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NATIONAL RECOVERY ADMINISTRATION

HUGH S. JOHNSON, Administrator for Industrial Recovery

CODES OF FAIR COMPETITION

Nos. 151-195

AS APPROVED

BY

PRESIDENT ROOSEVELT

DECEMBER 8-DECEMBER 31, 1933

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

VOLUME IV



WE DO OUR PART

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CONTENTS

Code No.	Industry	Date ap- proved, 1933	Page
CODES OF FAIR COMPETITION			
151	Millinery.....	Dec. 15	1
152	Can Manufacturers.....	Dec. 15	15
153	Valve and Fittings Manufacturing.....	Dec. 15	29
154	Metal Tank.....	Dec. 15	47
155	Oxy-Acetylene.....	Dec. 15	61
156	Rubber Manufacturing.....	Dec. 15	69
157	Hair Cloth Manufacturing.....	Dec. 15	119
158	Stone Finishing Machinery and Equipment.....	Dec. 15	129
159	Dry and Polishing Mop Manufacturing.....	Dec. 15	141
160	Fur Trapping Contractors.....	Dec. 15	151
161	Fur Dressing and Fur Dyeing.....	Dec. 18	161
162	Domestic Freight Forwarding.....	Dec. 18	175
163	Wholesale Automotive Trade.....	Dec. 18	185
164	Knitted Outerwear.....	Dec. 18	199
165	Non-Ferrous Foundry.....	Dec. 18	211
166	Waxed Paper.....	Dec. 18	233
167	Set Up Paper Box Manufacturing.....	Dec. 18	243
168	Refractories.....	Dec. 18	255
169	Savings, Building and Loan Associations.....	Dec. 21	279
170	Grinding Wheel.....	Dec. 21	287
171	Rolling Steel Door.....	Dec. 21	297
172	Rayon and Silk Dyeing and Printing.....	Dec. 21	311
173	Industry Engaged in the Smelting and Refining of Secondary Metals Into Brass and Bronze Alloys in Ingot Form.....	Dec. 21	325
174	Rubber Tire Manufacturing.....	Dec. 21	335
175	Medium and Low Priced Jewelry Manufacturing.....	Dec. 23	355
176	Paper Distributing Trade.....	Dec. 23	375
177	Silverware Manufacturing.....	Dec. 23	389
178	Watch Case Manufacturing.....	Dec. 23	403
179	Electrotyping and Stereotyping.....	Dec. 23	415
180	Photo-Engraving.....	Dec. 23	429
181	Commercial Refrigerator.....	Dec. 23	441
182	Retail Food and Grocery Trade.....	Dec. 30	457
183	Household Ice Refrigerator.....	Dec. 30	473
184	Shoe and Leather Finish, Polish, and Cement Manu- facturing.....	Dec. 30	485
185	Concrete Pipe Manufacturing.....	Dec. 30	497
186	End Grain Strip Wood Block.....	Dec. 30	511
187	Cotton Cloth Glove Manufacturing.....	Dec. 30	525
188	Velvet.....	Dec. 30	539
189	Coated Abrasives.....	Dec. 30	549
190	Paper Stationery and Tablet Manufacturing.....	Dec. 30	559
191	Cinders, Ashes, and Scavenger Trade.....	Dec. 30	569
192	Cast Iron Pressure Pipe.....	Dec. 30	579
193	Folding Paper Box.....	Dec. 30	591
194	Blouse and Skirt Manufacturing.....	Dec. 30	605
195	American Match.....	Dec. 30	621

IV

	Date, 1933	Page
AMENDMENTS		
Lumber and Timber Products, Nos. 3 and 4.....	Dec. 7	633
Men's Clothing, No. 1.....	Dec. 15	637
Automobile Manufacturing, No. 1.....	Dec. 18	641
Cast Iron Soil Pipe, No. 1.....	Dec. 18	645
Men's Clothing, No. 2.....	Dec. 18	649
Cotton Garment, No. 1.....	Dec. 18	649
Farm Equipment, No. 1.....	Dec. 21	657
Gasoline Pump Manufacturing, No. 1.....	Dec. 21	661
Lace Manufacturing, No. 1.....	Dec. 23	665
Textile Bag, No. 1.....	Dec. 23	671
Cotton Textile, No. 2.....	Dec. 27	675
Wall Paper Manufacturing, No. 1.....	Dec. 30	677
EXECUTIVE ORDERS		
Disapproval of exception and termination of stay under the code of fair competition for the Cotton Textile Industry.....	Nov. 6	685
Further extension of time for certain manufacturers to elect not to be bound under the code of fair competition for the Upholstery and Drapery Textile Industry.....	Dec. 11	686
Providing for notice of proceedings and matters in the administration of the National Industrial Recovery Act.....	Dec. 21	687
Delegating further functions and powers to the administrator for Industrial Recovery.....	Dec. 30	689
ADMINISTRATIVE ORDERS		
Stay of code provisions as to productive machinery operation for the Cotton Textile Industry.....	July 30	691
Stay of minimum wage provisions as to outside salesmen and drug-store delivery employees for the Retail Trade.....	Nov. 8	692
Limitation of machine hours for the Cotton Textile Industry.....	Dec. 2	693
Stay of wage-hour provisions for the Hotel Industry.....	Dec. 2	694
Temporary hours modification for the Leather and Woolen Knit Glove Industry.....	Dec. 6	695
Stay of effective date of Article VIII for Bankers.....	Dec. 11	696
Definition of areas, hours, and wages for the Dress Manufacturing Industry.....	Dec. 14	697
Stay for the Dress Manufacturing Industry and Cotton Garment Industry.....	Dec. 14	699
Temporary changes of Article IV for the Hosiery Industry.....	Dec. 14	701
Emergency requirement as to further limitation of hours of machine operation in Carded Yarn Group of the Cotton Textile Industry.....	Dec. 15	703
Emergency requirement as to further limitation of hours of printing machine operation in the Finishing Branch of the Cotton Textile Industry.....	Dec. 18	704
Curtailment of machine hours for the Silk Textile Industry.....	Dec. 23	705
Administrative approval of Industrial Sand Division of the Crushed Stone, Sand and Gravel, and Slag Industries.....	Dec. 27	707
Stay for the Hotel Industry.....	Dec. 29	708
Allocation of States to the southern division under the Cotton Garment Industry.....	Dec. 30	710
Stay of wage provisions for the Southern Section under the Cotton Cloth Glove Manufacturing Industry.....	Dec. 30	712
Index.....		713

CODES OF FAIR COMPETITION

Approved Code No. 151

CODE OF FAIR COMPETITION

FOR THE

MILLINERY INDUSTRY

As Approved on December 15, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of title I of the National Industrial Recovery Act, approved June 16, 1933, for my approved of a Code of Fair Competition for the Millinery Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said code of fair competition, together with his recommendations and findings with respect thereto, and the Administrator having found that the said code of fair competition complies in all respects with the pertinent provisions of title I of said act and that the requirements of clauses (1) and (2) of subsection (a) of section 3 of the said act have been met,

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do hereby adopt and approve the report, recommendations, and findings of the Administrator and do order that the said code of fair competition be and it is hereby approved, subject to the following conditions:

1. That the provisions of this code shall be in full force and effect only until May 15, 1934. Prior to that date, the code authority shall make recommendations to the Administrator in regard to the continuance or the amendment of any or all provisions of this code.

2. A special board shall be appointed by the Administrator for the purpose of determining after notice and hearing whether the scales applying to a particular area, market, or member of the in-

dustry should be stayed or modified because of great and unusual hardship to such area, market, or member of the industry by reason of the application of such scales thereto.

3. Provision is made in section 5 of article IV by which any person on whom undue hardships are imposed may be granted an opportunity for relief.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 15, 1933.

NOVEMBER 17, 1933.

The PRESIDENT,
The White House.

SIR: This is a report of the hearing on the Code of Fair Competition for the Millinery Industry, conducted in Washington on August 1 and 2, in accordance with the provisions of the National Industrial Recovery Act.

PROVISIONS OF THE CODE FOR HOURS AND WAGES

Factory employment is limited to thirty-seven and one half hours per week, except that the Administrator may permit a certain amount of overtime during peak periods, should conditions so require. Time and one half will be paid for all overtime work. The Code provides also that should conditions at any time warrant such a step, the Code Authority or the Administrator may further reduce the maximum hours. Factory operations are limited to one shift a day, five days a week.

The Code provides a basic minimum of fourteen dollars for employees in establishments located in greater New York, in the territory within a hundred-mile radius of the City of Chicago and in the States of New Jersey, Pennsylvania, and Connecticut, and a basic minimum of thirteen dollars for all other parts of the country. Minimum wages are also specified for blockers, operators, cutters, and milliners. Such minimum rates vary between forty-five cents per hour and one dollar and ten cents per hour. It should be noted in particular that the Code establishes machinery for readjustment should the wage rates specified prove inequitable.

The minimum age of employees is fixed at sixteen years, homework is abolished, and manufacturing operations under unsanitary conditions are prohibited.

ECONOMIC EFFECT OF THE CODE

The thirty-seven-and-one-half-hour normal week for factory employees with the additional pay for overtime should tend to level employment peaks in this industry and increase the number of workers. Inasmuch as style is such an important element in this industry, seasonal peaks have been very pronounced. It is hoped, however, that the hour provisions of this Code, along with the control of style piracy, will do much to even employment throughout the year. In the spring of 1929 (peak season) there were 37,760 workers engaged in this industry. By the spring of 1932 this number had declined to 29,790, and by the spring of 1933 to 27,440. These figures indicate an unemployment of 10,320 workers at the peak of the season. Other things remaining equal, the thirty-seven-and-one-half-hour week will require about 28 percent more workers.

Approximately 75 percent of those now unemployed will be reemployed as a result of the provisions of this Code. A thirty-five-hour week would be required to absorb all unemployment. Because of the increased cost involved, however, and the difficulties of further readjustment, it was thought better to allow thirty-seven and one half hours per week at the present time and in the future to reduce the hours still further should conditions so require and so permit.

There is no information available to allow an estimate of the increase in the pay roll attributable to the wage provisions of this Code. It is evident, however, that the increase will not be great since there are not many unskilled workers and since a good part of the skilled workers whose minimum wages are set by this Code, customarily, in New York at least, receive higher than the wages specified. Such increase in pay rolls as these provisions will bring about will effect primarily the manufacturing centers outside of New York. A considerably larger increase in pay roll will result from reduction of the work week. The reduction of hours alone will add about 28 percent to the present pay roll.

The percentage ratio to the value of product is 22.5. An increase in the pay roll of 28 percent would, therefore, raise the factory selling price 6.3 percent. Consequently, in this industry at least, purchasing power will be increased much more rapidly and to a much greater extent than prices.

FINDINGS

The Administrator finds that:

(a) The Code as recommended complies in all respects with the pertinent provisions of Title I of the Act, including, without limitation, subsection (a) of Section 7 and subsection (b) of Section 10 thereof; and that

(b) The applicant groups impose no inequitable restrictions on admission to membership therein and, collectively, are truly representative of the Millinery Industry; and that

(c) The Code as recommended is not designed to promote monopolies or to eliminate or oppress small enterprises, and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

It is recommended, therefore, that this Code be immediately adopted.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION

FOR THE

MILLINERY INDUSTRY

ARTICLE I—PURPOSE

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

ARTICLE II—DEFINITIONS

1. The term "industry" as used herein includes the manufacture of millinery as hereinafter defined, and such related branches or subdivisions as may from time to time be included by the President under the provisions of this Code.

2. The term "millinery" as used herein shall include all ladies' and misses' headwear, whether trimmed or untrimmed, except that it shall not include so-called "harvest hats."

3. The term "employee" as used herein includes anyone engaged in the industry in any capacity receiving compensation for his services, irrespective of the nature or method of payment of such compensation.

4. The term "employer" as used herein shall include every individual, partnership, association, trust, corporation, or other form of enterprise engaged as employer in the manufacture of millinery, as hereinabove defined, and shall include all employers who are engaged in any other industry or in general retail business to the extent that they manufacture millinery as part of their business.

5. The term "member of the industry" includes anyone engaged in the industry either as an employer or on his own behalf.

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

ARTICLE III—HOURS OF LABOR

1. Except as hereinafter provided, no employee shall be permitted to work in excess of thirty-seven and one half (37½) hours in any one (1) week nor more than seven and one half (7½) hours in any twenty-four (24) hour period.

2. Office employees, members of shipping and receiving crews, engineers, and firemen shall not be permitted to work in excess of forty-five (45) hours in any one week.

3. Except as hereinafter provided, no overtime shall be permitted, except that during a period of not more than six (6) weeks in any one (1) season, overtime may be permitted in any market upon the recommendation of the Code Authority and the approval of the Administrator, provided that time and one half the normal rate of wages shall be paid for such overtime work as the Administrator may permit.

4. There shall be periodical investigations by the Code Authority for the purpose of determining the amount of unemployment existing in each craft, and should the Code Authority find it beneficial for the best interests of the industry to temporarily reduce the number of hours in any specific craft, this Code may be modified to reduce the hours from thirty-seven and one half ($37\frac{1}{2}$) to thirty-five (35) or less hours per week in that craft with the approval of the Administrator after such notice and hearing as he shall prescribe.

5. The provisions of this Article shall not apply to persons employed in executive or supervisory capacities, or to persons employed as designers, provided such persons receive not less than thirty dollars (\$30.00) per week.

6. The provisions of this Article shall not apply to outside salesmen, or to watchmen, or to employees engaged in emergency maintenance or emergency repair work.

7. The provisions of this Article shall apply to any and all persons who engage in any of the operations usually performed by the classes of employees set forth in Article IV, Section 3, of this Code, or in any other operations required in the manufacture of millinery, even though such person may be a member of a partnership or association, or an officer, stockholder, or director of the corporation engaged in said business; the provisions of this Article shall not apply, however, to an individual owner of an unincorporated business engaged in the manufacture of millinery.

