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

MEMORANDUM TO:

SECTION HEADS

December 18

1 9 3 5

SUBJECT:

WORK MATERIALS NO. 18

CONTENTS OF CODE HISTORIES

This document makes available for confidential use within the Division of Review the outline that is followed in the preparation of code histories. An examination of this outline will throw light upon the material useful in connection with studies which will be found in each code history.

Although the outline contained herein was issued July 10, 1935 by the Division of Review and although the Division of Review was from the first assigned the duty of reviewing and revising code histories, it was not until the latter half of August that full jurisdiction of the preparation of code histories was vested in the Division of Review. The code histories fall into two major groups:

1. The histories of formally approved codes. There are in Central Records 757 approved codes and supplements. In connection with these, 814 separate histories are being prepared in order to cover adequately the situation in certain industries in which there were a number of chapters to the code. As of December 11, 1935, 374 of these code histories were completed, and 168 others started.
2. The histories of codes not formally approved but concerning which the records contain valuable material. There are 259 such cases. As of December 11, 1935, 89 of these were completed and 51 others started.

In addition to code histories, histories are being prepared of the activities of particular divisions, boards, and other agencies of the National Recovery Administration.

Information concerning the histories that are available for examination may be secured from Mr. R. C. Ayers, Commerce Building, Room 4309 - Telephone Extension 645.

L. C. Marshall,
Director, Division of Review.

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No. 18

CONFIDENTIAL
UNCLASSIFIED

STANDARD
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TO: Division Administrators
FROM: Director, Division of Review
SUBJECT: Code Histories

The following is a revision of the memorandum of the Code Administration Director, dated May 29, 1935, (Code Histories).

A documented history of each code will be prepared by deputies and their assistants, to be in accordance with the outline hereinafter set forth. The outline is not to be digressed from except for such additional discussion as may be necessary or desirable or in the treatment of a special problem of the industry wherein it would be impossible to follow the outline.

A letter of transmittal should accompany the code history incorporated in the volume just after the table of contents. The letter of transmittal should be prepared by the deputy or other officer charged with the responsibility of compiling and writing the history, addressed to the division administrator, or other officer in charge, stating that the history has been written in accordance with the model outline, and that in his opinion the submitted record adequately reflects the history of the code. The letter should contain a signature line (lower left hand corner) for the division administrator or other officer in charge, under the word "Approved."

There should be a short preface to each history which will indicate the identity and experience of the compilers thereof with the subject matter. Obviously a history compiled by the deputy connected with a code and its problems from its very inception or for the greatest period of time would carry the presumption of greater authority than one compiled by a deputy of lesser experience with the industry. The author and co-authors, if any, should certify to the authenticity of that part of the history written by them by affixing their signature thereto.

Code histories should contain all information concerning the code, therefore it will be necessary for the author or authors thereof to put into histories information which is not a matter of record but lies within the recollection and personal knowledge of those connected with the code. Since the code histories are for use within the administration and not for public use all such information should be set forth in the histories in order that they will completely embrace all unrecorded discussions and opinions. Where no written record exists a notation to that effect should follow the statement of the author giving the source of his knowledge of the facts, i.e., participation in conferences, etc.

If there were no written or verbal communications bearing on any point mentioned in the outline the deputy should so state under the proper heading so as to avoid inference that the subject was overlooked.

Reports will be obtained from administration members on such subjects as they are best fitted to discuss. These reports are of the utmost importance and copies thereof should be included.



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as exhibits in the appendix of the code histories for the following purposes:

1. General information.
2. Operation of code provisions.
3. Functioning of the administering body.
4. Adequacy of industry statistics.
5. Recommendations.

Stress is laid on complete documentation of these histories In no case will reference to source of material by document and page be omitted.

Each volume will conclude with a detailed and thorough alphabetical index. Volumes will be bound in blue covers.

An original and five carbons will be made and bound, and when completed will be forwarded to the records section (Room 4321, Commerce Building) for review and further disposition.

Reference to the code provisions and amendments thereto should be made by article and section and by page number of code or amendment as bound.

Administrative Orders should show order number, date and approving official.

Reference to reports of Government agencies other than NRA should give title and page, industry and release number, and digest or extract of important material. If not too voluminous a copy should be included in the appendix.

Reference to deputy's, general or other files should be so detailed and specific that the material referred to may be readily located, including date, name of sender and addressee of any communication referred to and where possible a digest or extract of important material contained in the document found in such files should appear in the history.

If the document is voluminous (such as transcript of hearing) refer specifically to page and volume and quote extracts if desirable or such portions thereof as will convey the desired ideas adequately. In this way the gist of such material is incorporated in the history and the document becomes a collateral. If the document is brief and readily lends itself to copying without too great a sacrifice of time and effort, it may be copied and made an exhibit to be bound as an appendix. When more than one document falls in such a class the exhibits of course should be clearly identified and reference made thereto at the proper place in the body of the history.

I. General Information

Reference should be made to the location of the primary material which is the basis of research for the specific studies to be made.



In this connection reference should be made to the source. References should be sufficiently specific to show where the sources of information are located such as Code Record Section, N.R.A., general, deputy's files or name of staff function file.

