

Pool car sales below L.C.L. prices

Prohibited	5
Other restrictions on	1
Code Authority to establish rules governing	1

"Volume" discounts

Prohibited	6
Prohibited if discriminatory	1
Code Authority with administrative approval to establish rates	3

II. PROVISIONS PRIMARILY DESIGNED TO PRESERVE OR MODIFY CHANNELS OF DISTRIBUTION (Continued)

4. Provisions for the maintenance of resale prices and adherence to codal provisions by customers

Adherence to member's published prices

Sales to customers not adhering - prohibited.....	5
Contracts requiring adherence by customers - mandatory.....	7
Contracts requiring adherence by customers - permitted.....	2
Sales by customers at other than manufacturer's published prices - prohibited (distribution codes).....	5
Sales to agents, brokers, or other controlled sales representatives not adhering to - prohibited.....	7
Contracts requiring adherence by agents, brokers, or other controlled sales representatives - mandatory.....	4
Contracts requiring adherence by agents, brokers, or other controlled sales representatives - permitted.....	1

Adherence to codal price provisions

Sales to customers not adhering - prohibited.....	3
Sales to agents, brokers, or other controlled sales representatives not adhering - prohibited.....	14

Adherence to trade practice provisions of code

Contracts requiring adherence by customers - mandatory.....	9
Contracts requiring adherence by customers - permitted.....	1
Sales to agents, brokers, or other controlled sales representatives not adhering - prohibited.....	27
Contracts requiring adherence by agents, brokers, or other controlled sales representatives - mandatory.....	6

Adherence to all provisions of code

Sales to customers not adhering - prohibited.....	31
Contracts requiring adherence by customers - mandatory.....	2
Sales to agents, brokers, or other controlled sales representatives not adhering - prohibited.....	13
Contracts requiring adherence by agents, brokers or other controlled sales representatives - mandatory.....	1

Adherence to certain specified terms of seller's code

Mandatory.....	3

Contracts with agents, brokers, or other controlled sales representatives requiring them to file prices

Mandatory.....	3
Permitted.....	1

II. PROVISIONS PRIMARILY DESIGNED TO PRESERVE OR MODIFY CHANNELS OF DISTRIBUTION (Continued)

5. Prohibition of discriminatory practices

Discrimination between any buyers

Prices - prohibited	11
Prices and terms - prohibited	8
prohibited if secret	1
Terms - prohibited if secret	2
Services - prohibited	2
prohibited if secret	2
Privileges - prohibited	1
Services and privileges - prohibited	19
prohibited if secret	10

Discrimination between buyers of same class

Prices - prohibited	48
Prices and terms - prohibited	18
prohibited if secret	2
Terms - prohibited	5
Services - prohibited	1
Privileges - prohibited	2
Services and privileges - prohibited	71
prohibited if secret	170

Discrimination between buyers of same quantity

Prices - prohibited	40
Prices and terms - prohibited	10
Terms - prohibited	1
Services and privileges - prohibited	5
prohibited if secret	2
Privileges - prohibited	1

Discrimination between buyers of same quality or grade

Prices - prohibited	30
Prices and terms - prohibited	6
Terms - prohibited	1
Services and privileges - prohibited	3
prohibited if secret	1
Privileges - prohibited	1

Discrimination between buyers in same territory

Prices - prohibited	27
Prices and terms - prohibited	10
Terms - prohibited	1
Services and privileges - prohibited	8
Privileges - prohibited	1

II. PROVISIONS PRIMARILY DESIGNED TO PRESERVE OR MODIFY CHANNELS OF DISTRIBUTION (Continued)

5. Prohibition of discriminatory practices (Continued)

Discrimination between localities and sections

Prices - prohibited	1
Prices and terms - prohibited	1

Discrimination between buyers of "like style of goods"

Prices - prohibited	6

Discrimination between buyers "for whom selling cost is same"

Prices - prohibited	4
Prices and terms - prohibited	1
Services and privileges - prohibited	1

Discrimination between buyers "similarly situated"