8. Subject to review by the Administrator, the Code Authority shall issue apprentice regulations providing for apprentices' wages, length of apprenticeship and the percentage of apprentices in each particular craft.

9. Subject to review by the Administrator, the Code Authority may designate the hour before which work shall not begin and the hour after which work shall not continue, and shall determine in which localities such regulations shall apply.

10. No member of the industry shall knowingly engage any employee for any time which, when totaled with that already performed with another member, or members, of the industry, exceeds the maximum permitted herein.

11. No employee shall be permitted to work in excess of five (5) days in any seven (7) day period.

ARTICLE IV—WAGES

1. For the purposes of this Code the United States shall be divided into four (4) areas, as follows:

(a) Area "A" shall include Greater New York and the territory within a radius of fifty (50) miles from Columbus Circle, except that it shall not include any portion of the State of Connecticut.

(b) Area "B" shall include the city of Chicago and the territory within a radius of one hundred (100) miles of the City Hall of Chicago, and shall also include the States of Pennsylvania and Connecticut and such portions of the State of New Jersey as are not included in Area "A".

(c) Area "C" shall include the States of Missouri, Kansas, and Ohio.

(d) Area "D" shall include all other portions of Continental United States not included in Areas "A", "B", and "C" as defined above.

2. No employee not provided for by the wage provisions enumerated in Section 3 of this Article shall be paid at less than the rate of fourteen dollars (\$14.00) per week of the maximum number of hours permitted by this Code for such employee when employed in Areas "A" and "B" as defined in this Article, nor less than the rate of thirteen dollars (\$13.00) per week of the maximum number of hours permitted by this Code for such employee when employed in Areas "C" and "D" as defined in this Article.

3. On and after the effective date, employees engaged in the crafts hereinafter set forth shall be paid the following standard rates per hour, and for the purpose of establishing these standard rates for the various crafts, seventy-five percent (75%) of the total workers engaged in each craft must receive not less than the amount set forth in the following schedule; but in no case shall any such employee be paid less than at the minimum wage rate provided in Section 2 of this Article:

	Area A	Area B	Area C	Area D
Blockers.....	\$1.19	\$0.90	\$0.80	\$0.70
Operators.....	1.00	.75	.67½	.60
Cutters.....	1.00	.75	.67½	.60
Milliners.....	.55	.47½	.45	.45

4. The Code Authority shall, with the approval of the Administrator, issue instructions to the members of the industry regarding the classification of employees.

5. In the event that Section 3 of this Article imposes an undue hardship on any employer, such employer may petition through the trade association of which he may be a member, or directly, to the Administrator for relief. The Administrator, upon receipt of such petition, shall conduct hearings thereon, and in the event that the petitioner establish a case of undue hardship, the Administrator may make such modifications of this Code as may be necessary.

6. No employee shall be paid at less than the rates of pay set forth in this Article, regardless of whether such employee is compensated on a time-rate, piece-rate, or other basis of compensation.

7. The weekly compensation for employment now in excess of the minimum wages herein provided shall not be reduced, notwithstanding that the hours of work in any such employment may be hereby reduced, and piece rates shall be so adjusted that earnings at the shorter hours provided in this Code shall be at least equivalent to

those obtaining under the longer hours heretofore prevailing, provided that this clause shall not cause an advance of any wage rate of more than twenty-five (25%) percent over the wage rate as of July 1, 1933.

ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under sixteen (16) years of age shall be employed in the industry. In any State an employer shall be deemed to have complied with this provision if he shall have on file a certificate or permit duly issued by the authority in such State empowered to issue employment or age certificates or permits, showing that the employee is of the required age.

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

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

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

5. Within each state, this Code shall not supersede any laws of such State imposing more stringent requirements on employers regulating the age of employees, wages, hours of work, or health, fire, or general working conditions than under this Code.

6. Employers shall not reclassify employees or duties of occupations performed by employees so as to defeat the purposes of the Act or of this Code, nor shall they use any subterfuge to frustrate the spirit and intent of this Code.

7. Each employer shall post in a conspicuous place copies of Articles III, IV, and V of this Code.

8. No member of the industry shall permit work to be done in any homes or tenement houses, nor in any basement, unsanitary building, building unsafe on account of fire risks, or otherwise dangerous or detrimental to health.

9. Each employer shall file with the Code Authority proof satisfactory to said Authority of compliance with all labor laws and regulations, health and sanitation laws and regulations, fire laws and regulations, and other similar laws and regulations relating to the operation of manufacturing establishments; provided, however, that the determination by the Code Authority as to whether the proof submitted to it is satisfactory as aforesaid shall be subject to review by the Administrator.

ARTICLE VI—ADMINISTRATION

1. A Code Authority is hereby constituted to cooperate with the Administrator in the administration of this Code.

2. The Code Authority shall consist of eighteen (18) members or such other number as may be approved from time to time by the

Administrator, and shall be selected, subject to the approval of the Administrator, from such groups and in such numbers as hereinafter set forth:

(a) Two (2) members shall be appointed by the Midwestern Millinery Association, Inc.

(b) One (1) member shall be appointed by the Associated Millinery Industries of St. Louis (Mo.), Inc.

(c) One (1) member shall be appointed by the New England Millinery Manufacturers and Jobbers Association.

(d) Four (4) members shall be appointed by the Women's Headwear Group, Inc.

(e) Four (4) members shall be appointed jointly by the Eastern Millinery Association, Inc., and the National Association of Ladies' Hatters, Inc.

(f) One (1) member shall be appointed by the Pacific Coast Millinery Association.

(g) One (1) member shall be appointed by the Philadelphia Millinery Manufacturers Association.

(h) One (1) member shall be appointed by the Millinery Manufacturers of Atlanta, Georgia.

(i) One (1) member shall be appointed by the Cleveland Hat Manufacturers Group.

(j) Two (2) members representing organizations of labor shall be appointed by the Administrator on the nomination of the Labor Advisory Board of the National Recovery Administration.

(k) One (1) member may, in the discretion of the Administrator, be appointed or selected by such other group or interest as the Administrator may designate.

(l) In addition to the foregoing members, the Administrator may appoint not more than three (3) members, with or without vote, as he shall determine. Such members and the Administrator shall be given notice of and may participate in all meetings of the Code Authority.

3. Each of the foregoing associations shall file with the Administrator the names of such members as it shall appoint to the Code Authority and shall inform the Administrator immediately of any new appointment which it may at any time make.

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

5. In order that the Code Authority shall at all times be truly representative of the industry and in other respects comply with the provisions of the Act, the Administrator may provide such hearings as he may deem proper, and may require an appropriate modification in the method of selection of the Code Authority.

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

Authority. Nor shall any member of the Code Authority exercising reasonable diligence in the conduct of his duties hereunder be liable to any one for any action or omission to act under this Code, except for his own willful misfeasance or nonfeasance.

7. The Code Authority shall have the following duties and powers to the extent permitted by this Act, subject to the right of the Administrator, on review, to disapprove or modify any action taken by the Code Authority.

(a) To select officers and agents and to assign to them such duties as it may consider advisable, to provide rules for its procedure and continuance as the administrative agency of this Code, in accordance with the provisions of the Act, and to submit to the Administrator true copies of its bylaws and regulations and any amendments when made thereto, and minutes of meetings, together with such other information as to its activities as the Administrator may deem necessary to effect the purposes of the Act.

(b) To obtain reports through a confidential agent from members of the industry, not more often than semimonthly, with respect to wages and hours of labor, conditions of employment, number of employees, and other matters pertaining to the administration and enforcement of this Code in such form and at such times as the Code Authority with the approval of the Administrator may require, and to submit such reports or parts thereof to the Administrator as he may require in order that the President may be kept informed as to the observances of this Code. All reports received by such agency shall be kept secret and confidential except that they shall be available to the Administrator. Such agency, after analyzing such reports, may disclose without individual identification, only general findings based thereon to the Code Authority and to any trade association approved by the Code Authority for distribution to persons entitled thereto.

(c) To recommend provisions for uniform cost and/or accounting systems for each Division of the industry which, upon approval by the Administrator and after such notice and hearing as he shall prescribe shall become a part of this Code. Any member of the industry shall have the privilege of continuing any cost and/or accounting system now in use or of instituting a new cost and/or accounting system suitable and adapted to his particular needs, provided that the selling price arrived at by the use of any such system shall not be less than the cost of that particular article which would be arrived at by the use of the uniform cost system recommended by the Code Authority, and approved by the President.

(d) To prepare and recommend a uniform sales contract or order blank for the use of persons to whom this Code is applicable.

(e) To initiate, consider, and recommend to the Administrator proposals for modifications or amendments to this Code. Upon the approval of the President, after such hearing as he may prescribe, such proposals shall be incorporated into this Code and have the same force and effect as if originally made a part hereof.

(f) To undertake an immediate and complete investigation, in cooperation with other Code Authorities in related industries, of style piracy and to recommend to the Administrator, as promptly as possible, appropriate means for the regulation and control of style

piracy, which recommendations, upon the approval of the Administrator after such notice and hearing as he shall prescribe, shall become effective provisions of this Code.

(g) To coordinate the Administration of this Code with such other codes, if any, as may be related to any division or subdivision of this industry, with a view to promoting joint and harmonious action on matters of common interest, and in particular, but without limitation, to make recommendations to the Administrator on questions of overlapping jurisdictions.

(h) To employ such trade associations and other agencies as it deems proper, to assist it in carrying out any of its activities, provided that such trade associations and other agencies comply with the provisions of this Code, and to pay the expenses incident thereto. Nothing herein shall in any way relieve the Code Authority of any of its responsibilities under this Code.

8. Any person affected by an action taken by the Code Authority shall have the right to appeal to the Administrator.

9. In addition to the information required to be submitted to the Code Authority, there shall be furnished to government agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act.

10. The Administration of this Code, so far as it affects such establishments operating under the Retail Code as are commonly known as department stores or specialty stores, whose millinery departments are but one of numerous departments of such establishments, and the volume of business of whose millinery departments constitutes not more than ten percent (10%) of the volume of business of the entire establishment shall be vested in the Retail Code Authority. Said Retail Code Authority shall be responsible for the Administration of this Code as herein provided to the Administrator in charge of the Code of Fair Competition for the Millinery Industry. Nothing herein contained shall be construed as relieving the millinery department of any department or specialty store from the provisions of this Code.

ARTICLE VII—N.R.A. LABEL

1. All millinery manufactured subject to the provisions of this Code shall bear an NRA label or an authorized substitute therefor to symbolize to purchasers of said millinery the conditions under which said millinery has been manufactured.

2. Under the powers vested in the Administrator by Executive Order of October 14, 1933, and under grant of the necessary authority by him, the Code Authority shall have the exclusive right in this industry to issue and furnish said labels to the members thereof.

3. Each label shall bear a registration number especially assigned to each member of the industry by the Code Authority, and shall remain attached to all such millinery when sold to the retail distributor.

4. Any and all members of the industry may apply to the Code Authority for a permit to use such NRA label, which permit to use the label shall be granted to them, but only if and so long as they comply with this Code.

5. Subject to the approval of the Administrator, the Code Authority shall establish rules and regulations and appropriate machinery for the issuance of labels and the inspection, examination and supervision of the practices of members of the industry using such labels for the purposes of ascertaining the right of such members of the industry to the continued use of said labels; of protecting purchasers in relying on said labels; and of insuring to each individual member of the industry that the symbolism of said label will be maintained by virtue of compliance with the provisions of this Code by all other members of the industry using said label.

6. The charge made for such labels by the Code Authority shall at all times be subject to supervision and orders of the Administrator and shall be not more than an amount necessary to cover the actual reasonable cost thereof, including actual printing, distribution, administration, and supervision of the use thereof as hereinabove set forth.

ARTICLE VIII—TRADE PRACTICES

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

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

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

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

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

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

7. *Selling on Consignment.*—No member of the industry shall ship goods on consignment except under circumstances to be defined by the Code Authority and approved by the Administrator.

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

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

10. *Return of Merchandise.*—No member of the industry shall accept for credit the return of merchandise from a purchaser, unless such merchandise is not in accordance with the purchaser's specifications and in accordance with the order placed; if merchandise is not in accordance with the purchaser's specifications or is not in accordance with the order placed, then and in such event such merchandise may be returned not later than five (5) days after the receipt thereof. Under no circumstances shall the return of merchandise be accepted by a member of the industry if retained by the purchaser for more than five (5) days after the receipt thereof.

11. *Assignments.*—No member of the industry shall hereafter take or receive directly or indirectly from any customers, either before or after the delivery of merchandise, an assignment of accounts receivable, or security in any form whatsoever for payment of the purchase price of merchandise without first modifying the Code Authority that such assignment or security is about to be received.

12. *Terms and Discounts.*—The Code Authority shall have power to recommend to the Administrator provisions concerning uniform terms and discounts, which recommendations, upon the approval of the Administrator, shall become effective as part of this Code.

13. *F.O.B. Shipments.*—The Code Authority shall have power to recommend to the Administrator provisions concerning F.O.B. shipments, which provisions shall, upon the approval of the Administrator, become effective as part of this Code.

14. *Allowance for Advertising.*—The Code Authority shall have power to recommend to the Administrator provisions concerning allowances or discounts for advertising or payment for space in newspapers, magazines, guides, or directories on behalf of the retailers to be used in promoting the sale of merchandise to the consumer, which recommendations shall, upon the approval of the Administrator, become effective as part of this Code.

15. *Other Unfair Practices.*—Nothing in this Code shall limit the effect of an adjudication by the Courts or holding by the Federal Trade Commission on complaint, finding, and order, that any practice or method is unfair, providing that such adjudication or holding is not inconsistent with any provision of the Act or of this Code.