1. Ref. Printed Code.
2. Ref. Vol. 1, II, III, Code Record Section. Article, section and/or page number.
3. Ref. Vo. A and B, Code Record Section.
4. Ref. Administrative Orders.
5. Ref. Deputy's files, N.R.A.
6. Ref. General files, N.R.A.
7. Ref. Research and Planning files, N.R.A.
8. Ref. Legal Division and Compliance files.
9. Ref. Advisory Council Reports.
10. Ref. Advisory Boards files.
11. Ref. Government Agency reports.
12. Ref. Code Authority report in re Budgets.
13. Ref. Trade Association reports.

A. Definition of Industry

The latest approved definitions should be quoted in full from the code. If the code has divisions and sub-divisions, such definitions should also be included with references irrespective of whether a supplement has not been approved. Consideration should also be given to the generally and publicly accepted meaning of the respective industry.

The evolution of the definition through the various drafts of proposed codes with an explanation of the changes made as well as references to their respective location should be included.

1. Ref. Proposed Code, Vol. A, Code Record Section.
2. Ref. Transcript, Vol. III.
3. Ref. Approved Code and Amendments, Article, Section and page.

1. Principal Products

A complete tabulation of industry products should be herein enumerated such as those as may be found in:

1. Vol. III, A and B, Code Record Section.
2. Printed Code and Amendments (Article, section and page).
3. Department of Commerce Publications.
4. Classified lists of industries.

2. Products also under Other Codes

In considering products also under other codes it is suggested that the statement be confined as far as possible to the bare list of products under other codes (if none so state) material obtained from sources such as:

1. Ref. Codes governing similar activities.
2. Ref. Administrative Orders, Interpretations and Classifications.
3. Ref. Deputy's files.
4. Classified lists of industries.

B. Definition of Industry Member

A late and complete code definition of industry member (showing additional inclusions or exclusions) should be herein included with references such as:

1. Ref. Proposed Codes, Vol. A, B and III, Code Record Section.
2. Ref. Printed Code and Amendments, Article, Section and page.

1. Classes of Members

Members should be ranked together as possessing some attribute in common and for some common purpose, such as:

- (a) Manufacturers
- (b) Wholesalers
- (c) Producers
- (d) Retailers
- (e) Jobbers, etc.,

and any subdivision thereof (natural or accepted) which constitutes a separate and distinct group.

1. Ref. Proposed Codes, Vol. A, B and III, Code Record Section.
2. Ref. Printed Code and Amendments, Article, Section and page.

C. Statistics of the industry (salient only)

Under this section there should be furnished the most recent salient industry statistics such as:



- (a) Total annual sales
- (b) Number of concerns
- (c) Aggregate invested capital
- (d) Aggregate production capacity
- (e) Aggregate number of employees
- (f) Estimated net sales
- (g) Latest available information as to the establishments in the industry

1. References to material within or outside N.R.A.

References to the sources for this information should be set forth such as:

- 1. Recognized commercial agencies
Examples: Dodge, Dun & Bradstreet, etc.
- 2. Department of Commerce, Census of Manufactures.
- 3. Department of Commerce, Census of Distribution.
- 4. Research and Planning Bulletins and records.
- 5. Reports from sponsoring and interested groups, including technical and statistical reports prepared by independent organizations, groups and bureaus.
- 6. Claims by members of the industry. Volume III - Code Record Section.
- 7. Code files including Volume A and B and Volume II of Code Record Section.
- 8. Correspondence file.

II. History of Code Formulation

A. Sponsoring organizations.

- 1. Statements re true representation, age and objectives, code meetings, et cetera.

The statements under this heading should support the requirements of true representation as prescribed by NRA policy setting forth in detail the age of the sponsoring organizations, information relative to the meetings held preceding the submission of the code and other available information in the official records. The histories should indicate references such as:

- 1. Ref. Volume A and B, II and III of the Code Record Section and Deputy's and General files.

2. Officers, code committees, interested groups.

The list should include:

- (a) Officers
- (b) Code Committees, and
- (c) Other interested groups

With their

- 1. Affiliations, sponsoring the proposed codes, and
- 2. Should be detailed with appropriate references, such as Volume A and B, II and III of the Code Record Section, and
- 3. Deputy's file, and
- 4. General Files.

B. From submission of first draft code to public hearing.

1. Brief summary of conferences and negotiations.

All records pertaining to pre-hearing conferences and other negotiations leading up to the first public hearing should be listed under this heading and should be described by reference to the files and records containing reports of these conferences and negotiations, such as:

- (a) Volumes A and B
- (b) Deputy's File
- (c) General Files

All topics of discussion at these conferences should be set forth and the decisions, if any, on subject matters indicated herein.

C. Public Hearings on code.

1. Dates; major personnel; results.

The dates of all public hearings on the code chronologically arranged should be indicated together with the names, addresses and business affiliation of all important persons taking part therein. The history should show the major subjects

discussed and what was accomplished as a result of these hearings. The reference should be directed to Volumes II and III, A and B of the Code Record Section and exhibits submitted at the public hearings presented in support of the contention of the participating personnel. In referring to records made at the public hearings for use of subject matter contained in the same the formulation of this portion of the history should be in accordance with Office Instructions No. 5 of June 28, 1935.

D. From public hearing to approval.

The details of the actual formulation of the code from public hearing to the final approval should be set forth under this section and should include a reference to all post hearing conferences held together with a summary of the subject matter and results thereof. The information should be arranged as follows:

1. Brief summary of post-hearing conferences.

Under summary of post-hearing conferences there should be shown the action taken in each case with reference to location of the documents including Deputy's and General Files, Volumes II, A and B of the Code Record Section.