Prices, terms and privileges - prohibited	1

Discrimination between member's affiliates and other buyers

Prices - prohibited	2

Discrimination between buyers "under like terms and conditions"

Prices - prohibited	47
Prices - prohibited if secret	2
Prices and terms - prohibited	4
Terms - prohibited	2
Services - prohibited	2
prohibited if secret	1
Services and privileges - prohibited	99
prohibited if secret	98
Privileges - prohibited	4

II. PROVISIONS PRIMARILY DESIGNED TO PRESERVE OR MODIFY CHANNELS OF DISTRIBUTION (Continued)

6. Provisions relating to controlled sales representatives

List of agents, brokers, or other controlled sales representatives

Must be reported to Code Authority	9
Must be reported to Code Authority for dissemination to other members	2

Definition of agents, brokers, or other controlled sales representatives

Set forth in code	19

Contracts between members and agents, brokers, or other controlled sales representatives

Required by code	3
Must be approved by Code Authority	2
Code Authority with administrative approval to establish rules governing	3
Must be reported to Code Authority	2

Sales through agents, brokers or other controlled sales representatives

Limit specified	1
Other restrictions on	5
Code Authority subject to review of NRA to establish rules governing	1

Dealing with other than member's bona fide agents or other controlled sales representatives

Prohibited	4
Prohibited if secret	1
Other restrictions on	1

Commissions or fees to controlled sales representatives

Prohibited	3
Prohibited if excessive or unreasonable	4
Exact rate prescribed	1
Maximum limit specified	5
Must be set forth in written agreement	1
Other restrictions on	2
Must be filed in accordance with open price provision	4
Members of industry with approval of Code Authority to establish maximum limit	1

Activities of agents

Other restrictions on	2

II. PROVISIONS PRIMARILY DESIGNED TO PRESERVE OR MODIFY CHANNELS OF DISTRIBUTION (Continued)

7. Miscellaneous provisions designed to preserve or modify channels of distribution

Number of sales outlets

Maximum limit specified..... 1

Selling directly in competition with retailer or other trade factor

Prohibited..... 31
Other restrictions on..... 1
Approval of Code Authority required..... 1

Sales for export to buyers not under contract not to resell within United States

Prohibited..... 4

Permitting diversion of product by customer for uncontemplated uses

Prohibited..... 1
Must be set forth in written agreement..... 1

Assuming transportation costs of customer reships to other customers

Prohibited..... 2

Direct from factory to customer shipments (distribution codes)

Prohibited unless compensating charge is made..... 1
Other restrictions on..... 3

Sales for resale of special brands or unbranded merchandise

Restrictions on..... 1

Concessions to induce exclusive purchase

Prohibited..... 3

List of contractors

Must be reported to Code Authority..... 6

III. PROVISIONS PRIMARILY DESIGNED TO PRESERVE OR MODIFY GEOGRAPHICAL RELATIONSHIPS

Basing point system

Detailed rules prescribed in code	3
Code Authority, subject to administrative review, to establish	1

Sales in other zones below lowest filed price in those zones

Prohibited	3
May not be more than twenty percent below	1

Sales outside of seller's own zone

Code Authority with administrative approval to establish rules governing	1

Sales by outsiders in enfranchised territory

Prohibited	3

Equalization of freight rates

Permitted by code	10
Must be filed in accordance with open price provision	2

Dumping

Prohibited	23

Warehouse sales (rather than from factory)

Prohibited	1
Prohibited unless adequate additional charge made	4
Other restrictions on	5
Code Authority to study and recommend to NRA rules governing	1

F. O. B. origin basis of selling

Required by code	86
Permitted by code	11

F. O. B. destination basis of selling

Required by code	1
Permitted by code	2
Other restrictions on	1

III. PROVISIONS PRIMARILY DESIGNED TO PRESERVE OR MODIFY GEOGRAPHICAL RELATIONSHIPS (Continued)

Delivered basis of selling

Prohibited	2
Required by code	5
Permitted by code	6

Omitting freight charges in computing delivered price

Prohibited	31

Prepayment of freight charges

Prohibited	14
Prohibited unless cost recovered	6
Prohibited if secret	3
Prohibited if discriminatory	6
Maximum limit specified	2
Minimum specified	1
Other restrictions on	1
Permitted by code	7
Must be filed in accordance with open price system	3