ARTICLE IX—MODIFICATION

1. This Code and all the provisions hereof are expressly made subject to the right of the President, in accordance with the provisions of subsection (b) of Section 10 of the National Industrial Recovery

Act, from time to time, cancel or modify any order, approval, license, rule, or regulation issued under title I of said Act and specifically, but without limitation, to the right of the President to cancel or modify his approval of this Code or any conditions imposed by him upon his approval thereof.

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

ARTICLE X—MONOPOLIES

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

ARTICLE XI

Whereas the policy of the Act to increase real purchasing power will be made impossible of consummation if prices of goods and services increase as rapidly as wages, it is recognized that price increases should be delayed, and that, when made, the same should, so far as reasonably possible, be limited to actual increases in the seller's costs.

ARTICLE XII

Effective Date.—This Code shall become effective on the second Monday following its approval by the President of the United States.

Approved Code No. 151.
Registry No. 228-03.



Approved Code No. 152

CODE OF FAIR COMPETITION

FOR THE

CAN MANUFACTURERS INDUSTRY

As Approved on December 15, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Can Manufacturers Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said code of fair competition, together with his recommendations and findings with respect thereto, and the Administrator having found that the said code of fair competition complies in all respects with the pertinent provisions of title I of said Act and that the requirements of clauses (1) and (2) of subsection (a) of section 3 of the said act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do approve the report and recommendations and adopt the findings of the Administrator, and do order that the said code of fair competition be and it is hereby approved, provided section 3 of article III be amended by adding thereto the following:

"Territories and possessions wage district.—All other territories and possessions of the United States, to which the provisions hereinafter set forth as to the Hawaiian Wage District shall apply."

And provided further, that the following be added under section 4 of article VI, at the end of the first sentence:

"In addition to the above information there shall be submitted to Government agencies such statistical information as the Administrator may deem necessary for the purposes recited in section 3 (a) of the National Industrial Recovery Act."

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 15, 1933.

NOVEMBER 29, 1933.

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition proposed for the Can Manufacturers Industry in the United States and Hawaii, and on the hearing conducted thereon in Washington, D.C., on September 20, 1933, in accordance with the provisions of the National Industrial Recovery Act.

Provisions of the Code as to Wages and Hours.—The Code provides for a 40-hour week and an 8-hour day, with an allowance of 48 hours per week for not to exceed six weeks in any six-month period on Packers' Cans; and 48 hours per week for not to exceed three weeks in any six-month period on General Line Cans. Hours of employment in excess of the above must be paid for at the rate of one and one half times the regular hourly rate.

The limitation of 40 hours of work per week applies also to office employees.

The Industry originally proposed rates of 25¢ and 30¢ for the South and North as representing a material increase over rates being paid, but at the earnest request of the Administration these differentials have been eliminated and the minimum wage increased to 32½¢ per hour.

Child Labor is prohibited, and no person under 18 years of age is to be employed in certain defined hazardous occupations of the Industry.

Provision is made for the equitable adjustment of wages above the established minimum.

The Can Manufacturers Industry represents a volume of business amounting to about \$325,000,000 annually and the Industry has been represented in the consideration of the Code by approximately fifty percent of the membership, equivalent to approximately eighty-five percent of the sales volume of the known members of the Industry.

There are two distinct lines of business in the Industry, that of "general line" cans, which are used in packing a great variety of articles, and "packers" cans, which are used in the packing of all foodstuffs, vegetables, meats, fish, milk, etc., and which comprise sixty percent of the output. The Industry itself has no control over the time at which the products shall be required and delivered, as crops must be harvested and packed immediately upon ripening to avoid spoilage or deterioration. Weather conditions which vary and cannot be forecast control the seasons for different commodities. Furthermore, it is impracticable to manufacture large quantities of cans in anticipation of demands, since seasonal requirements of packers cannot be estimated and since the bulk space required makes the cost of storage prohibitive.

Approximately 27,978 people are employed, of which seventy-four percent are men and twenty-six percent women, with an average

pay roll amounting to \$478,450 per week, or approximately \$24,000,000 per annum.

The average minimum hourly rates of pay in the Industry are shown as follows:

	<i>Cents</i>
1926 -----	23. 6
1929 -----	28. 5
Sept. 1933 -----	25
Under the Code -----	32. 5

The minimum rate provided under the Code, therefore, represents an increase over the previous existing average minimum for 1926 of thirty-seven and seven tenths percent; for 1929 of fourteen percent; and over the present minimum of thirty percent.

Under the hours of labor proposed, it is estimated that the Industry will be obliged to increase its employment at least twelve and one half percent.

I believe that the Code is fair to Industry, to Labor, and to the Consumer, and accomplishes the intent and purpose of Title I of the National Industrial Recovery Act.

Findings.—The Deputy Administrator finds that:

(a) The Code as recommended complies in all respects with the pertinent provisions of Title I of the Act, including, without limitation, subsection (a) of Section 7 and subsection (b) of Section 10 thereof; and that

(b) The applicant group herein, imposes no inequitable restrictions on admission to membership and is truly representative of the Can Manufacturers Industry; and that

(c) The Code as recommended is not designed to promote monopolies or to eliminate or oppress small enterprises, and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

Accordingly, I hereby recommend the approval of this proposed Code of Fair Competition for the Can Manufacturers Industry.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION
FOR THE
CAN MANUFACTURERS INDUSTRY

ARTICLE I—PURPOSE OF THE CODE

This code is adopted pursuant and subject to Title I of the National Industrial Recovery Act with the purpose of effectuating the policy therein enunciated insofar as applicable to the Can Manufacturers Industry.

ARTICLE II—DEFINITIONS

Whenever used in this Code or in any schedule annexed hereto, the terms hereinafter in this Article II shall, unless the context shall otherwise clearly indicate, have the respective meanings hereinafter in this Article set forth:

(a) The term "Code" as used herein means and includes this Code and all schedules annexed hereto as originally approved by the President and all amendments hereof and thereof made as hereinafter provided.

(b) The term "Industry", as used herein, means and includes the business of manufacturing, producing, selling, and distributing any type or kind of cans, containers, and packages, made wholly or in part from tin plate, black plate, or similar kind of sheet metal (except those made partly of fibre and/or paper), and used chiefly for original distribution of commodities, whether such cans, containers, and packages are for use and consumption by maker, or are for sale, or are used in connection with and incidental to the major and prime business of maker, except where such can or container is manufactured and sold solely as an original or replacement or auxiliary part of the product of refrigerating machinery industry as now or hereafter organized and is not sold for use as a container for distribution of food or other products.

(c) The term "packers cans" as used herein means and includes all cans, containers, and packages produced by the Industry for the packing, preservation, and distribution of perishable commodities. The term "general line cans" as used herein means and includes all cans, containers, and packages produced by the Industry other than those herein defined as "packers cans."

(d) The term "employer" as used herein means and includes, but without limitation, every individual, partnership, firm, association, or corporation or other entity engaged in the business of the Industry as herein defined.

(e) The term "assenting employer" as used herein means and includes every employer, as herein defined, who voluntarily assents to this Code by signing and delivering the letter of assent set forth in Schedule A hereto annexed.

(f) The term "employee" as used herein shall apply to every person employed by an employer as herein defined.

(g) The term "Administrator" as used herein shall mean the Administrator appointed by the President under Title I of the National Industrial Recovery Act.

(h) The term the "President" means the President of the United States of America.

ARTICLE III—LABOR CODE

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

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

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

SEC. 2. No person under sixteen (16) years of age shall be employed in the Industry; provided, however, where a state law requires a higher minimum age, that no person below the age so specified shall be employed within that state. No person under eighteen (18) years of age shall be employed in the industry on stamping, punching, and blanking presses on which material is fed direct to dies by hand, tinning, and hot-galvanizing operations.

SEC. 3. The following wage districts have been established:

United States Wage District: All states of the United States shall be considered within the United States Wage District.

Hawaiian Wage District: All islands of the Territory of Hawaii shall be considered in the Hawaiian Wage District.

"Territories and possessions wage district.—All other territories and possessions of the United States, to which the provisions hereinafter set forth as to the Hawaiian Wage District shall apply."*

SEC. 4. Until changed by amendment of this Code, as hereinafter provided—

(a) No employer shall employ any employee for more than 40 hours in any week, without the payment of overtime; provided, however, that in order to meet the increased demands of the canners over which the employers have no control, the said hours of employment in the manufacture of "Packers Cans" may be increased to forty-eight (48) hours per week for not to exceed 6 weeks in any six

* Approval of this Code is made conditional upon insertion of this paragraph per Executive Order approving the Code.

months without the payment of overtime; and provided further, that in order to meet contingencies over which the employers have no control, the said hours of employment in the manufacture of "General Line Cans" may be increased to forty-eight (48) hours per week for not to exceed three (3) weeks in any six (6) months without the payment of overtime.

(b) All employees, except those mentioned in paragraphs (d) and (e), if employed for more than the maximum hours per week provided in paragraph (a) shall be paid for all excess time at the rate of one and one half times the regular hourly rate at which such employees shall be employed; but all such employees if employed for more than eight (8) hours in any one day shall be entitled to be paid overtime for such excess hours per day at the same overtime rate even if not entitled to overtime on the weekly basis provided for in the aforesaid paragraph (a). Any time worked on Sundays or legal holidays shall be paid for at the same overtime rates.

(c) No employee shall be paid less than thirty-two and one half ($32\frac{1}{2}$) cents per hour in the United States Wage District, nor less than the minimum rate for the same class of work on July 15th, 1929, in the Hawaiian Wage District. That 80% of the employees of each factory operated under this Code shall receive higher rates of wages than the minimums herein specified.

(d) The provisions of this Article III shall not apply to executives, those employed in a managerial or executive capacity, research technicians, or in any other capacity of sole responsibility who receive more than \$35 per week, watchmen, traveling and outside salesmen, and outside service men and all employees engaged in taking, compiling, or reporting inventories; provided, no watchmen shall be employed in excess of fifty-six (56) hours per week without the payment of overtime, which shall be at the rate of one and one half times the regular hourly rate at which such employees shall be employed.

(e) No employee engaged in office and clerical work shall be paid less than \$14 per week in the United States Wage District and Hawaiian Wage District.

(f) The hourly rates of wages of employees now being paid in excess of the established minimum shall be equitably adjusted.

(g) This Section 4 establishes a minimum rate of pay regardless of whether an employee is compensated on a time rate, piecework, or other basis.

ARTICLE IV—UNFAIR PRACTICES

SECTION 1. For all purposes of this Code the following described acts shall constitute unfair practices:

(A) The making, causing, or permitting to be made or published any false, misleading, or deceptive statements of or concerning the business policies, methods, or products, or price for any products of any employer in the Industry, or the credit standing or ability of any such employer thereof to perform any work or manufacture or produce any products;

(B) The payment or allowance of rebates, refunds, commissions, credits, or unearned discounts, whether in the form of money or otherwise, or extending to certain purchasers special services or

privileges not extended to all purchasers under like terms and conditions; excepting, however, such differentials or differences between purchasers as are permitted by the terms of Section 2 of the Clayton Act;

(C) The practice of giving money or any other form of gratuity or remuneration, directly or indirectly, to persons placing orders for the purchase of any products of the Industry or to any officer, employee, agent, or representative thereof, as well as the acceptance of the money or other forms of gratuity, but this shall not apply to the payment of commissions to brokers placing orders for their customers;

(D) The practice of inducing or attempting to induce by any means any party to a contract with an employer in the Industry to violate such contract; and

(E) Any violation of any other provision of this Code, particularly Article III hereof.

Nothing in this Section 1 contained, however, shall be so construed as to prevent the performance by any employer in the Industry of any valid bona fide contract made and entered into before the effective date of this Code; provided, however, that such contract has not been made and entered into before the effective date hereof in contemplation thereof and with intent to defeat the purpose hereof.

SEC. 2. The above-described unfair practices and all other practices which shall be declared to be unfair practices by any amendment to this Code, adopted as provided in Article VIII hereof, and at the time in effect shall be unfair methods and practices of competition in commerce and the using or practicing of any of them shall be a violation of this Code, and any person, partnership, firm, association or corporation, engaged in the Industry (whether he has voluntarily assented to this Code as herein provided or not) who shall, directly or indirectly, through any officer, employee, agent or representative, knowingly use or practice any such unfair practice shall be guilty of a violation of the Code within the meaning of Title I of the National Industrial Recovery Act.

ARTICLE V—ADJUSTMENT OF PRIOR CONTRACTS

SECTION 1. This Code recognizes the existence of contracts for the sale of the products of the Industry entered into prior to June 16, 1933, the effective date of the National Industrial Recovery Act, and providing for deliveries subsequent to said date, which lack clauses or provisions whereby the price shall be adjusted to cover increased costs resulting from the operations of the National Industrial Recovery Act. Since such increases in cost are beyond the control of the seller, it is equitable that such contracts shall be adjusted to reflect the increased costs resulting from the operation of the provisions of this Code. Further, if the fulfillment of orders is delayed or prolonged as the result of the operations of this Code, appropriate time may be allowed for the completion of such orders or contracts. The Board of Governors of this Code is hereby constituted an agency to assist in effecting such adjustments where adjustments are not agreed upon between the parties, but only when requested so to do by an assenting employer desiring such assistance.

ARTICLE VI—ADMINISTRATION

SECTION 1. Any employer may voluntarily assent to this Code by signing and delivering to the Board of Governors, a letter substantially as set forth in Schedule A hereof.

To the extent required or permitted by or under the provisions of Title I of the National Industrial Recovery Act the provisions of this Code shall apply to and be binding upon every employer as defined in Article II hereof, whether or not such employer has voluntarily assented to this Code as herein provided; but only such employers as shall have voluntarily assented to this Code as hereinafter provided, shall be entitled to participate in its administration and to vote for members of the Board of Governors as herein provided.