2. Activities in obtaining approval.

Considerable detail should be furnished in the history for this paragraph and should include

- (a) All available data.
- (b) Summaries of post-hearing activity which took place during the final drafting of the code.
- (c) A description of the particular code provisions which may have been materially changed from those discussed at the public hearing,
- (d) Answers and memoranda on disputed points (including N.R.A. Advisory Board reports),
- (e) Sufficient information to identify the method and degree of industry assent thereto,
- (f) Supported by necessary reference, such as:
Volume II and III, A and B, Deputy's Files, exhibits and General Files.
Assent - See Office Order 15, dated August 5, 1933.



3. Date of approval.

Ref. - Order approving Code - Code Record Section.

4. Conditions in order of approval; industry reaction.

Each and every condition in the order of approval should be briefly set forth. References - Order of Approval - Code Record Section.

The industry reaction can be best determined by reference to the General Files containing, among other information, those protests filed under Executive Order 6205-B and other protests and reactions following public approval of the Code as well as the Administration Member's report.

III. Code Administration

It is the intention to have a complete detailed history of the Code Administration from its approval until the date of the Supreme Court decision of the Schechter case, and all conclusions arrived at are to be supported by complete documentation, either by reference or by copies of the essential document.

A. General preliminary discussion of the period of code administration, covering general success of code, or lack of success, chief difficulties encountered, extent of compliance or non-compliance; to include a general orientation for the subsequent discussion.

When statements under this heading are made which cannot be supported by complete documentation but lie within the recollection and personal knowledge of those administering the Code, this fact should be noted in support of the statements made. The preliminary discussion will include:

1. Difficulties of the Administration in launching the Code Authority,
2. Developments of the problems incident thereto during the full period of Code coverage of the Industry.

When discussing the lack of apparent success of the Code, or portion there, if the facts or the reasons for these difficulties are available, they should be set forth in considerable detail, together with a reference to the location



or documentation, or supporting data which may be referred to. Compliance problems should be segregated by classes, that is -

1. Wages
2. Hours
3. Trade Practice
4. Other typical provisions.

The data submitted should be supported by the reports of compliance offices, either in field or in Washington; and where possible, statistics should be submitted, broken down to set forth the results of adjudication of compliance cases by voluntary agreements with Compliance Council, Litigation Division and the Department of Justice.

References should include:

1. Deputy's Files.
2. General Files.
3. Administrative Orders.
4. Compliance Division Files.
5. Research and Planning Reports.
6. Advisory Board Reports.
7. Transcript on Hearings on Amendment.
8. Industrial Appeal Board Decisions.
9. Reports of Special Committees.
10. Reports of Administration Members.

B. Organization

1. The method of organization should be set forth in detail, with appropriate references to the method of selection, and the order recognizing the Code Authority, showing the order number, and the date or dates of approval.

Ref. Code and Amendments, Article, Section, and page number, Administrative Orders.

Ref. General and Deputy's Files.

2. Personnel of Code Authority should include -

- (a) Names
- (b) Addresses
- (c) Company (Approximate size thereof)
- (d) Association or Group affiliation
- (e) Geographical or other representation
- (f) A brief digest of the meetings held, and
- (g) What was accomplished.



3. Each and every change in the membership of Code Authority (including the Administration Member), should be set forth in detail, if any, with the reason therefor.

Ref. Administrative Orders.

4. Agencies of the Code Authority (including Divisional, Sub-divisional, Regional and Special), should be commented upon fully, and their activities, personnel and functioning should be described in detail. These Agencies, for purposes of this history, are to be segregated into -

- (a) Local
- (b) Compliance
- (c) Statistical, and
- (d) Other,

describing their

- (a) Activities
- (b) Personnel and functioning, and
- (c) Citing the sources of reference.

Ref. Administrative Orders.

Ref. Code and Amendments, Article, Section and page number.

Ref. Deputy's and General Files and Compliance Files.

(And any reports that may have been submitted by these agencies).

5. Field organization, as distinct from local agencies, if any, its set-up, powers, duties and functioning.

1. Ref. Code and Amendments, Article, Section and page number.
2. Ref. Administrative Orders.
3. Ref. By-Laws.

a. Operation and Accomplishments

Ref. Code Authorities' Files and Reports.

6. Discussion of operation of the code authority as an industry governing body, including successes, failures, difficulties, and a general estimate of value, also any evidence of discrimination.

Under this section should be given a full description



of the operation of the Code Authority as an industrial governing body, including its

- (a) Successes
- (b) Failures
- (c) Difficulties, and
- (d) A general estimate of value of its work to the industry.

Citing source of references.

1. Ref. Deputy's and General Files, and Compliance Files.
2. Ref. Administrative Orders.
3. Ref. Administration Member Reports.

C. Budgets and Basis of Assessment.

Full budgetary history is essential and should include all periods covered by budgets, dates, order numbers, and the financial structure of the Code Authority for those periods. Distinction should be made between voluntary and mandatory assessments, and separately commented upon.

1. Budgets as submitted and approved.

Budgets as submitted and approved, should be detailed, together with reference as to the location of the true copies thereof:

1. Ref. Code and Amendments, Article, Section and page number.
2. Ref. Administrative Orders.
3. Ref. Deputy's Files.
4. Ref. Code Authority Accounts Section

2. Termination of Paragraph 3 of Administrative Order X-36.

Termination of Paragraph 3 of Administrative Order X-36, if any, should be referred to and pertinent orders digested.