Freight allowances

Prohibited	33
Prohibited if excessive	7
Prohibited if discriminatory	3
Maximum limit specified	5
Minimum specified	3
Other restrictions on	6
Must be filed in accordance with open price provision	12
Code Authority to establish rules governing	1
Code Authority with administrative approval to establish rules governing	3
Code Authority to study and recommend to NRA rules governing	1
Members of industry with approval of Code Authority to establish rules governing	1

Freight or transportation terms

Must be filed in accordance with open price provision	26
Code Authority with administrative approval to establish rules governing	2
Code Authority to study and recommend to NRA rules governing	3

III. PROVISIONS PRIMARILY DESIGNED TO PRESERVE OR MODIFY GEOGRAPHICAL RELATIONSHIPS (Continued)

Freight or transportation charges

Prohibited if secret	1
Minimum charge specified	1
Must be filed in accordance with open price provision	7
Code Authority, subject to NRA review, to establish rules governing	1

Diversion of shipment from original destination

Prohibited	3

Seeking freight rate reduction from I.C.C.

Must be reported to Code Authority	1

IV. PROVISIONS PRIMARILY DESIGNED TO RESTRICT USE OF COMPETITOR'S DESIGNS OR STYLES AND THE IMITATION OF COMPETITOR'S IDENTIFICATIONS

1. Designs and styles

Design or style piracy

Prohibited	45
Prohibited if deceptive or misrepresentative	1
Prohibited without creator's consent	12
Prohibited if registered with Code Authority	9
Prohibited if registered with bureau other than Code Authority	9
Prohibited during specified period after creation	17
Prohibited if sold below creator's published price	2
Other restrictions on	2
Code Authority, with administrative approval, to establish rules governing	6
Code Authority to study and recommend to NRA rules governing	5

Registration of designs and styles

Required by code	2
Permitted by code	4
Code Authority to establish rules governing	10

Piracy of ideas, sketches, and drawings

Prohibited	5

2. Identifications

Imitation of trademarks

Prohibited	176
Prohibited if deceptive or misleading	2

Imitation of competitor's identifications other than trademarks (specified in code)

Prohibited	142
Prohibited if deceptive or misleading	2

Registration of identifying marks

Required by code	9

V. PROVISIONS PRIMARILY DESIGNED TO LIMIT USE OF COERCIVE AND PREDACIOUS DEVICES

1. Coercive device by members as sellers

"Coercion"

Prohibited	8

Tying contracts

Prohibited	113
Other restrictions on	2

Threats of litigation

Prohibited	231

Collusion with competitors in preparation of bids

Prohibited	25

Threats of repudiation of contract

Prohibited	11
Other restrictions on	3

Disclaimers (of legal responsibility)

Prohibited	1

Shipments without buyer's order or consent

Prohibited	2

Sales contingent upon certain conditions (other than tying contracts)