SEC. 2. This Code shall be administered by a Board of Governors of twelve (12) in number, chosen and elected from the employers of the Industry who have voluntarily assented to this Code in the manner and as provided in Schedule B hereto annexed and such Governors so elected shall serve for a period of one year from the date of their election or until their successors are elected and qualify. The election, duties, and powers of the Board of Governors, and the rules and regulations in respect of meetings of assenting employers, are set forth in Schedule B hereto annexed. The Administrator may appoint not to exceed three (3) members to serve without vote with the Board of Governors in the administration of this Code.

SEC. 3. The expenses of formulating, putting into effect, and administering this Code shall be borne by and assessed against the employers of the Industry who have voluntarily assented to this Code and also such employers of the Industry who receive the benefits of this Code. Such assessments shall be made as provided in Schedule B annexed hereto.

SEC. 4. In order to keep the President and the Administrator informed as to the observance or nonobservance of this Code, each employer shall prepare and file with the Board of Governors at such times and in such manner as said Board may prescribe statistics covering the number of persons employed, wage rates, hours of working, and such other data or information respecting the conditions of labor as the Board of Governors may require, but such information shall be treated as confidential and used only and for the sole purpose herein set forth. "In addition to the above information there shall be submitted to Government agencies such statistical information as the Administrator may deem necessary for the purposes recited in section 3 (a) of the National Industrial Recovery Act."* Any action taken by the Board of Governors or other group within the Industry, relative to the administration of this Code, may in the discretion of the Board of Governors or such other group be submitted to the Administrator for approval, and shall in any case be subject to the disapproval of the Administrator.

ARTICLE VII—GENERAL PROVISIONS

SECTION 1. As soon as employers in the Industry shall have voluntarily assented to this Code by executing letters substantially in the

* Approval of this Code is made conditional upon insertion of this paragraph per Executive Order approving the Code.

form set forth in Schedule A annexed hereto sufficient in number and importance to make the same truly representative of the Industry, such assenting employers shall elect the members of the Board of Governors as herein provided, and said Board, upon being so elected, shall promptly submit this Code to the President, pursuant to the provisions of Title I of the National Industrial Recovery Act, and upon the approval of this Code by the President, pursuant to provisions of such Title I, it shall constitute a binding contract by and among those who have assented thereto as in this Code provided, subject, however, to amendment and termination as in Article VIII provided.

SEC. 2. This Code shall become effective fifteen (15) days after approval by the President, which date shall be the effective date hereof.

SEC. 3. The President may from time to time cancel or modify any order, approval, license, rule, or regulation issued under Title I of the National Industrial Recovery Act.

ARTICLE VIII—AMENDMENTS AND TERMINATION

SECTION 1. Any employer assenting to this Code that may hereafter desire to have the Code amended or any supplementary provisions added should take the following procedure: Propose the amendment to the Board of Governors who shall, if a majority of the Board shall approve the proposed amendment, submit it to a meeting of the employers assenting to this Code especially called for that purpose upon due notice; and if at any such meeting assenting employers having the right to cast at least 75% of all the votes that might be cast if all such assenting employers were present, shall vote in favor of the adoption of such proposed amendment, such amendment shall be submitted by the Board of Governors to the President for approval, and such proposed amendment shall take effect as a part of this Code upon such approval thereof by the President. Employers voting on such amendments as above provided may vote in person, by proxy in writing, or may vote in writing without being personally present.

SEC. 2. This Code shall continue in effect so long and only so long as the National Industrial Recovery Act shall be in force and effect but in no event after June 16, 1935, and shall in all respects be subject to the provisions and conditions thereof; provided, however, that this Code may be terminated at any time by the same action by assenting employers, with the approval of the President, as is above provided for the amendment thereof. Such termination shall not release any employer from the payment of any unpaid assessment theretofore made.

Approved Code No. 152.

Registry No. 1147-02.

SCHEDULE A

FORM OF LETTER OF ASSENT TO CODE

The undersigned by signing and delivering this letter to S. L. Buschman, Secretary of the Board of Governors, 110 East 42nd Street, New York City, assents to all of the terms and conditions of the Code of Fair Competition of the Can Manufacturers Industry, a copy of which is annexed hereto; and such assent shall be effective as of the date on which said Code shall become effective as therein provided or the date of the delivery of this letter, whichever shall be later. The undersigned hereby agrees with everyone similarly assenting to said Code, that said Code constitutes a contract between the undersigned and all such similar assenters and agrees to be bound by the provisions thereof as well as the provisions in Schedule B annexed thereto including particularly the right of assessment for expenses as provided in Section 3 of Article VI and Schedule B annexed thereto, and that the election of the members of the Board of Governors, heretofore had, pursuant to Section 1 of Article VII, be ratified and confirmed.

Very truly yours,

SCHEDULE B

RULES AND REGULATIONS FOR THE ADMINISTRATION OF THE CODE

SECTION 1. Each employer voluntarily assenting to the Code by executing and delivering the letter of assent provided for in the Code shall be entitled to participate in its administration as therein and herein provided and shall be entitled to vote at all meetings of employers under the Code; and the Board of Governors shall determine and resolve all questions which might arise as to the qualification of any assenting employer and his right to cast a vote or the number of votes to which he may be entitled. Any assenting employer may vote by proxy in writing.

SEC. 2. In order to insure equitable representation of the views of the assenting employers in terms of their numbers and volume of business, at each meeting of such assenting employers and for all purposes requiring the vote of said such assenting employers (excepting, however, in the election of members to the Board of Governors, which is especially provided for in Section 4 hereof), each assenting employer shall have and may cast one vote for each and every factory or plant operated by such assenting employer for the manufacture and production of the products of the Industry covered by this Code, that is to say, each assenting employer shall have and may cast as many votes as such assenting employer may operate such plants or factories, provided, however, that each assenting employer shall have at least one vote.

SEC. 3. All meetings of the assenting employers shall be held from time to time when called by the Chairman of the Board of Governors on ten days' notice, except as otherwise herein provided.

SEC. 4. The members of the Board of Governors under this Code shall be elected in the following manner: Each assenting employer operating more than twenty-five (25) factories shall appoint three (3) members to the Board of Governors, and each assenting employer operating four (4) or more factories, but not more than twenty-five (25) factories, shall appoint one (1) member to the Board of Governors; the remaining members of the Board of Governors shall be elected by the assenting employers operating less than four (4) factories and not having the right of appointment hereinabove provided for. In the event that any employer shall be entitled to a different or greater representation due to a change in the number of its factories or otherwise, the number of members of the Board of Governors may be increased; but such increase shall be made only in a manner which shall not disturb the ratio of the number of appointed members to the number of elected members which shall always continue in the ratio of seven (7) to five (5) or its nearest equivalent.

SEC. 5. Vacancies for any cause on the Board of Governors shall be filled as follows: If such vacancy should occur amongst the members of the Board appointed as above provided, then such vacancy shall be filled by the assenting employer whose appointee has ceased to be a member of the Board of Governors, it being the intention that each of the assenting employers operating factories, as in Section 4 provided, shall at all times have the representation on the Board of Governors provided in Section 4 hereof; if such vacancy should, however, occur amongst the members of the Board elected by the assenting employers not having the right of appointment, as provided in Section 4 hereof, then the remaining members of the Board of Governors elected by employers not having the right of appointment shall fill such vacancy.

SEC. 6. If, at any time, there should be a tie vote in the Board of Governors and a deadlock created thereby, then and in such case said Board of Governors shall submit the question deadlocked to arbitration. Those members of the Board of Governors assenting to the proposition deadlocked shall appoint one arbitrator; those dissenting, a second arbitrator. If these two arbitrators shall

not agree they shall select a third arbitrator. A decision of a majority of these three arbitrators shall be final and conclusive.

SEC. 7. Assenting employers entitled to cast at least 75% of all votes that might be cast at a meeting, if all the assenting members were present or duly represented in person or by proxy thereat, shall constitute a quorum for the transaction of business.

SEC. 8. The Board of Governors shall have all the powers and duties conferred by this Code and generally all such other powers and duties as shall be necessary or proper to enable it fully to administer this Code and to effectuate its purposes and from time to time appoint and remove, and to fix the compensation of all employees, including accountants, attorneys, and experts, as said Board shall deem necessary or proper for the purpose of administering this Code.

The Board of Governors may also from time to time appoint from the assenting employers' committees, but the Board of Governors shall have no right to delegate its power to such committees. Any information that may be furnished by any assenting employer to the Board of Governors, or to any such Committee, if given in confidence, shall be treated as confidential by them.

The Board of Governors shall have power from time to time to interpret and construe the provisions of this Code subject to review by the assenting employers at a special meeting called for that purpose. Such meeting shall be called on ten days' notice, upon the written request of three (3) members of the Board of Governors or at least 10% in voting power of the assenting employers. Any interpretation and construction so established shall be subject to review by the Administrator.

It shall be the duty and right of the Board of Governors, from time to time, to call the attention of the assenting employers to any usages or practices (other than those described and set forth in Article IV of the Code), deemed by them to be unfair and detrimental to the Industry and harmful or not conducive to fully carry out the purposes of the National Industrial Recovery Act and any such usage or practice, upon being condemned by a vote of at least 75% of the total vote of assenting employers at a meeting specially called for that purpose at which a quorum was present, shall, if and when sanctioned by the President as an amendment to the Code, be thereafter deemed an unfair competitive practice, and any violation thereof, as in said Article IV of the Code provided, shall be a violation of this Code within the meaning of Title I of the National Industrial Recovery Act.

SEC. 9. The expenses of formulating, putting into effect, and administering the Code shall be borne by the assenting employers and such employers of the Industry who receive the benefits of this Code. The Board of Governors may from time to time make such assessments on account of such expenses against such employers as it shall deem proper. The part of such expenses which shall be assessed against such employers shall be assessed by the Board of Governors taking into account the number of employees employed by such employers and an equitable consideration of their position in the Industry, and all such assessments so levied, should be accompanied by a statement of such expenses. Failure of any such assenting employer to pay any such assessment for a period of thirty (30) days after the date on which it became payable shall entitle the Board of Governors to deprive such defaulting employer of his participation in the administration of the Code as therein and herein provided, but such employer shall continue to be liable for all due and unpaid assessments which he agrees to pay.

Approved Code No. 153

CODE OF FAIR COMPETITION

FOR THE

**VALVE AND FITTINGS MANUFACTURING
INDUSTRY**

As Approved on December 15, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Valve and Fittings Manufacturing Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said code of fair competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said code of fair competition complies in all respects with the pertinent provisions of title I of said act and that the requirements of clauses (1) and (2) of subsection (a) of section 3 of the said act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report and recommendations, and findings of the Administrator and do order that the said code of fair competition be and it is hereby approved, on condition that the filed effective price lists, as shown in article IV, section (1), paragraph (4), shall be open to the inspection of the trade factors concerned.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 15, 1933.

DECEMBER 4, 1933.

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Valve and Fittings Manufacturing Industry, the hearing having been held in Washington on the 18th day of September 1933 in accordance with the provisions of the National Industrial Recovery Act.

PROVISIONS AS TO HOURS AND WAGES

Employment is limited to 8 hours per day, or 40 hours per week, with the exception of those employees engaged on emergency, maintenance and/or repair work or in cases where reduction of hours of highly skilled workers would unavoidably reduce or delay employment of others or cause damage to equipment or products. Exemptions are made for executives and employees in a managerial, advisory, or technical capacity receiving more than \$35.00 per week; and watchmen; provided, that watchmen shall not work more than 6 days nor more than 56 hours per week.

A minimum rate of 40 cents per hour is established with exception of 32 cents per hour minimum in the following states: New Mexico, Texas, Arkansas, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana.

Females employed on operations not requiring technically skilled men may be paid not less than 90% of the minimum rate but not less than 30 cents per hour. Inexperienced employees between the ages of 16 and 21 years, and superannuated employees may receive not less than 80% of the minimum rates; provided, that in total they do not exceed 5% of the total number of factory mechanical workers employed by any employer.

The minimum weekly salary of \$15.00 per week is established in cities of over 500,000 population; \$14.50 per week in cities of over 250,000 and not exceeding 500,000 population; and \$14.00 per week in any city of less than 250,000 population, except office boys or girls may be paid not less than 80% of such minimum salary.

Complete copies of the wage and hour provisions of this code shall be posted in conspicuous places by each employer.

ECONOMIC EFFECT OF THE CODE

In June 1933 employment in this industry had reached the low level of 16,000 employees, but since operating under the President's Reemployment Agreement, over 19,000 are now employed. Pay rolls have correspondingly increased.

The industry is represented by seven separate and distinct groups brought together under one industrial code. The coordinating of

these units must inevitably result in eliminating many of the practices that have been harmful to the industry in the past.

The Administrator finds that:

(a) The Code as recommended complies in all respects with the pertinent provisions of Title I of the Act, including, without limitation, subsection (a) of Section 7 and subsection (b) of Section 10 thereof; and that

(b) The applicant group imposes no inequitable restrictions on admission to membership therein and is truly representative of the Valve and Fittings Manufacturing Industry; and that

(c) The Code as recommended is not designed to promote monopolies or to oppress or eliminate small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

It is recommended, therefore, that this Code be approved on condition that the filed price lists as shown in Article IV, Section (1) paragraph (4), shall be open to the inspection of the Trade Factors concerned.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION

FOR THE

VALVE AND FITTINGS MANUFACTURING INDUSTRY

ARTICLE I—PURPOSE

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are submitted as a Code of Fair Competition for the Valve and Fittings Manufacturing Industry, and upon approval of the President shall be the standard of fair competition for this Industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

President, Act, Administrator.—The terms “President”, “Act”, and “Administrator”, as used herein, shall mean, respectively, the President of the United States, Title I of the National Industrial Recovery Act, and the Administrator of said Title I of said Act.

Institute.—The term “Institute”, as used herein, shall mean the Valve and Fittings Institute.