1. Ref. Administrative Orders.
2. Ref. Deputy's Files.
3. Ref. Code Authority Accounts Section

3. Effect of Other Administrative Orders.

Administrative Orders relative to budgets and basis of assessment, if they affected the particular Code, should be mentioned, and the degree of effect thereof. In some cases it may be advisable to set forth in considerable detail the effect of these Orders.



1. Ref. Deputy's files.

4. Income from Labels.

In those industries whose Code provides for labels, the history should recite the success or failure of labels as a medium of income and the total amount of income therefrom should be supplied with appropriate reference. If the Code did not provide for the use of labels, there should be a statement to this effect.

1. Ref. Deputy's Files.
2. Ref. Code Authority Accounts Section.
3. Ref. Research and Planning Division Files.

5. Proportion of Assessments Collected.

The proportion of assessments should show the amounts assessed and the amounts collected, with percentages computed on the budgetary bases.

a. Discussion of Difficulties Involved, Certificates of Non-Payment, Protests and Actions Taken. (Coordinate with Compliance Division).

It is important, under this heading, to show the success or failure of the Industry to finance itself through assessment, and particularly to show possible lack of interest in later Code periods by reporting the falling off of collections as compared with earlier periods of code coverage, and to recite, in addition thereto, methods used by the Code Authority.

1. Ref. Deputy's Files.
2. Ref. Compliance Files.
3. Ref. General Files.
4. Ref. Code Authority Accounts Section.

6. Financial operations of Code Authority in relation to its other operations.

The relationship of financial operations of the Code Authority to its other operations, by way of comparison, should be submitted under this section. This would particularly apply to the history of those industries which presented general Code Authority Administration difficulties, as well as financial problems, due to lack of genuine support, either from the beginning of the Code or a general falling off of interest in its labor phases. References should be made to:

1. Ref. Deputy's files.
2. Ref. Research and Planning files.
3. Ref. Code Authority Accounts Section.
4. Ref. Code Authority files.

D. Administration of the Code

1. Amendments

The information supplied here should include a full discussion of modifications of the Code and should tie in, with the subject matter furnished under the provision earlier discussed regarding problems of code administration, with the idea of developing and rectifying the earlier problems through code amendment. This information should be completely documented by reference to the location of correspondence with members in the Industry, Code Authority, and others, together with a reference to:

- (a) Hearings
- (b) Opportunities to be heard
- (c) Post-hearing conferences on amendments

Reference should be made to:

1. Transcripts and Vol. II on amendments.
2. General and Deputy's files.

a. Effect on the industry

As fully as possible the history should reflect effect these amendments and/or modifications had upon the industry as a whole, both from the opinion of those administering the code as well as reference to correspondence or other matter which may tend to elaborate upon the effect of changes in the code on the industry. References such as:

1. Deputy's files.
2. Compliance files.
3. General files.
4. Administrative Orders.
5. Administration members reports.

b. Critical discussion of value of amendments, including unapproved amendments.

From the point of code administration the history should include a critical discussion of each amendment, and if the matter produced in the history is opinion matter rather than information supported by documents, the author should so state and his discussion of the value of

unapproved amendments likewise should be so developed. References should be noted to sources of information, such as:

1. Special reports.
2. General and Deputy's files.

2. Interpretations

a. The official interpretations of code provisions should be chronologically arranged by epitomizing the subject matter discussed therein, and setting forth the official order, together with the date and the name of the person who signed it. In each case the official NRA interpretation should be set forth in full in the appendix in the history. References should be made to:

1. Administrative Orders.
2. General and Deputy's files.
3. Division Administrator's Orders.

b. The results of the interpretations reflected from the industry point of view should be stated and a discussion given in cases where the interpretation resulted in conflict with other industries later codified: References:

1. Administrative Orders.
2. General and Deputy's files.
3. Division Administrators' Orders.

c. A discussion of the value of approved interpretations should be supplied, fully documented by reference to the material supplied in support of the discussion. If the matter supplied under this subsection consists largely of opinion of the authors it should be so stated. References:

1. Administrative Orders.
2. General and Deputy's files.
3. Division Administrators' Orders.

3. Exemption and stays

Exemptions are to be primarily grouped into classes, with a complete summarization of each of the different classes. That the summarization may be more illustrative, it is essential to identify the most significant orders in each class, giving a full discussion of their subject matter, purpose and effect. In all cases of total exemptions, (stays) they are to be separately indicated and discussed.

1. Administrative Orders.
2. General and Deputy's files.
3. Compliance files.
4. Research and Planning files.
5. Division Administrators' orders.

4. Other administrative actions and agencies.

a. Trade practice complaints committees.

The names of business affiliations, addresses, and qualifications of the committee should be set forth in detail, with appropriate references such as:

1. Administrative Orders.
2. Deputy's and General files.
3. Division Administrators' Orders.

1. The organization, duties, activities, and a brief resume of the plan itself should be detailed with complete documentation, and references such as:

1. Administrative Orders.
2. Deputy's files.
3. Division Administrators' orders.

b. Labor Complaints Committees

The personnel of the committee, business addresses, affiliations and qualifications should be included; if none it should be so stated, with references such as:

1. Administrative Orders.
2. Deputy's and General files.
3. Division Administrators' Orders.

1. The organization, duties, activities, a brief resume of the plan, and accomplishments, if any, should be detailed, with reference to:

1. Administrative Orders.
2. Deputy's files
3. Division Administrators' Orders.

c. By-laws

The by-laws of the Code Authority, or any regulations or rules of procedure issued by the Code Authority, should be commented upon, and any unusual provisions set forth with references such as:

1. Administrative Orders.
2. Deputy's and General files.
3. Division Administrators' Orders.

1. Steps in obtaining the approval of by-laws, recommendations of various advisers, amendments made pursuant thereto, approved date, and the general operation of the rules of procedure should be elaborated upon, with references such as:

1. Administrative Orders.
2. Deputy's and General files.
3. Division Administrators' Orders.

d. Other

Any other peculiar administrative actions or agencies including use of Trade Associations in administration of code and effect of code on trade association, should be specifically set forth in this section, with complete documentation, and if none it should be so indicated. References such as:

1. Administrative Orders.
2. Deputy's and General files.
3. Division Administrators' Orders.

5. Other phases of code administration not covered above.

Any other phases of code administration not heretofore covered should be fully detailed and documented in this section, with appropriate references such as:

1. Administrative Orders.
2. Deputy's and General files.
3. Division Administrators' Orders.

IV. Operation of code provisions.

A. Definitions

The operation of the definition proposed by the sponsors and its relation to definitions contained in code; for allied industries should be elaborated upon fully, with appropriate references such as:

1. Proposed Code, Vol. III, approved Code and Amendments, Article, Section and Page.
2. Administrative Orders.
3. Division Administrative Orders.

1. Any question of overlapping resulting from the definition which covered products or operations of other industries should be elaborated upon with appropriate steps taken to adjust differences arising thereby and the author's recommendations as to possible means of correction in the future. Examples of steps taken, i.e.:

- (a) Conferences.
- (b) Proposed changes.
- (c) Coordinating activities.
- (d) Administrative suggestions.
- (e) Classification orders.

If these recommendations are not substantiated by references but are based on the opinion of the author, it should so be stated. If there is no overlapping, this section should so state. References should be given, such as:

1. Administrative Orders.
2. Classifications.
3. Interpretations.
4. Amendments.
5. General and Deputy's Files.
6. Special Board or Committee Reports.
7. Division Administrators' Orders.

B. Wages

The basic wage rates as contained in the code of the industries in question should be set forth.

Reference such as:

Code and Amendments, Article, Section
and Page.

1. The effect of the code wage provisions upon the industry wage level as a whole; upon the industry wage minima, and upon the average wage rate. In this respect, additional statistics may be necessary under this heading to support statements made showing the effect of changes in wage levels in the industry as a result of the adoption of the code. Furthermore, complete references should be given to correspond with all sources regarding the effect of wage provisions, such as:
 1. Vol. A, B, and III.
 2. Code and Amendments.
 3. Hearings.
 4. Research and Planning Reports.
 5. Exemptions.
 6. Stays.
 7. Deputy's Files.
 8. Government Agency reports.
 9. Accepted Commercial reports (i.e., Dodge, and Dun and Bradstreet).
 10. Department of Commerce Census reports.
2. Industry compliance with code wage rates should be elaborated upon, with appropriate references such as:
 1. Compliance Division Files.
 2. Deputy's and General Files.
 3. Research and Planning reports.
 4. Labor Advisory Board reports.
3. Skilled and semi-skilled wages rates should be stated in detail and it should be further stated whether or not such skilled wage rates were or were not arrived at through collective bargaining. As an example, there may have been developed in the particular industry considerable history preceding the adoption of the code relative to the establishment of skilled wage rates in the industry which should be tied in as preceding

history to the adoption of the code wage rates, with appropriate references such as:

1. Compliance Division Files.
 2. Deputy's and General Files.
 3. Research and Planning reports.
 4. Labor Advisory Board reports.
4. Any code provision requiring the adjustment of wages upward should be elaborated upon under this section. References such as:
1. Compliance Division Files.
 2. Deputy's and General Files.
 3. Research and Planning Reports.
 4. Labor Advisory Board Reports.
 5. Code and Amendments, Article, Section and Page.
5. Any mal-adjustment with other industries should be treated under this section. This includes business conflict with other codes covering similar operations wherein the codes contain less favorable wage rates than in the code under discussion.
6. A brief resume of the posting of labor provisions in so far as they affect wages, and their observance by industry members, should be detailed.
7. Comment is to be made whether N.R.A. insignia was displayed, and to what extent, as evidence of the industry's compliance with the wage provisions of the code.

C. Hours.

1. The general effect of hours provisions of the code on the industry as a whole should be noted. Under this heading there should be set forth complete information regarding the effect of shortening hours upon employment, with appropriate references such as:
 1. Vol. A, B, and III.
 2. Code and Amendments, Article, Section and Page.
 3. Hearings.
 4. Research and Planning reports.
 5. Exemptions.
 6. Stays.
 7. Deputy's Files.
 8. Government Agency reports.

2. Unusual provisions such as tolerances, peak-period, and various differentials, should be treated separately, supported fully by reference to correspondence and/or information contained in official records, and in cases of differentials the matter should be exhaustively treated. Peak-period provisions should be tied in with requests for exemptions if such provisions in the code were of insufficient length to comply with industry problems due to seasonal peaks. References such as:
 1. Compliance Division Files.
 2. Deputy's and General Files.
 3. Research and Planning reports.
 4. Labor Advisory Board reports.

3. A recitation of industry compliance with your provisions should be set forth and where possible statistics should be provided. Furthermore, compliance sources and labor union information supplied where available, with appropriate references, such as:
 1. Compliance Division Files.
 2. Deputy's and General Files.
 3. Research and Planning reports.
 4. Labor Advisory Board reports.