Prohibited	5
Must be set forth in written agreement	3

Concessions contingent upon purchaser's agreement not to deal with competitor

Prohibited	1

Urging a substitute product

Prohibited	8

Failure to offer new product to exclusive customers

Prohibited	1

Failure to permit adequate inspection by customer

Prohibited	1

V. PROVISIONS PRIMARILY DESIGNED TO LIMIT USE OF COERCIVE AND PREDACIOUS DEVICES (Continued)

2. Coercive devices by members as buyers

Deferring payment for products purchased

Prohibited	1
Maximum period specified	8

Repudiation of buying agreement

Prohibited	11

Failure to furnish written acknowledgement of purchase

Prohibited	8

Payment in other than money or equivalent

Prohibited	8
Prohibited if excessive or unreasonable	1

Deferring "pricing" of products purchased

Maximum period specified	1

V. PROVISIONS PRIMARILY DESIGNED TO LIMIT USE OF COERCIVE AND PREDACIOUS DEVICES

3. Predacious devices used against competitors

Violence or threats of violence

Prohibited..... 7

Intimidation or threats of intimidation

Prohibited..... 8

Espionage of competitor

Prohibited..... 144

Enticement of competitor's employees

Prohibited..... 73

Blacklisting

Prohibited..... 23

Collusion with awarding authority

Prohibited..... 23

Connivance to have all bids rejected

Prohibited..... 9

Collusion with architect or builder

Prohibited..... 3

Espionage of competitor's unopened bids

Prohibited..... 3

Interference with contracts or contractual relations

Prohibited..... 431

Coercion to force revision of filed prices

Prohibited..... 75

Coercion to force change in customer classification

Prohibited..... 1

V. PROVISIONS PRIMARILY DESIGNED TO LIMIT USE OF COERCIVE AND PREDACIOUS DEVICES

3. Predacious devices used against competitors (Continued)

Malicious interference with or refusal to sell customers buying from competitor

Prohibited	1

Tampering with competitor's property

Prohibited	7
Prohibited until after specified time	1
Other restrictions on	1

Retention or use of competitor's identified container

Prohibited	7
Other restrictions on	1

Acceptance of orders or goods designated for competitor

Prohibited	2

Use of competitor's services or equipment

Prohibited	8

Collusion to withhold instruments of production from certain producers

Prohibited	1

Purchases in excess of requirements to hinder competitors

Prohibited	3

Use of competitor's designs and specifications

Prohibited	6

Substitution of other for competitor's products in repair of competitor's product

Prohibited unless competitor gives consent	2

VI. PROVISIONS PRIMARILY DESIGNED TO LIMIT DECEPTION AND MISREPRESENTATION

1. In relations with customers

"Misrepresentation"

Prohibited..... 19

Misrepresentation of prices

Prohibited..... 72

Misrepresentation of products, services, policies, values, credit terms and form of business

Prohibited..... 228

Misrepresentation of products, services, policies, values and credit terms

Prohibited..... 107

Misrepresentation of products

Prohibited..... 142

Misrepresentation of services

Prohibited..... 14

Misrepresentation of marketing conditions

Prohibited..... 5

Misrepresentation of credit terms

Prohibited..... 1

Misrepresentation of form of business

Prohibited..... 7

Misrepresentation of origin

Prohibited..... 3

Misrepresentation of affiliations

Prohibited..... 5

VI. PROVISIONS PRIMARILY DESIGNED TO LIMIT DECEPTION AND MISREPRESENTATION

1. In relations with customers (Continued)

Inaccurate advertising

Prohibited..... 480

Lotteries

Prohibited..... 64
Permitting broadcasting of, prohibited..... 1

Deceptive display of goods

Prohibited..... 2

Deceptive labeling, branding, marking, or packing

Prohibited..... 414
Code Authority to study and recommend to NRA rules governing..... 1

Defamation of or inaccurate reference to competitor

Prohibited..... 530

Representing competitor's sales or installations as own

Prohibited..... 2

Selling from competitor's samples or advertising material

Prohibited..... 6

Removal of manufacturer's label

Prohibited..... 12

Inaccurate or persistent underselling claims

Prohibited..... 17

"Deceptive selling methods"