Directors.—The term “Director”, as used herein, shall mean the Boards of Directors of the Valve Division and of the Fittings Division of the Institute acting jointly.

Products.—The term “Valves” and “Fittings”, as used herein, include all designs of valves, pipe-fittings, fire hydrants, and accessories, of all classes of ferrous and nonferrous materials, for use in the handling of all classes of fluids and gases, such as steam, water, oil, gas, air, etc.; provided, however, that as used in this Code, these terms shall not apply to—

(a) Valves and/or fittings, made by a producer of products within another Industry as a part thereof or of a separate assembly peculiar to such other Industry, including parts therefor and/or for servicing such articles and not produced and/or sold as separate valves or fittings in the general valve or fittings market;

(b) Plated or plain brass plumbing fittings, shower fittings, lavatory fittings, sink fittings, drinking-fountain fittings, and other finished, plated, or plain brass fittings for use in connection with plumbing fixtures;

(c) Such gas cocks as are made and sold for use on gas ranges, gas water heaters, gas space heaters, gas furnaces, gas conversion burners, gas incinerators, gas refrigerators, or any other household appliances;

(d) Cast-iron fittings having hub, bell, or spigot connecting ends for attachment to cast-iron “soil pipe” and/or “pressure pipe” having similar connecting ends;

(e) The products of the Cast Iron Pressure Pipe Industry, provided, however, the provisions of Article IV and no other of this

Code shall apply to those members of the Cast Iron Pressure Pipe Industry who normally quote or sell cast-iron flanged fittings and flanges of diameters sixteen inches or less on a list and discount basis, the said provisions of Article IV hereinabove to apply to, and only to, cast-iron flanged fittings and flanges of diameters sixteen inches or less in instances where they are quoted or sold on a list and discount basis by such member of the Cast Iron Pressure Pipe Industry;

(f) patented lubricated valves and/or cocks;

(g) pipe nipples as defined in the Code of Fair Competition for the Pipe-Nipple Manufacturing Industry, duly approved by the President on November 27, 1933.

Members of the Industry.—The term “members of the Industry”, as used herein, shall mean any producer who manufactures, wholly or in part, any of the products of the Industry, as herein defined, for sale; and any Pipe-Fabricator who assembles any of said products with pipe fabricated by him, for sale.

Members of code.—The term “members of Code”, as used herein, shall mean any member of the Industry who shall expressly signify assent to this Code.

Markets.—The term “markets”, as used herein, shall mean

SECTION 1. No provision of this Code relating to prices or terms of selling, shipping or marketing, shall apply to export markets. Export markets, as used herein, shall include markets in any territories or possessions of the United States not on the Continent of North America, and the Panama Canal Zone except when the United States Government is the purchaser.

SEC. 2. Subject to the approval of the Code Authority, the exceptions established by the foregoing section shall apply also to sales or shipments of products of this Industry actually used in manufacture or assembly for export markets.

“Primary” Market.—A primary market is that in which a Distributor purchases from a member of the Industry.

“Secondary” Market.—A secondary market is that which may be served by a Distributor.

Trade Factors.—The term “trade factors”, as used herein, shall mean:

Distributor.—One whose principal business is the purchase and resale, to consumers or other trade outlets, of products of the Industry, and who maintains a stock of products in sufficient quantity to render normal service to customers.

Pipe fabricator.—One whose principal business is the threading, flanging, bending, or otherwise fabricating of pipe to specifications and dimensions, and who also may purchase products of the Industry for assembly therewith, for resale to contractors or consumers.

Pipe contractor.—One whose principal business is the installation of piping systems not fabricated by himself or fabricated wholly or in part by himself.

General contractor.—One whose principal business is the construction and equipment of a plant for a customer and who sublets the purchase, fabrication, and installation of piping to a pipe contractor.

Original equipment manufacturer.—One whose principal business is the manufacture of devices or equipment in connection with which products of the Industry are used as parts or accessories.

Consumer.—One who purchases products of the Industry for his own use and not for resale.

Employee.—The term “employee”, as used herein, shall mean any person engaged in any phase of the Industry in any capacity in the nature of employee, irrespective of the method of payment of his compensation.

Employer.—The term “employer”, as used herein, shall mean anyone who engages the services of employees.

Effective date.—The term “effective date”, as used herein, shall mean five (5) days after this Code shall have been approved by the President of the United States.

ARTICLE III—HOURS AND WAGES

SECTION 1. All members of the Industry shall be subject to the provisions of the Act set forth in subsection (a) of Section 7, Title I, thereof, as follows:

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

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

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

SEC. 2. (1) No employer shall employ (a) any person under the age of sixteen (16) years, or (b) any person under the age of eighteen (18) years in any hazardous occupation; provided, however, that nothing contained in this Article III shall exempt any employer from complying with employment regulations duly enacted by the State in which he is engaged as an employer subject to such regulations.

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

SEC. 3. (1) No employer shall pay any factory or mechanical worker less than thirty-two (32) cents per hour in the States of New Mexico, Texas, Arkansas, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana; nor less than forty (40) cents per hour in any other part of the United States, or any territory or possessions thereof, on the Continent of North America; provided, however, that an employer may employ (a) female employees, for such operations as do not require the strength and technical skill of men, at not less than 90% of the minimum rates fixed in this paragraph, except that in no case shall the rate be less than thirty (30) cents per hour; subject, however,

to the provisions of Section 2, paragraph 2 of this Article; and (b) inexperienced employees of the classes mentioned in this paragraph, between the ages of sixteen (16) and twenty-one (21) years at a rate of not less than eighty (80) percent of the *minimum* rates fixed in this paragraph; provided, further, that the total number of those less than twenty-one years of age so compensated by any employer shall not exceed five (5) percent of the total number of all those employed as factory and mechanical workers.

(2) The rates of compensation established in foregoing Paragraph 1 shall be guaranteed minimum rates regardless of whether the employee is compensated on the basis of a time rate, piecework, or otherwise; and any factory or mechanical worker who shall be required to work for more than the maximum hours set forth in Paragraph 1 of Section 4 hereof, shall be compensated for the overtime worked at the rate of time and one half of his or her regular rate.

(3) No employer shall pay any employee not covered under Paragraph 1 of this Section 3, including any accounting, clerical, office, service, or sales employee within the United States or any territory or possessions thereof on the Continent of North America, less than at the rate of \$15.00 per week in any city of over 500,000 population, or in the immediate trade area of such city; nor less than at the rate of \$14.50 per week in any city between 250,000 and 500,000 population, or in the immediate trade area of such city; nor less than at the rate of \$14.00 per week in any city or trade area of less than 250,000 population, whether these minimum rates of compensation are calculated on an hourly, weekly, monthly, piecework, or any other basis; provided, however, that an employer may employ office boys or girls at not less than eighty (80) percent of the minimum rates fixed in this paragraph; provided further, that the total number of office boys and girls so compensated by any employer shall not exceed five percent of the total number of all employees covered by this paragraph.

(4) The hourly wage rate or salary of all employees receiving more than the minimum rate or salary provided in this Section 3 shall be equitably adjusted within five (5) days from that on which the President approves this Code, if such adjustments shall not have been previously made. Report of such adjustments, whether made prior to or subsequent to the approval of this Code, shall be made to the Code Authority within 90 days from the date of approval of this Code.

(5) To permit the employment of workers who are physically handicapped and to avoid their becoming a burden to the State, such employees shall be paid not less than eighty (80) percent of the minimum rates, provided however, that such employees together with such employees as mentioned in Paragraph 1 (b) of Section 3 of this Article III shall not exceed in number five (5) percent of the total number of workers employed by a member of the Industry, and that each employer shall report monthly to the Code Authority the number and the names of such employees.

SEC. 4. (1) No employer shall employ any factory or mechanical worker for more than forty (40) hours in any one week and no such

employee shall be employed for more than eight (8) hours in any one day.

(2) No employer shall employ any other employee including any accounting, clerical, office, service, or sales employee (except outside salesmen) for more than forty (40) hours in any one week.

(3) The maximum hours fixed in paragraphs 1 and 2 of this section 4 shall not apply to (a) employees on emergency maintenance and/or repair work, or to cases where reduction of hours of highly skilled workers would unavoidably reduce or delay production or employment of others or cause damage to equipment or products; (b) watchmen, provided, however, that watchmen shall work not more than six days in each seven-day period nor more than fifty-six (56) hours in any one week; nor to (c) executives and employees in a managerial, supervisory, or technical capacity receiving more than \$35.00 per week.

(4) The maximum hours hereinabove provided mark the total number of hours during which any employee may be employed whether by one or more employers; provided however, that if any employee should work for more than one employer for an aggregate period in excess of such maximum hours without the knowledge or connivance of any one of such employers, such employer shall not be deemed to have violated this paragraph.

(5) No employee shall be classified in any one of the foregoing exempted classes unless he performs functions identical with those performed by employees thus classified on June 16, 1933.

(6) Each employer shall post complete copies of this Article III in conspicuous places in his establishment or establishments accessible to his employees.

ARTICLE IV—DISTRIBUTION

SECTION 1. *Published Price Policy.*—(1) Each member of the Industry shall publish the prices current on those of his products which are normally available to the trade. Within five days after receipt of notice of the effective date of this Code, he shall file, with the Code Authority, his prices to each of the Trade Factors defined in Article II, provided that the lowest prices that may be filed shall be the prices at which he shall sell his products to his Distributors. In all practicable instances, a member of the Industry shall employ the pricing system of "list-price subject to discount or plus percentage", and where this system is found impracticable, the member of the Industry shall file his equivalent net prices with the Code Authority.

(2) Each member of the Industry shall also file with the Code Authority a complete statement of his terms and other conditions of sale.

(3) Thereafter, revised prices and/or revised terms and other conditions of sale shall likewise be filed with the Code Authority. If the revised prices of any such member are lower than, or if the revised terms and other conditions of sale of any such member are more favorable to the purchaser than the prices and/or terms and other conditions of sale of such member then on file with the Code Authority, the revised prices and/or revised terms and other conditions of sale shall not become effective until 10 days after the

date of the filing thereof; otherwise the same shall become effective on such date as the member of the Industry filing the same shall designate. Any other members of the Industry may, if they so desire, file revised prices and/or revised terms and other conditions of sale which may become effective on such date as the member of the Industry filing the same shall designate, which date shall not be earlier than the date on which the revised prices and/or revised terms and other conditions of sale first filed shall become effective, if the revised prices of such other members are not lower than, or if the revised terms and other conditions of sale are not more favorable to the purchaser than the revised prices and/or revised terms and other conditions of sale first filed; otherwise the revised prices and/or revised terms and other conditions of sale of such other members shall not become effective until 10 days after the date of the filing thereof. No prices filed under the provisions of this section shall be retroactive. Any member of the Industry may, upon request and upon payment of the reasonable cost thereof by such member, obtain from the Code Authority copies of any such prices and/or terms and other conditions of sale so filed.

(4) All prices and/or terms and other conditions of sale filed at the office of the Code Authority as in this Section 1 provided, shall be open to the inspection of members of the Industry.

(5) No member of the Industry shall sell or offer to sell, directly or indirectly by any means whatsoever to any Trade-Factors, any product of the Industry at a price or on more favorable terms and/or other conditions of sale other than those which he has filed with the Code Authority and which have become effective.

(6) All prices and/or terms and other conditions of sale and revisions thereof shall become effective not later than ten (10) days after filing.

SEC. 2. *Market Study*.—The Code Authority may undertake the study of recommendations to be submitted to the Administrator for consideration relative to gradations of factory-shipment price rates for the various Trade-Factors which study shall have due regard to the functions performed and services rendered by the Trade-Factors and to differences in the cost thereof.

SEC. 3. *Gradation of product values*.—(1) Under a plan subject to the approval of the Administrator, the Institute shall formulate and establish indexes of general relation values of sizes and/or types and weights of various classes or kinds of products of the Industry, and when any such index has been so established each member of the Industry who is a Producer of the products for which each such index has been established, shall publish and employ List Prices reflecting the index value with the least practicable delay.

(2) If any action taken by the Institute under this Section 3 shall work any hardship on any member of the Industry who is the producer of a product covered by any such index, such member of the Industry may appear to the Administrator for relief.

SEC. 4. *Quotation policy*.—(1) Each quotation shall define terms and conditions of sale.

(2) Each quotation shall be a firm proposal subject to revision only to correct errors; or, when permissible under conditions specified therein, to adjust to reflect changes in published prices.

(3) No member of the Industry shall quote a lump-sum price on any schedule of products of this Industry which does not itemize, or which is lower than, the sum of such member's regular unit selling prices of the articles comprising the schedule; and, when quoting a combined bid including purchased materials, no member of the Industry shall quote prices for such purchased material less than the published prices of the manufacturer thereof.

From time to time the Code Authority, subject to the approval of the Administrator, may classify articles that are to be treated as units and/or groups of units within the meaning of this paragraph.

(4) No member of the Industry shall be permitted to revise any quotation on products of this Industry merely for the purpose of "matching" or underquoting prices previously quoted by a competitor.

(5) New schedules of prices shall be applicable to all noncontract business placed beginning as of the effective date thereof, the date of the placing of business by mail to be determined by the postmark.

(6) No member of the Industry shall give advance notice to the trade of an intention to file revised prices on his products.

(7) No member of the Industry shall predate any quotation nor accept any predated order or other contract.

SEC. 5. *Credit policy.*—Credit privileges shall be restricted to those whose moral and financial integrity may be reasonably well established. The purpose of this broad rule is to make it incumbent upon each member of the Industry to exercise due diligence and sound judgment in earnest effort to avoid action relating to the granting of credit privileges which might introduce instability into the market.

SEC. 6. *Terms of payment.*—(1) Invoices shall bear the date on which delivery is made to the carrier at the point of shipment. Post-dating of invoices is forbidden.