4. Any mal-adjustment with other codes covering similar operations wherein the codes therefor contain less favorable hour provisions than in the code under discussion. References such as:
 1. Compliance Division Files.
 2. Deputy's and General Files.
 3. Research and Planning reports.
 4. Labor Advisory Board reports.

5. A brief resume of the posting of labor provisions in so far as they affect hours, and their observance by industry members, should be detailed.

6. Comment is to be made whether N.R.A. insignia was displayed, and to what extent, as evidence of the industry's compliance with the hour provisions of the code.

D. Other labor provisions.

1. Attention should be given to the reduction in child labor with complete information as to the conditions existing before the adoption of the code, with full references, such as:
 1. Vol. A, B, and III.
 2. Code and Amendments, Article, Section and Page.
 3. Hearings.
 4. Research and Planning reports.
 5. Exemptions.
 6. Stays.
 7. Deputy's Files.
 8. Government Agency reports.

2. The extent of home work activities in the industry before the adoption of the code and the effect of the limitations placed thereon by code provisions should be detailed with full references such as:
 1. Administrative Orders.
 2. Reports of Special Commission.
 3. Research and Planning reports.
 4. Reports of the various Advisory Board.
 5. Code Authority reports.
 6. General and Deputy's Files.

3. Code provisions, for handicapped workers should be included and detailed statement made as to the general effect of these provisions, as well as Executive Order, upon this class of workers. References, such as:
 1. Code and Amendments, Article, Section and Page.
 2. Compliance Division Files.
 3. Deputy's and General Files.
 4. Research and Planning reports.
 5. Labor Advisory Board reports.

4. Apprentice and learner provisions should be detailed and the effect of these provisions upon employment of this type of workers in the industry, and if there appear to have been efforts made by employers to exploit this type of worker through

the use of these provisions in the code, full explanation should be set forth, together with the steps taken by the Administration to alleviate the problem. Reference should be made to the location of correspondence and/or records resulting from any such action. References such as:

1. Code and Amendments, Article, Section and Page.
 2. Compliance Division Files.
 3. Deputy's and General Files.
 4. Research and Planning reports.
 5. Labor Advisory Board reports.
5. Statement as to the operation of all other labor provisions incorporated in the code should be elaborated upon, with references such as:

1. Vol. A, B, and III.
2. Code and Amendments, Article, Section and Page.
3. Hearings.
4. Research and Planning reports.
5. Exemptions.
6. Stays.
7. Deputy's Files.
8. Government Agency reports.

E. Administrative provisions.

1. The nature and extent of the investigation of records as set forth in the code should be shown and the history should include whether or not the section was the model code provision. References such as:
 1. Code and Amendments, Article, Section and Page.
 2. Administrative Orders.
 3. Deputy's and General Files.
 4. Compliance Division Files.
2. Whether or not collection of statistics was delegated to the confidential agency, or some agency of the Code Authority, or some governmental agency, and the nature of the provision in

the Code (whether model form or otherwise), as well as the success or failure of the operation of the section should be set forth in detail with references such as.

1. Code and Amendments, Article, Section and Page.
 2. Administrative Orders.
 3. Deputy's and General Files.
 4. Compliance Division Files.
3. If the Code contained the model liquidated damage provision it should be so stated, with appropriate references. If not, it should be stated whether or not there was any provision for liquidated damage and, if so, the provision should be briefly digested with appropriate references such as:
1. Code and Amendments, Article, Section and Page.
 2. Administrative Orders.
 3. Deputy's and General Files.
 4. Compliance Division Files.
4. Any other administrative provisions should be treated fully with detailed references, such as:
1. Code and Amendments, Article, Section and Page.
 2. Administrative Orders.
 3. Deputy's and General Files.
 4. Compliance Division Files.

F. Price and Accounting Provisions.

All pertinent features of the Code provisions regarding price control and accounting should be detailed with a full discussion of the:

1. Operation of these provisions, and,
2. Their known effect on all classes of the industry membership.

As these types of Code provisions resulted in

considerable controversy, non-compliance, and other problems a full recitation of such problems, if they arose, should be elaborated upon in the history. It is thought advisable to give some historic background of problems confronting the industry previous to the adoption of these provisions, with particular reference to price cutting and extreme competitive conditions therein. Full reference should be given to sources of information, such as:

1. Code and Amendments.
2. Deputy's and General Files.
3. Administrative Orders.
4. Research and Planning reports.
5. Boards and Committee reports.

1. Price Filing.

Code provisions providing for price filing should be set forth in detail as to the conditions making price filing provisions advisable, and the history should recite the results of price filing provisions if they existed, together with the problems arising incident thereto. References such as:

1. Code and Amendments, Article, Section and Page.
2. Deputy's and General Files.
3. Administrative Orders.
4. Research and Planning reports.
5. Boards and Committee reports.

a. Waiting Periods.

Waiting periods, if provided in price filing provisions should be discussed in detail, together with the degree of compliance and the success or failure of such provisions. A statement should also be included as to whether or not the waiting period was stayed in the order of approval as required by administrative policy, with references such as:

1. Code and Amendments, Article, Section and Page.
2. Deputy's and General Files.
3. Administrative Orders.
4. Research and Planning reports.
5. Boards and Committee reports.