Prohibited..... 57

Deceptive offers

Prohibited..... 7

VI. PROVISIONS PRIMARILY DESIGNED TO LIMIT DECEPTION AND MISREPRESENTATION

1. In relations with customers (Continued)

Deceptive billing

Prohibited	2

Deceptive promise of delivery

Prohibited	5

Deceptive appraisals

Prohibited	2

Resale price tags

Prohibited if deceptive	3
Limit specified	1

False measures

Prohibited	19

Substitution of lower quality goods

Prohibited	31

Shipping or performing at variance from contract or representation

Prohibited	67
Other restrictions	8

Transfer of assets to avoid performance of contract

Prohibited	1

Commercial bribery

Prohibited	518

Acting both as agent and undisclosed principal

Prohibited	1

Bidding without adequate capital to perform

Prohibited	2

VI. PROVISIONS PRIMARILY DESIGNED TO LIMIT DECEPTION AND MISREPRESENTATION

1. In relations with customers (Continued)

Changing specifications in computing offer

Prohibited..... 1
Prohibited if secret..... 1

Bids on other than requirements of plans or specifications

Prohibited..... 6

Underestimating quantities or making inadequate specifications

Prohibited.....10

Fake, fictitious, or blind bids

Prohibited..... 9

Failure to disclose subcontractors upon request of awarding authority

Prohibited.....22

Failure to furnish awarder evidence of bidder's financial standing

Prohibited..... 1

Uniform price offer

Prohibited..... 3

Failure to post insurance information

Prohibited..... 2

VI. PROVISIONS PRIMARILY DESIGNED TO LIMIT DECEPTION AND MISREPRESENTATION

2. In relations with others

Inaccurate representations to prospective sales representatives

Prohibited..... 2

Inaccurate representations to parties from whom member buys

Prohibited..... 3

Concealed relationship with selling agency (other than company owned stores)

Prohibited..... 4

Accepting rebate or commission undisclosed to principal

Prohibited..... 1

Offer of sale unauthorized by owner

Prohibited..... 1

Establishing deceptive or misleading conditions of bidding

Prohibited..... 3

Sales to customers who misrepresent or inaccurately advertise

Prohibited..... 2

Failure to inform subcontractor if lien rights waived

Prohibited..... 2

Acceptance by awarding authority of possibly erroneous bid without proof by bidder

Prohibited..... 22

Inviting of bids from unreliable bidders by awarding authority

Prohibited..... 22

Furnishing of inadequate specifications by awarding authority

Prohibited..... 22

Breaking up combination package prepared by manufacturer for advertising purposes

Prohibited..... 1

VII. PROVISIONS OF A SPECIAL NATURE PRIMARILY DESIGNED TO REGULATE BIDDING AND AWARDING PRACTICES

A. Provisions Primarily Designed to Make Original Offer the Effective or final offer

1. Limitations on bidders

Bid peddling or making alternative offers (unless specifications changed or all bids rejected)

Prohibited..... 63

Submitting bid for first time after closing date

Prohibited..... 4

Submitting alternates unless competitors have same privilege

Prohibited..... 2

Subcontractors' bids to contractor within specified time before closing date

Required by code..... 22

Withdrawal of bid

Prohibited during specified period after closing date.. 1

Parties permitted to bid after rejection of bids or revision of specifications

Restrictions on..... 2

2. Limitations on awarding authority

Bid shopping prohibited..... 27
Accepting bids after closing date - prohibited..... 22
Award at other than bidder's original price - prohibited..... 22
Accepting rebates not included in original bid - prohibited..... 22
Rejecting bids and calling for new bids - restrictions on..... 22
Failure to designate specific closing date - prohibited..... 22
Considering alternate proposals - prohibited if discriminatory..... 22
Revealing competitor's bid to any bidder - prohibited..... 24
Delaying award or rejection of all bids beyond specified period - prohibited..... 22

VII. PROVISIONS OF A SPECIAL NATURE PRIMARILY DESIGNED TO REGULATE BIDDING AND AWARDING PRACTICES

B. Provisions Primarily Designed to Eliminate Waste in Bidding

Inviting unnecessary number of bids - Prohibited.....	22
Accepting uninvited bids - prohibited	22
Code Authority to establish estimating bureau.....	5

C. Other Bidding Limitations of a Special Nature

Making deposit for specifications without provision for return - prohibited.....	3
Extending time for acceptance of bid - prohibited.....	1
Submitting bids prior to announcement of plans or specifications - prohibited.....	3
Bids other than at price announced by awarder - prohibited...	2
Accepting financing from general contractor - prohibited.....	1
Collusion with bidders by awarding authority - prohibited....	22