(a) For purposes of simplification the following terms are employed in succeeding paragraphs of this Section 6, viz: "Pacific Zone" comprising Alaska and the States of Arizona, California, Oregon, and Washington; "Eastern Zone" comprising the District of Columbia and the States not included in the Pacific Zone.

(2) The net due date shall not be later than the last day of the first month following date of invoice; except that the net due date may be the last day of the second month following date of an invoice covering shipment (a) to the Pacific Zone from a member of the Industry's plant situated in the Eastern Zone, or (b) to the Eastern Zone from a member of the Industry's plant situated in the Pacific Zone. Accounts not paid within the allowable net period shall, so far as practicable for each one of the members of the Industry, be made to bear interest from the net due date at an annual rate of six (6) percent unless the legal rate in the State in which the debtor is situated is less than six (6) percent, in which event such legal rate shall apply.

(3) No member of the Industry shall give any cash discount at a rate exceeding two percent (2%), and the period in which it may be deducted shall not exceed ten (10) days from date of invoice with the following exceptions:

A. That the period may be extended to thirty (30) days from date of invoice covering shipment (a) to the Pacific Zone from a

member of the Industry's plant situated in the Eastern Zone, or (b) vice versa.

B. That to purchasers whose requirements necessitate frequent billings, the cash discount may be made deductible from remittance covering all charges of the first half-month period (i.e., the 1st to/and 15th) and from remittance covering all charges of the second half-month period (i.e., 16th to/and last day of the month) as follows:

(a) For the first half-month period, when both parties are in the Eastern Zone or when both parties are in the Pacific Zone—on the 25th instant; and when the parties are not in the same zone, on the 25th proximo.

(b) For the second half-month period, when both parties are in the Eastern Zone, or when both parties are in the Pacific Zone, on the 10th proximo; and when the parties are not in the same Zone—on the 10th of the second month following.

(4) In no instance shall a cash discount be allowed on transactions financed through the medium of a trade acceptance or a note.

(5) The agreement to accept bonds or other securities involved in the financing of a project in part or in whole payment for products of the Industry is forbidden.

SEC. 7. *Terms of shipment.*—(1) Each member of the Industry shall provide that the purchaser shall assume full responsibility for losses or damages created by conditions beyond the control of the member of the Industry. In instances where it is required that transportation charges be prepaid by the seller, the member of the Industry shall provide that such prepayment shall not relieve the purchaser from any portion of the purchaser's responsibility as therein provided. The member of the Industry, however, shall provide all reasonable assistance to the purchaser in the preparation of justifiable claims.

(2) Each member of the Industry shall provide that he shall not be responsible for delays caused by strikes, fires, or other similar causes beyond his control, nor for any delays caused by changes in specifications.

(3) The Code Authority may study the problem of freight allowance and present recommendations to the Administrator with respect thereto.

(4) From time to time the Code Authority may approve standard practices for packing and shipping "American Standard" pipe fittings, and upon such approval each member of the Industry shall make an extra charge sufficient to defray the extra cost to such member for any special packing and/or shipping requirements of the Purchaser.

SEC. 8. *Indeterminate specifications.*—(1) No member of the Industry shall accept any order for or otherwise commit himself to deliver products on any other basis than the basis of price subject to change upon the filing of revised schedules by such member, except in the case of:

(a) Fully specified orders the execution of which has been delayed or which may be delayed through no fault of the purchaser; or

(b) Orders for products for use in a specific project as provided in Section 9, paragraph (1) of this Article IV; or

(c) Orders by original equipment manufacturers for products to be used as parts or accessories, for the devices or equipment manufactured and sold by such manufacturers.

SEC. 9. *Future delivery commitments.*—(1) A member of the Industry may commit himself to furnish products of the Industry over an extended period, at fixed prices, for use in the construction of a particular project, if the character of the project is clearly defined and identified, and if the volume of products to be delivered is specified within minimum and maximum limits defined in terms of value and/or quantity on the basis of anticipated requirements.

(2) Proposals to furnish products under a prospective contract for use in the construction of a given project shall specify a definite acceptance date, not later than which the prospective purchaser must formally accept the same in order to obtain advantage of the prices quoted therein; except, however, that in the event the member of the Industry advances his prices prior to the previously specified acceptance date, he may change the acceptance date to not later than fifteen (15) days subsequent to the effective date of his new prices.

(3) When a member of the Industry has committed himself under such contract, he shall immediately register the fact with the Code Authority, giving it (a) date and number of the contract; (b) name and address and character of the project; (c) name and address of the contractor who is to perform the work; (d) name and address of the charges; (e) total value and/or quantity, size, and kind of products he has contracted to furnish; and (f) discounts and/or net prices at which the contract was closed.

(4) The member of the Industry shall identify each invoice applying to service against such contract by means of (a) date and number of contract; (b) name and address of the project; and (c) the pricing therein by means of the term "contract price" when net prices are employed, and the term "contract discount" before each discount when the billing is done by list price and discount or plus percentage.

SEC. 10. *Factory-warehouse service.*—The Code Authority may undertake the study of recommendations to be submitted to the Administrator for consideration relative to proper charges, terms, and conditions for rendering service out of or through factory-warehouses operated by members of the Industry and for rendering other classes of special delivery services which study shall have due regard to the cost of services rendered by such factory-warehouse.

SEC. 11. *Consigned stocks.*—The Code Authority shall investigate problems presented in the elimination of consigned stocks of products of the Industry and shall recommend to the members who are parties to then existing arrangements with respect to shipments on consignment, such action in respect thereof as the Code Authority shall deem proper and designed to accomplish the termination of all such arrangements at as early a date as possible.

SEC. 12. *Distress merchandise.*—Surplus stocks or inventories that must be converted into cash to meet immediate needs and obsolete lines may be sold at such prices as are necessary to move the products into purchasers' hands; provided, however, that all such surplus stocks or inventories and obsolete lines first must be reported to the Code Authority and shall be disposed of only subject to the ap-

proval of the Code Authority and under such rules and regulations as the Code Authority may prescribe; provided further, that appeal may be had to the Administrator by a member of the Industry from any decision of the Code Authority; provided, further, that if the Code Authority does not notify the member of the Industry of its decision within ten (10) days from the receipt of the application, such member may appeal to the Administrator.

SEC. 13. *Producing affiliates.*—A sale made by any member of the Industry through any affiliated producing company of such member shall be deemed to be a sale made by such member.

SEC. 14. *Unfair trade practices.*—(1) After an award has been made by a duly authorized authority, there shall be no attempt to prevent a contract being made thereunder, nor shall there be any attempt to induce a breach of contract between any competitor and his customer.

(2) There shall be no (a) disparaging statements made respecting another member of the Industry's business methods, practices, products, or financial integrity; (b) publication or circulation, by advertisement or otherwise, of any false, misleading, or deceptive statement concerning the grade, quality, character, or origin of products; or (c) misbranding for the purpose or with the effect of misleading or deceiving purchasers or prospective purchasers with respect to quantity, quality, size, grade, or substance of products.

(3) There shall be no (a) payment or allowance, in the form of money or otherwise, of secret rebates, secret refunds, secret credits, or unearned discounts; (b) payment of bribes or other forms of illegitimate inducement, in the form of money or otherwise, to influence the specification, demand, or acceptance of products; (c) any extension of services or privileges to certain purchasers not extended to all purchasers of the same class, under like terms and conditions; or (d) any agreement to assist any purchaser of products in the sale of bonds or other securities in which he may be interested directly or indirectly.

(4) There shall be no substitution or deviation from the specifications or furnishing products of the Industry other than those described in the quotation.

SEC. 15. *Guaranty on product.*—(1) Members of the Industry shall place on all articles made by them an identifying mark, such as their name or trademark, unless the size or design of the article will not permit of their doing so.

(2) No guarantee on product, whether given voluntarily or upon request, shall provide for more than (a) freedom from defects in material and workmanship under the use and service for which the article is recommended by the producer thereof, and (b) the obligation to replace or repair any defective part or parts returned to his factory.

(3) A guaranty which may make the producer responsible for consequential damages and other items of expense which normally cannot be anticipated and equitably comprehended in original costs or selling prices, creates conditions of unfair competition and therefore is forbidden.

ARTICLE V—ADMINISTRATION OF CODE

SECTION 1. (1) Immediately after the approval of this Code by the President there shall be constituted a Code Authority consisting of not less than eight and not more than eleven members as hereinafter provided.

(2) The Directors shall nominate fourteen (14) persons and the members of the Code, at a duly called meeting thereof, or by letter ballot, shall vote on the persons so nominated and the seven (7) persons receiving the greatest number of votes shall be members of the Code Authority, who shall serve for such terms as the directors shall determine; and the remaining seven (7) persons shall be alternate members of the Code Authority.

(3) Members of the Code who are not members of the Institute may elect one member of the Code Authority and one alternate by a fair method of election approved by the Administrator.

(4) The Administrator, in his discretion, may appoint not more than three additional members without vote to represent the Administrator or such groups or interests as may be agreed upon.

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

(6) No inequitable restriction on membership in the Institute shall be imposed at any time.

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

SEC. 2. (1) The Code Authority is hereby designated as the agency to cooperate with the Administrator in administering, supervising, and promoting observance of the provisions of this Code, subject to the right of the Administrator upon review to approve or disapprove any action taken by the Code Authority.

(2) The Code Authority may adopt bylaws and rules and regulations for its procedure and for the administration and enforcement of the Code.

(3) The Code Authority shall have the powers and duties set forth in this Code.

SEC. 3. The Code Authority may (a) investigate on its own initiative, or on complaint, the operation of this Code and any violation thereof by anyone; (b) hold hearings and grant to all persons interested in the subject matter of any investigation or complaint

a fair and reasonable opportunity to be heard; (c) make findings of fact and state its conclusions as to whether or not there has been any violation of any provision of this Code; and (d) take such steps within its authority as it may deem necessary or advisable in connection therewith.

SEC. 4. No member of the Code Authority shall participate as a member of such Code Authority in any proceedings in which he is interested by virtue of any connection with the complainant or respondent and in the event of any such disqualification the remaining members of the Code Authority shall certify such disqualification, together with the reasons therefor to the Chairman of the Code Authority who shall promptly designate one of the duly elected alternates to act in the place of the disqualified member of the Code Authority.

SEC. 5. The Code Authority may exercise its functions through such agents or committees as it may select, to operate under its supervision.

SEC. 6. (1) The Code Authority shall have power to require from all members of the Industry such information and reports as may be pertinent to the administration of this Code, including, but without limitation, reports on the following subjects:

Employment.—(A) Separations during previous month: (a) number of quits; (b) number of discharges; (c) number of layoffs; and (d) total number of separations.

(B) Number of Accessions during previous month (including both first employment and rehires).

(C) Number of factory workers on Pay Rolls: (a) Number on pay roll at beginning of previous month.

(D) Factory Pay-roll Analysis (for previous month to end of last full calendar week): (a) Wage rate, classes; (b) number employed in each rate-class; and (c) total hours worked in each rate-class.

Distribution.—A. Total of shipments billed during previous month (to be reported by tonnage, piece or dollar value, whichever is the most practicable method of reporting).

(2) In addition to information required to be submitted to the Code Authority, there shall be furnished to Government Agencies such statistical information as the Administrator may deem necessary for the purpose recited in Section 3 (a) of the Act.

SEC. 7. (1) If an appeal is desired from a determination of the Code Authority to a Board of Appeal constituted in accordance with this section, notice shall be given of such intention to the Code Authority within five (5) days after receipt of notice of the determination of the Code Authority; provided, however, that the determination shall be controlling until a decision on the appeal has been rendered by the Board of Appeal.

(2) The Code Authority shall designate its appointee, who shall be ready to proceed with the appeal within five (5) days after notice has been received by it.

(3) A Board of Appeal shall be composed of three (3) members; one chosen by the Code Authority, one chosen by the appellant, the third to be chosen by them. If the first two chosen fail to agree in their choice of the third member, then the third shall be appointed by the Administrator.

(4) Such Board of Appeal shall have authority to hear appeals as provided in Paragraph (1) of this Section 7, and shall affirm or reverse the determination of the Code Authority in the case under appeal.

{5) No provision of this Section 7 shall deny to any member of the Code or to any party in any proceeding the right to appeal to the Administrator nor prevent, at any time, direct appeal to him from any determination of the Code Authority. The Code Authority may, if it chooses, invoke the procedure provided for in this section.

ARTICLE VI—PARTICIPATION

SECTION 1. (1) Each member of the Code shall be entitled to participate in and share the benefits of the activities of the Code Authority.

(2) Each member of the Code shall pay his pro rata share of the expenses of administration of the Code either by becoming a member of the Institute or by payment of an equitable pro rata share of the expense of the administration of the Code, such pro rata share to be determined by the Code Authority, subject to the approval of the Administrator, on the basis of the dollar value of net sales.

ARTICLE VII—AMENDMENT OF CODE

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of Section 10 (b) of the National Industrial Recovery Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under Title I of said Act, and specifically to the right of the President to cancel or modify his approval of this Code or any conditions imposed by him upon his approval thereof.

SEC. 2. Such of the provisions of this Code as are not required to be included therein by the National Industrial Recovery Act may, with the approval of the President, be modified or eliminated as changes in circumstances or experience may indicate. It is contemplated that from time to time supplementary provisions to this Code or additional Codes will be submitted for the approval of the President to prevent unfair competition in price and other unfair and destructive competitive practices and to effectuate the other purposes and policies of Title I of the National Industrial Recovery Act consistent with the provisions hereof.

SEC. 3. (1) Any member of the Code may propose an amendment thereto; when any duly proposed amendment shall have been approved by vote of a majority of the Code Authority, it shall be submitted to a joint meeting of all said members, and, when approved by vote of a majority of such members, such amendment shall be submitted by the Code Authority to the President of the United States for approval.

(2) The proposed amendment shall be set forth in the notice of the meeting at which the amendment is to be considered and acted upon.