2. Emergency Price Bases.

In those codes in which there were provisions controlling prices, and permitting the declaration of an emergency the effect thereof and action taken thereunder should be set forth in detail with references such as:

1. Code and Amendments, Article, Section and Page.
2. Deputy's and General Files.
3. Administrative Orders.
4. Research and Planning reports.
5. Boards and Committee reports.

3. Accounting Systems or Cost Systems.

Where accounting systems or cost systems were provided for a statement as to whether they were standard or model or otherwise should be made. Their success or failure in accomplishing the purposes causing their adoption should be set forth in detail. References such as:

1. Code and Amendments, Article, Section and Page.
2. Deputy's and General Files.
3. Administrative Orders.
4. Research and Planning reports.
5. Boards and Committee reports.

4. Administrative Price Policy.

For those industries which did not adopt the provisions suggested and accepted as the policy of the Administration (Office Memoranda of 1/29/34, 2/3/34 and #228 of 6/7/34) respecting:

- (a) Price filing.
- (b) Emergency prices.
- (c) Accounting, or,
- (d) Cost systems,

the reasons therefor should be given, with particular reference to their:

1. Adaptability, and,
2. Desirability

in the industry under discussion.

For those industries which did adopt any of such provisions, their acceptability and effect in the industry should be elaborated upon.

5. Classification of Customers.

Provisions relative to classification of customers should be set forth, together with an outline of the results of such provisions, and their effect on industry problems. In this respect the code provision in relation to the policy prescribed by office memorandum 267 should be discussed in detail. References such as:

1. Code and Amendments, Article, Section and Page.
2. Deputy's and General Files.
3. Administrative Orders.
4. Research and Planning reports.
5. Boards and Committee reports.

6. Price Differentials

Price differential provisions should be detailed to provide a background for the adoption of price differentials, together with the success or failure of such provisions in the operation of the Code. References such as:

1. Code and Amendments, Article, Section and Page.
2. Deputy's and General Files.
3. Administrative Orders.
4. Research and Planning reports.
5. Boards and Committee reports.

a. Stop-loss Provisions.

Provisions providing for stop-loss should be digested with full reference to the location of material supplied thereunder. References such as:

1. Code and Amendments, Article, Section and Page.
2. Deputy's and General Files.
3. Administrative Orders.
4. Research and Planning Reports.
5. Boards and Committee Reports.

7. Terms of payment.

1. Code and Amendments, Article, Section and Page.
2. Deputy's and General Files.
3. Administrative Orders.
4. Research and Planning Reports.
5. Boards and Committee Reports.

8. Cooperatives.

Code provisions relative to cooperative organizations should be included, together with their relationship to conditions set forth in Executive Orders 6355 of 10/23/53 and 6606A of 2/17/34 regarding cooperatives. References such as:

1. Code and Amendments, Article, Section and Page.
2. Deputy's and General Files.
3. Administrative Orders.
4. Research and Planning reports.
5. Boards and Committee reports.

G. Trade Practices.

References:

1. Code and Amendments, Article, Section and Page.
2. Administrative Orders.
3. Deputy's and General Files.
4. Compliance Division Files.
5. Advisory Board and Special Committee reports.
6. Federal Trade Commission Orders and Court Decisions.

1. Class A Trade Practices.

The following are examples of Class A Trade Practices:

1. Use of false or misleading advertising.
2. Misbranding of fabrics and other commodities.
3. Bribing buyers or other employees of
4. Procuring the business or trade secrets of competitors.
5. Inducing employees of competitors to violate their contracts.
6. Making false and disparaging statements.
7. Widespread threats to the trade of suits for patent infringement.
8. Passing off goods or articles for well and favorably known products.
9. Selling rebuilt, secondhand, renovated, or old products, as and for new.
10. Paying excessive prices for supplies for the purpose of eliminating competition.
11. Using concealed subsidiaries, to secure competitive business otherwise unavailable.
12. Using merchandising schemes based on a lot or chance.
13. Cooperative schemes and prices for compelling wholesalers and retailers to maintain resale prices.
14. Combinations or agreements of competitors to enhance prices.
15. Various schemes to create the impression . . . customer . . . is being offered an opportunity to make a purchase under unusually favorable conditions.

- (a) Seller's usual price is falsely represented.
 - (b) "Free" goods.
 - (c) Misleading trade names.
 - (d) Pretended exaggerated retail prices.
16. Subsidizing public officials or employees.
17. Imitating or using standard containers customarily associated in the mind of the general purchasing public with standard weights or quantities.
18. Concealing business identity.
19. Misrepresenting in various ways the advantages . . . of dealing with the seller.
- (a) Seller's alleged advantages of location or size.
 - (b) False claims of being the authorized distributor of some concern.
 - (c) Alleged indorsement of the concern or product by the Government or by nationally known businesses.
 - (d) False claim by a dealer in domestic products of being an importer.
 - (e) Being manufacturers' representative.
 - (f) Representing falsely that the seller is a wholesale dealer.
20. Use . . . which result or are calculated to result in the observance of uniform prices or practices for the products dealt in.
21. Securing business through undertakings not carried out . . . through dishonest and oppressive devices calculated to entrap and coerce the customer.