VIII. OTHER TRADE PRACTICE PROVISIONS

1. Provisions Primarily Designed to Preserve or Modify Productive Functions of the Industry or Trade

Sales of unfinished products

Prohibited	4

Contracting out of work

Prohibited	2
Other restrictions on	7
Code Authority, with administrative approval, to extablish rules governing	1

Working on materials furnished by others

Prohibited	5
Other restrictions on	5

Permitting performance of industry function by non-member

Prohibited	2

Sharing with processor compensation received for industry function

Prohibited	1

Leasing productive equipment to non-members

Prohibited	2
Restrictions on sale of product	1

Renting or leasing space or equipment to shop workers

Prohibited	3
Other restrictions on	1

Subletting contracts to another member

Restrictions on	1
Code Authority to study and recommend to NRA rules governing	1

Supplying trade secrets to non-industry producers

Prohibited	3

Buying prison-made goods

Prohibited	7
Other restrictions on	28

VIII. OTHER TRADE PRACTICE PROVISIONS

1. Provisions Primarily Designed to Preserve or Modify Productive Functions of the Industry or Trade (Continued)

Processing prison-made goods

Restrictions on	2

Selling prison-made goods

Prohibited	2
Other restrictions on	30

2. Restrictions on members as buyers

Accepting certain concessions from sellers

Prohibited	3
Prohibited if secret	1
Must be set forth in written agreement	2

Subsidizing parties from whom materials are purchased

Prohibited	1

Absorbing transportation costs on goods purchased

Prohibited	2

Buying contracts with price unspecified

Prohibited	1

Accepting delivery of purchase before season opens

Prohibited	1

Subsidizing agents from whom member buys

Must be reported to Code Authority for dissemination or availability to members	1

Giving rebates to subcontractors

Prohibited	1

"Incomplete" purchase contracts

Prohibited	1

VIII. OTHER TRADE PRACTICE PROVISIONS

2. Restrictions on members as buyers (Continued)

Buying offers without time limit

Prohibited..... 1

Registration of agents from whom members buy

Code Authority, with administrative approval, to establish rules governing..... 1

Buying illegally produced goods

Prohibited..... 2

Buying from code violators

Prohibited..... 7

3. Provisions for conservation

Conservation measures

Code contains detailed rules..... 3
Code Authority to study and recommend to NRA..... 12

4. Restrictions on advertising other than inaccurate

Advertising other than inaccurate

Restrictions on..... 5

Comparative demonstration or display of own and competitor's products

Prohibited..... 2

5. Provisions peculiar to transportation or warehousing codes

Accepting products not in good condition

Prohibited..... 1
Other restrictions on..... 1

Contracting to give service for period of time

Prohibited..... 1

VIII. OTHER TRADE PRACTICE PROVISIONS

6. Provisions relating to price differentials between classes of products

Price differentials between classes of products

Code Authority to determine	5
Set forth in code	1
Industry association differentials incorporated by reference	1
Must reflect differences in cost	9

IX. ENABLING PROVISIONS OTHER THAN FOR "TRADE PRACTICES" IN GENERAL

"Merchandising plans"

Code Authority, with administrative approval, to establish rules governing..... 8
Code Authority to study and recommend to NRA rules governing..... 5
Industry to establish rules governing..... 2

"Methods of quoting"

Code Authority, with administrative approval, to establish rules governing..... 1
Code Authority to study and recommend to NRA rules governing 2

"Methods of distribution"

Code Authority, with administrative approval, to establish rules governing..... 1
Code Authority to study and recommend to NRA rules governing 2

"Methods of marketing"

Code Authority to recommend to NRA rules governing..... 5

"Methods of advertising"

Code Authority, with administrative approval, to establish rules governing..... 1

"Methods of bidding"

Code Authority to establish rules governing..... 2
Code Authority to study and recommend to NRA rules governing 1

"Methods of delivery"

Code Authority, with administrative approval, to establish rules governing..... 1
Code Authority to study and recommend to NRA rules governing. 1

"Methods of purchasing"

Code Authority to study and recommend to NRA rules governing. 1