ARTICLE VIII—MONOPOLIES

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

ARTICLE IX—EFFECTIVE DATE

SECTION 1. This Code shall be effective five (5) days after the approval thereof by the President of the United States, and it shall continue in force and effect until June 16, 1935, or as provided in Section 2 (c) of Title I of the Act, until such earlier date as that on which the President of the United States shall by proclamation, or the Congress of the United States shall by joint resolution, declare that the emergency recognized by Section 1, Title I of the Act, has ended.

Approved Code No. 153.
Registry No. 1335-1-03.



Approved Code No. 154

CODE OF FAIR COMPETITION

FOR THE

METAL TANK INDUSTRY

As Approved on December 15, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Metal Tank Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said code of fair competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said code of fair competition complies in all respects with the pertinent provisions of title I of said act and that the requirements of clauses (1) and (2) of subsection (a) of section 3 of the said act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report and recommendations, and findings of the Administrator and do order that the said code of fair competition be and it is hereby approved.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 15, 1933.

DECEMBER 4, 1933.

THE PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Metal Tank Industry in the United States, the hearing having been conducted in Washington on October 6, 1933, in accordance with the provisions of the National Industrial Recovery Act.

PROVISIONS FOR HOURS AND WAGES

Factory employees will be limited to 40 hours per week and 8 hours per day, except in emergencies which cannot be met by the employment of additional men, when working time may be increased. Time and one half will be paid to all hourly rated employees working over 8 hours in any one day or 40 hours in any one week. Preparation, care and maintenance employees, stock and shipping clerks, and delivery men will have a 10 per cent tolerance, but are limited to 44 hours per week in any 6 weeks in any 6 months.

The limitation in hours will not apply to managerial, executive, or supervisory employees receiving more than \$35.00 per week, nor to outside service and maintenance men, traveling salesmen, and watchmen, nor to those engaged in emergency maintenance or repair work, this latter class being paid time and one half for all hours over 8 per day or 40 per week.

Accounting, clerical, service, and sales employees will be limited to 40 hours per week on a monthly average and 48 hours in any one week. This class of employees will be paid at the rate of not less than \$15.00 per week. No one in this group will have his salary reduced on account of any reduction in hours. Eighty per cent of the above minimum rates will be paid to office boys and girls and messengers.

Factory employees will receive a minimum of not less than 40 cents per hour, except in specified Southern States in which the minimum will be not less than 34 cents per hour. Equitable adjustment will be made of all rates above the minimum and no rates will be decreased. Eighty per cent of the minimum rates is provided for apprentices, learners, and superannuated and disabled employees. There will be no distinction in rates between male and female employees engaged in the same work.

CHILD LABOR

The minimum age for employees will be 16 years, except in hazardous occupations, where the minimum will be 18 years. The members of the Industry will submit a list of hazardous occupations to the Code Authority within 30 days after the effective date of the Code.

ECONOMIC EFFECT OF CODE

The 40-hour limitation for factory workers results in an increase in employment of approximately 20 percent from the number employed prior to the President's Reemployment Agreement when the hours averaged 55 per week. Employees in 1932 numbered 6,300, a 49 percent drop since 1929. Since the President's Reemployment Agreement was adopted in June, employment has been increased to 8,000 persons.

The minimum wage rate of not less than 40 cents in the Northern States and 34 cents in the Southern section of the Industry will increase the general wage average about 30 percent.

There are 155 companies in the Industry, 60 of these being members of the National Steel Tank Association and having 83 percent of the volume of business, which amounted to a total of \$25,300,000 in 1932. The Industry manufactures standardized metal tanks, which are assembled in the shop for use in water service, petroleum, and other industries. Sales in 1932 were only 28 percent of the capacity of the 155 companies, but with any increase in the construction industries reemployment should be rapid in this industry.

FINDINGS

The Administrator finds that:

(a) The Code as recommended complies in all respects with the pertinent provisions of Title I of the Act, including, without limitation, subsection (a) of Section 7 and subsection (b) of Section 10 thereof; and that

(b) The applicant group imposes no inequitable restrictions on admission to membership therein and is truly representative of the Metal Tank Industry; and that

(c) The Code as recommended is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

It is recommended, therefore, that this Code be approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION

FOR THE

METAL TANK INDUSTRY

ARTICLE I—PURPOSE

To effectuate the policies of Title I of the National Industrial Recovery Act the following provisions are submitted as a Code of Fair Competition for the Metal Tank Industry, and upon approval by the President shall be the standard of fair competition for this Industry.

ARTICLE II—DEFINITIONS

The following words are used in this Code with the meanings set forth:

“Industry” shall include the manufacture of standardized steel or other metal tanks and containers when shipped in a finished condition or when sold from a published price list, including, but not limited to, the items as generally set forth in Schedule A, but not including the manufacture of such products when made by a producer of other equipment as part of his own products or as replacement parts and not for sale as separate tanks and containers for other usage.

“Association” shall mean National Steel Tank Association.

“Employee”—any person engaged in any phase of the Industry in any capacity, receiving compensation for his services, irrespective of the method or nature of payment of such compensation.

“Employer”—anyone by whom such employee is compensated or employed.

“Member of the Industry”—anyone engaged in the Industry as above defined either as an employer or on his own behalf.

“Apprentice”—a person (usually a minor) bound by indenture to serve an employer for a stated term at a predetermined wage for the period of indenture in order to learn a trade, art, or profession.

“President”, “Act”, and “Administrator”—respectively, the President of the United States, the National Industrial Recovery Act, and the Administrator of Title I of said Act.

“Administration”—the National Recovery Administration.

ARTICLE III—HOURS

(a) No employee shall be permitted to work in excess of eight (8) hours per day, which eight (8) hours shall be worked in any

period of nine (9) consecutive hours, or in excess of forty (40) hours per week, except

(b) Firemen, engineers, and electricians engaged in the preparation, care, and maintenance of plant, machinery, and production facilities, and stock and shipping clerks, and delivery employees may be permitted to work not in excess of 8.8 hours per day; provided, however, that no such employees described in this paragraph (b) shall be permitted to work in excess of forty-four (44) hours per week in any six (6) weeks in any six (6) months' period.

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

(d) Accounting, clerical, service, sales, and all other office employees may be permitted to work not in excess of forty (40) hours per week on a monthly average, and not in excess of forty-eight (48) hours in any one week.

(e) Any employee whose hours of work are prescribed under paragraph (a) or (b) hereof may, in cases of emergency production or repair work that cannot be met by the employment of additional employees, or in order to protect life or property, be permitted to work such number of hours as may be required.

(f) Any employee whose hours of work are prescribed under paragraph (a) or (b) hereof shall be paid at the rate of not less than one and one half times his regular rate of pay for all hours worked by such employee in excess of the hours specified in paragraph (a) or (b), respectively.

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

(h) Nothing in this Article III shall apply to or affect the employment of any executive, administrative, technical, or supervisory employee regularly receiving more than \$35.00 per week, or any traveling or commission salesman.

ARTICLE IV—WAGES

(a) No employer shall pay any employee, except as hereinafter provided, less than at the rate of forty (40) cents per hour; provided, however, that any employer in the South may pay any employee not less than at the rate of thirty-four (34) cents per hour. The South, for the purposes of this Article IV, shall include all the United States located South of Maryland, West Virginia, and Kentucky and east of the Mississippi River.

(b) No employer shall pay any old or partially disabled employee or watchman less than at the rate of eighty (80) percent of the rate prescribed in paragraph (a) hereof; provided, however, that no employer shall employ any such employees and watchmen in an aggregate number in excess of five (5) percent of the total number of employees of such employer; provided, further, however, that any employer may employ not less than two (2) such employees or watchmen.

(c) No employer shall pay any apprentice or learner less than at the rate of eighty (80) percent of the rate prescribed in paragraph

(a) hereof; provided, however, that no employer shall pay any apprentice or learner less than at the rate prescribed in paragraph (a) hereof after such apprentice or learner shall have been employed in the Industry in excess of three (3) months; provided, further, that no employer shall employ any such apprentices and learners paid less than at the rate prescribed in paragraph (a) hereof in an aggregate number in excess of five (5) percent of the total number of employees employed by such employer upon production work.

(d) No employer shall pay any accounting, clerical, service, sales, or other office employee less than at the rate of \$15.00 per week; provided, however, that office boys and girls may be paid not less than at the rate of eighty (80) percent of the said rate of \$15.00 per week; provided further, however, that no employer shall employ such office boys and girls paid less than at the said rate of \$15.00 per week in an aggregate number in excess of five (5) percent of the total number of accounting, clerical, service, sales, or other office employees employed by such employer.

(e) The wage differentials for all operations and occupations shall be equitably readjusted, provided that in no case shall any such differential be decreased. Each employer shall report all such readjustments made by him to the Code Authority within thirty (30) days following the effective date of this Code.

(f) No member of the Industry shall subcontract with any other person for the fabrication of any product of the Industry except on condition that such other person shall comply with Articles III, IV, and V hereof for the purposes of the contract.

(g) No member of the Industry shall contract with any employee for the fabrication of any product of the Industry under any condition by which such employee may engage other persons to fabricate such product, or may become a subcontractor for the purpose of such fabrication.

(h) No employee of the classes mentioned in paragraph (d) of Article III who is now receiving compensation at a rate in excess of the minimum provided shall have his compensation reduced on account of any reduction in the weekly hours of employment to conform with the requirements of this Code.

(i) Where an employee's weekly earnings on piecework are less than his weekly earnings at the established hourly rate for his class, such employee shall be paid an amount not less than his weekly earnings at the established hourly rate for his class.

(j) No distinction in rates shall be made between male and female employees where substantially the same class of work is performed, regardless of whether compensation is calculated on an hourly, weekly, monthly, piecework, or other basis.

(k) No member of the Industry shall reclassify employees or duties of occupations performed by employees so as to defeat the purposes of the Act.

(l) Nothing in this Article IV shall apply to or affect any outside salesman compensated on a commission basis.

ARTICLE V—CHILD LABOR

No person under sixteen (16) years of age shall be employed in this Industry, nor anyone under eighteen (18) years of age at opera-

tions hazardous in nature or detrimental to health. In any State an employer shall be deemed to have complied with this provision if he shall have on file a certificate or permit duly issued by the Authority in such State empowered to issue employment or age certificates or permit showing that the employee is of the required age.

Each member of the Industry shall submit to the Code Authority within thirty (30) days of the effective date of this Code a list of hazardous occupations.

ARTICLE VI—ADMINISTRATION

1. To further effectuate the policies of the Act, a Code Authority is hereby set up for the administration of this Code.

(a) The Code Authority shall consist of seven (7) representatives of the Association (no two of whom shall represent the same member of the Association), two (2) representatives of nonmembers of the Association if the nonmembers so desire, and one or more appointees of the Administrator if he so desires. Such appointee or appointees of the Administrator shall have no vote. The representatives of the Association shall be elected by members of the Association, each member to have equal vote. The representative or representatives of the nonmembers shall be elected in like manner by the nonmembers. The Code Authority shall complete its own organization by the election of officers and appointment of agents, subject to the approval of the Administrator. The members representing the Association will, insofar as possible, be truly representative of the various sections of the country and of the various products of the Industry. The members representing the Association will be elected at the meeting of the Association to be called and held promptly after the approval of this Code by the President, and thereafter at each annual meeting thereof.

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

(c) Any member of the Industry is eligible for membership in the Association and there shall be no inequitable restrictions on such membership. Any member of the Industry may participate in the preparation and any revision of and additions or supplements to this Code by assuming his share of the responsibility of administering it and paying his proper prorata share of the cost of creating and administering it, either by becoming a member of the Association or by paying his proper share of the costs to the Code Authority. There shall be no initiation fee for members of the Industry who do not become members of the Association.

2. The Code Authority shall have the following duties and powers to the extent permitted by the Act, subject to the right of the Administrator, on review, to approve or disapprove any action taken by the Code Authority.

(a) To collect from members of the Industry all data, reports, and statistics when and as required by the President and/or the Administrator and/or their agent or agents and/or the Code Authority. Such information shall be confidential. Each such member shall send his data signed by him or his proper agent to a Neutral Agency designated by the Code Authority, in a plain envelope contained in an envelope addressed to the Neutral Agency. This Neutral Agency shall assemble all such data and present to the Code Authority only the combined totals. Each such member shall retain copies of his own data to be sent direct by him to the Administrator, if required by the latter. Reports submitted by the Code Authority to the President and/or the Administrator shall be in the form prescribed and/or approved by him.

(b) To represent the Industry in conferring with the President or his agents with respect to the administration of this Code and in respect to the Act and any regulation issued thereunder.

(c) To receive complaints of violations of this Code, make investigations thereof, provide hearings thereon and attempt to adjust such complaints, and bring to the attention of the Administrator for prosecution, recommendations, and information relative to unadjusted complaints.

(d) To coordinate the administration of this Code with such Codes, if any, as may be adopted by any subdivision of this Industry, or any related Industry, with a view to providing joint and harmonious action on all matters of common interest, all with the approval of the Administrator.

(e) To study the trade practice provisions of Article VII and the operation thereof, and make recommendations from time to time to the Administrator which it deems desirable for modification or addition thereto, which upon the approval of the President, after such hearing as he may prescribe, shall become a part of this Code and have full force and effect as provisions hereof.

(f) To make rules and regulations necessary for the administration of this Code, subject to the right of any affected person to appeal to the Administrator.

(g) To establish uniform specifications for the types and sizes of the products of the Industry. When such uniform specifications have been prepared and published to the Industry, no member of the Industry shall knowingly sell or offer to sell any product of the Industry which does not conform to such uniform specifications, except as provided in paragraph (n) of Article VII. The Administrator shall have the right, upon review, to disapprove any such specifications.

(h) In addition to information required to be submitted to the Code Authority there shall be furnished to Government agencies such statistical information as the Administrator may deem necessary for the purpose recited in Section 3 (a) of the Act.