- (a) Securing by deceit prospective customer's signature.
 - (b) Securing business by advertising a "free trial."
22. Giving products misleading names.
- (a) Implying falsely that . . . products . . . made for the Government.
 - (b) They are composed . . . of ingredients . . . contained only to a limited extent or not at all.
 - (c) Made in or came from some locality famous.
 - (d) Made by some well and favorably known process.
 - (e) Have been inspected, passed, or approved.
 - (f) Made under conditions or circumstances considered of importance by a substantial part of the general purchasing public.
23. Selling below cost.
24. Dealing unfairly and dishonestly with foreign purchasers.
25. Coercing and enforcing uneconomic . . . monopolistic reciprocal dealing.
26. Falsely representing that a moving picture is a pictorial, and any other fully established by adjudication or F.T.C. orders.

References such as:

1. Code and Amendments, Article, Section and Page.
2. Administrative Orders.
3. Deputy's and General Files.
4. Compliance Division Files.
5. Advisory Board and Special Committee Reports.
6. Federal Trade Commission Orders and Court Decisions.

- a. A complete discussion of their efficacy, and their effect on the various classes of members in the industry as well as actions taken under and pursuant to each such unfair practice. References:
 1. Code and Amendments, Article, Section and Page.
 2. Administrative Orders.
 3. Deputy's and General Files.
 4. Compliance Division Files.
 5. Advisory Board and Special Committee Reports.
 6. Federal Trade Commission Orders and Court Decisions.

2. Class B. Trade Practices should include all others not included under Class A.

- b. A complete discussion of their efficacy, and their effect on the various classes of members in the industry as well as actions taken under and pursuant to each such unfair practice. References:
 1. Code and Amendments, Article, Section and Page.
 2. Administrative Orders.
 3. Deputy's and General Files.
 4. Compliance Division Files.
 5. Advisory Board and Special Committee Reports.
 6. Federal Trade Commission Orders and Court Decisions.

H. Other provisions.

Any and all other provisions not heretofore discussed should be here elaborated upon. References such as:

1. Code and Amendments, Article, Section and Page.
2. Administrative Orders.
3. Deputy's and General Files.
4. Compliance Division Files.
5. Advisory Board and Special Committee Reports.
6. Federal Trade Commission Orders and Court Decisions.

1. If the so-called constitution "hedge" clause (as was included in the Small Arms and Ammunition Code and the Automotive Parts and Equipment Supplements), is included in the code the reasons therefor and the effect thereof should be elaborated upon. References such as:

1. Code and Amendments, Article, Section and Page.
2. Administrative Orders.
3. Deputy's and General Files.
4. Compliance Division Files.
5. Advisory Board and Special Committee Reports.
6. Federal Trade Commission Orders and Court Decisions.

V. Recommendations.

Under this heading the authors should make use of all available information based upon documented evidence and/or personal knowledge relative to the Code as a whole from both industry and NRA point of view.

A. Undesirable or Unenforceable provisions.

This matter should include the undesirable or unenforceable provisions in detail with full reference to the Code and Article, together with information as to the reasons why such provisions appeared to be undesirable or unenforceable, and should refer in detail in each case to whether or not the statements are of mere knowledge, from experience, or based upon information contained in records and documents available as annotated references and should include general information.

B. Compliance with code.

It is suggested that matters relative to compliance with the Code should be thoroughly discussed, and if possible, statistics and other information on compliance matters should be set forth in the appendix in considerable detail.

C. Limitations on Production, Machinery, Shifts, et cetera.

In those Industries' Codes of which provide for

limitation on:

- (1) Production.
- (2) Machinery.
- (3) Shifts, et cetera.

It is imperative that these unusual steps in industrial development be thoroughly treated in the Code history, with full references, such as:

- 1. Printed Code.
- 2. Vol. I, II, III, Code Record Section.
- 3. Vol. A and B, Code Record Section.
- 4. Administrative Orders.
- 5. Deputy's files, NRA.
- 6. General files, NRA.
- 7. Research and Planning files, NRA.
- 8. Legal Division and Compliance files.
- 9. Advisory Council Reports.
- 10. Advisory Council Files.
- 11. Government Agency Reports.
- 12. Code Authority report in re Budgets.

D. Possible Code Consolidations.

Discuss all possible consolidations to the end that the number of codes may be reduced to a minimum.

VI. Personnel

In listing the members of the personnel connected with the code from date of its submittal to the present time, it is suggested that the following form, if possible, should be adopted:

1. Division Administrators -	Name and date connected with Code.						
2. Deputies -	"	"	"	"	"	"	"
3. Assistant Deputies -	"	"	"	"	"	"	"
4. Aides -	"	"	"	"	"	"	"
5. Legal -	"	"	"	"	"	"	"
6. Labor -	"	"	"	"	"	"	"
7. Consumers Advisory Board -	"	"	"	"	"	"	"
8. Research and Planning Div. -	"	"	"	"	"	"	"
9. Industrial Advisory Board -	"	"	"	"	"	"	"
10. Administration Members -	"	"	"	"	"	"	"
11. Miscellaneous -	"	"	"	"	"	"	"

VII. Signature.

Code histories will be used for special studies, therefore, it is highly important that the identity and experience of the compilers be shown. The author and co-authors, if any, will certify to that portion written by them by affixing their signature thereto.

VIII. Index.

Upon the completion of the history, it should be thoroughly and alphabetically indexed with reference to the location by page of the important heading and sub-headings, and a reference made to the appendix with page location of the contents thereof.

General Comment: The carbon copy of the original should be an exact duplicate, and should contain a complete appendix and copies of inserts such as Code Amendments and other official documents, and completely indexed in the same manner as the original, in order that a working carbon copy may be used for such research purposes as may be subsequently decided upon.