ARTICLE VII—UNFAIR PRACTICES

SECTION 1. For all purposes of this Code the following acts shall constitute unfair practices and each such act shall be a violation of this Code.

- (a) Inducing or attempting to induce a breach of contract to which a member of the Industry is a party.
- (b) Making false or misleading statements or descriptions, false advertising, or misbranding products.
- (c) Disseminating, publishing, or circulating any false or misleading information relative to any product or price for any product of any member of the Industry, or to the credit standing or ability of any member thereof to perform any work or manufacture or produce any product, or to the conditions of employment among the employees of any member thereof, having the tendency and capacity to mislead or deceive purchasers or prospective purchasers and/or to affect injuriously the business of competitors.
- (d) For the purpose of inducing or influencing a sale, making or offering to any purchaser or prospective purchaser of any product, or to any officer, employee, agent, or representative of any such purchaser or prospective purchaser, any bribe, gratuity, gift, or other payment or remuneration, directly or indirectly.
- (e) For the purpose of inducing or influencing a sale, directly or indirectly, and lavishly or excessively entertaining purchasers or prospective purchasers of the products of the Industry.
- (f) For the purpose of inducing or influencing a sale, paying or offering to pay specific advertising costs of any purchaser not offered to all purchasers or prospective purchasers under like terms and conditions.
- (g) Obtaining or endeavoring to obtain business by threats or coercion.
- (h) Selling or offering to sell shopworn, obsolete, or second-hand products of the Industry without filing description, prices, and terms with the Code Authority before sale thereof, and securing approval from the Code Authority for such sale or offer to sell. If and when such offer to sell is approved, the Code Authority shall promptly notify all competitive members of the Industry of the description, prices, and terms of such proposed offers so filed.
- (i) Selling or offering to sell any products of the Industry made from any but new material, it being the intention to prohibit the sale or offer of sale of any products of the Industry made from steel or other material which has theretofore been in use for any purpose whatsoever, or which has not been purchased by the member of the Industry from a manufacturer or seller as new material.
- (j) Using seconds or other than first-grade materials in the manufacture of any products of the Industry without clearly and conspicuously stenciling such products "Made from seconds" and unless they are described, advertised, sold, and invoiced as such without any form of guarantee as to service or length of life.
- (k) Selling or offering to sell, billing, or charging for a combination or assembly of regularly listed units, including or excluding installation, without listing and pricing each such unit in the quotation and invoice.
- (l) Selling or offering to sell, billing, or charging for any sale on a quantity discount basis unless the quantity is definitely specified in the order and is to be shipped, billed, and charged within ninety (90) days and paid for on regular terms.

(m) For the purpose of inducing a sale, buying, or offering to buy, directly or indirectly, from purchasers or prospective purchasers of the product of the Industry, capital stock, goods, wares, and/or merchandise.

(n) Selling or offering to sell on nonstandard specifications without first clearly setting forth in writing to the Code Authority all deviations from standard specifications.

(o) Guaranteeing against advances and declines in prices of the products of the Industry, and the giving of notice to a purchaser or prospective purchaser of price changes in advance of such notice to the Code Authority, as provided in paragraph (a) of Article VIII.

(p) Making or offering to make contracts with purchasers or prospective purchasers which provide for price reductions or rebates on the basis of combining separate orders.

(q) Consigning or offering to consign products of the Industry to be paid for as sold.

(r) Accepting or offering to accept second-hand products of the Industry as payment, in whole or in part, for products of the Industry.

(s) Changing quotations, except to adjust such quotations to changes in specifications or to correct bona fide errors, in order to meet or better competitive prices.

(t) Storing of products of the Industry on the property of any user or purchaser or prospective purchaser thereof.

(u) Selling or offering to sell below individual's cost. The Code Authority shall within ninety (90) days from the effective date of this code determine a uniform method of cost accounting, subject to the approval of the Administrator, to be used by all members of the Industry in determining cost.

(v) Making or offering to make to a purchaser or prospective purchaser a guarantee or warranty more liberal than determined from time to time by the Code Authority and approved by the Administrator.

SEC. 2. Any deviation from the standards set forth in this Article VII, or any amendments thereto, by any member of the Industry, either directly or indirectly through a distributor or anyone else, shall be considered an unfair method of competition and a violation of this Code by such member.

ARTICLE VIII—TERMS AND PRICES

(a) Since it has been the generally recognized practice of the Industry to sell products on the basis of printed net price lists or price lists with discount sheets and fixed terms of payment which are distributed to the trade, each member of the Industry shall, within five (5) days after the effective date of this Code, file with the Code Authority net price lists or price lists and discount sheets as the case may be, individually prepared by him, showing his current net prices, or prices and discounts and terms of payment. Sufficient copies and revisions thereof of printed net price lists or price lists with discount sheets and fixed terms of payment shall be furnished to the Code Authority for distribution by it to the mem-

bers of the Industry affected thereby. Revised net price lists or price lists with discount sheets may be filed from time to time thereafter with the Code Authority by any member of the Industry to become effective upon a date specified by such member of the Industry, which date shall be not less than ten (10) days after the filing of such revised prices at the office of the Code Authority, and copies thereof, with notice of the effective date specified, shall be immediately sent to all known members of the Industry affected thereby, who may file, if they so desire, revisions of their net price lists or price lists with discount sheets, which, if filed not less than five (5) days previous to such effective date, shall take effect upon the date when the revised net price lists or price lists with discount sheets first filed shall go into effect.

(b) No member of the Industry shall sell any product of the Industry at prices, discounts, or terms of payment different from the schedule of such member on file with the Code Authority as above provided.

(c) The operation of the foregoing provisions in regard to price lists shall at all times be subject to the approval of the Administrator and, if it be the belief of the Code Authority that any net price lists or price lists with discount sheets and fixed terms of payment submitted will represent sales below the cost of the member submitting same, the Code Authority shall conduct an investigation up to the limit of its power under the Act, to determine whether any sales in accordance with such submitted price lists will constitute a violation of paragraph (u) of Article VII forbidding sales below cost. If it is determined by the Code Authority that any such sale will constitute a violation of said paragraph (u) of Article VII, the Code Authority shall without any delay report said member to the proper authorities for prosecution to the full extent provided by the Act.

ARTICLE IX—GENERAL

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

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

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

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

(e) Within each state, this Code shall not supersede the laws of any such state imposing more stringent requirements, regulating the age of employees, wages, hours of work or health, fire, or general working conditions, than under this Code.

(f) Where the costs of executing contracts entered into in the Industry are increased as a result of the enactment of the Act and by the provisions of this Code, or where any contracts entered into by an employer subject to this Code, are inconsistent with the provisions thereof, it is equitable and promotive of the purposes of the Act that appropriate adjustments of such contracts be arrived at by arbitral proceedings or otherwise, and with the assistance of the Code Authority members of the Industry should make such adjustments, but not in those cases involving the same general transaction or set of transactions where similar appropriate adjustments are not made with the members of the Industry. Further, that where the performance of orders accepted prior to the effective date of this Code is delayed or prolonged as a result of the operation of provisions of this Code, appropriate additional time should be allowed for the completion of such orders.

(g) Such of the provisions of this Code as are not required to be included therein by the Act may, with the approval of the President, be modified or eliminated as changes in the circumstances or experience may indicate. It is contemplated that from time to time supplementary provisions to this Code or additional codes will be submitted for the approval of the President to prevent unfair competition in price and other unfair and destructive competitive practices and to effectuate the other purposes and policies of Title I of the Act consistent with the provisions thereof.

(h) No provision in this Code shall be interpreted or applied in such manner as to:

- (1) Promote monopolies or monopolistic practices;
- (2) Permit or encourage unfair competition;
- (3) Eliminate or oppress small enterprise; or
- (4) Discriminate against small enterprises.

(i) If any employer in this Industry is also an employer in any other Industry, the provisions of this Code shall apply to and affect only that part of the business of such employer which is a part of the Industry covered by this Code.

(j) Each employer shall post in conspicuous places full copies of this Code.

ARTICLE X—EFFECTIVE DATE

This Code shall become effective ten (10) days after the date of its approval by the President and shall apply to all persons engaged in the Industry.

Approved Code No. 154.
Registry No. 1136-01.

SCHEDULE A

Class 1.—Bulk Storage Tanks, Horizontal and Vertical, for petroleum products and other liquids to be used for pressures not to exceed fifty (50) pounds per square inch, including steel supports, ladders, and walkways for same. Underground Storage Tanks for petroleum products and other liquids of the type used for Filling Station and domestic purposes. Tractor Tender and Skid Tanks and other tanks for petroleum products and other liquids.

Class 2.—Hot-Water Storage Tanks and Hydro-Pneumatic Tanks, 120 gallons and over.

Class 3.—Air Receiver Tanks.

Class 4.—Septic Tanks and Basement Storage Tanks and/or supports for fuel oil.

Class 5.—Truck and Trailer Tanks.

(59)



Approved Code No. 155

CODE OF FAIR COMPETITION
FOR THE
OXY-ACETYLENE INDUSTRY
As Approved on December 15, 1933
BY
PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Oxy-Acetylene Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said code of fair competition, together with his recommendations and findings with respect thereto, and the Administrator having found that the said code of fair competition complies in all respects with the pertinent provisions of title I of said act and that the requirements of clauses (1) and (2) of subsection (a) of section 3 of the said act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations, and findings of the Administrator and do order that the said code of fair competition, excepting, however, section 4 of article VIII be, and it is hereby, approved, subject to the following conditions:

(1) That the aforesaid section 4 of article VIII be, and it is hereby, eliminated.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 15, 1933.

NOVEMBER 29, 1933.

THE PRESIDENT,
The White House.

SIR: This is the report of the Hearing on the Code of Fair Competition for the Oxy-Acetylene Industry, conducted in accordance with the provisions of the National Industrial Recovery Act. The hearing was held in the Mayflower Hotel on October 27, 1933. The Code was presented by the National Oxygen and Acetylene Association, which is affiliated with the Industry's technical society, The International Acetylene Association. The National Oxygen and Acetylene Association was formed on August 9, 1933, in Chicago for the purpose of providing a vehicle for properly meeting the requirements and purposes outlined by the National Industrial Recovery Act. The National Oxygen and Acetylene Association has as members 65, out of a total of 80, producers in the Industry. These 65 producers do more than 95% of the volume of the business.

THE INDUSTRY

The Oxy-Acetylene Industry is comparatively new in that the adoption of oxy-acetylene welding and cutting in practically every field of metal working has been adopted in the last 25 years. The main products of the Industry are the gases, oxygen and acetylene, which are respectively compressed and dissolved into heavy metal cylinders for distribution and the apparatus for the utilization of the gases in cutting and welding operations.

PROVISIONS OF THE CODE

A large percentage of the operations of the Industry in the manufacture of gases are continuous processes which operate 365 days a year while a plant is in operation. The Code provides that no employee, with certain exceptions, shall work in excess of an average of 40 hours per week over a period of 6 weeks and in no event more than 48 hours in any one week. This is a considerable improvement over the average hours worked per week previously, as is indicated by the following:

In 1929 the aggregate number employed was 10,080. In 1932 the aggregate number employed was 7,271. During the last week of July 1933, this Industry reported a total number of employees of 7,284. Based on actual employment figures for two companies representing approximately 75% of the output of the Industry they had, after putting the President's Reemployment Agreement into effect, a total number employed of 7,471 for the week ending October 14, 1933, an increase of 23% over June 17, 1933. Based on actual pay-roll figures the increase for these two companies was 20.8%. It is estimated based on this actual pay-roll data that the employ-

ment of the entire Industry is now about 92% of what it was in 1929. This is in spite of the fact that the dollar volume of the business is running currently at only 60% of what it was in the same period of 1929 and the physical volume of the Industry does not exceed 65% for the same period of 1929.

Minimum wages are provided for all employees which are either essentially at the level of the 1929 rates of wage or substantially in excess in certain sections.

In the Code as submitted there is included in Article VIII a paragraph, Section 4, immediately following the collective bargaining clauses, which is an interpretation of Section 7 (a) of the National Industrial Recovery Act. The Code is being submitted to you including this paragraph only because the National Oxygen and Acetylene Association cannot get an agreement among its members to submit a code which does not contain this paragraph. To avoid undue delay, I recommend that you approve this Code after eliminating Section 4 of Article VIII.

FINDINGS

I find that: (a) The Code as recommended, eliminating Section 4 of Article VIII, complies in all respects with the pertinent provisions of Title I of the Act, including subsection (a) of Section 7 and subsection (b) of Section 10 thereof; and that

(b) The applicant group imposes no inequitable restrictions on admission to membership therein, and is truly representative of the Oxy-Acetylene Industry; and that

(c) The provisions of the Code as recommended are not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

It is recommended, therefore, that this Code be approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION

FOR THE

OXY-ACETYLENE INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are submitted as a Code of Fair Competition for the Oxy-Acetylene Industry, and upon approval by the President, shall be the standard of fair competition for this Industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

The term "Industry" as used herein includes the manufacture of oxygen, calcium carbide, and its derivative acetylene, or substitutes therefor (such as hydrogen and compressed hydro-carbon gases) when utilized for the cutting or welding of metals, cutting and welding apparatus designed to use the above-mentioned gases, apparatus for the generation of acetylene gas for cutting and welding purposes, for the storage or transportation of dissolved acetylene gas, or for the utilization of acetylene gas for commercial purposes other than welding and cutting, and such other branches and subdivisions thereof, not herein defined, as may from time to time be included under the provisions of this Code, and, without limiting the generality of the foregoing, specifically includes compressed gases such as oxygen, ethylene, nitrus-oxide, etc., when employed as medical gases.

The term "employee" as used herein includes any person engaged in any phase of the Industry in any capacity receiving compensation for his services, irrespective of the method of payment of such compensation.

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

The term "member of the Industry" includes anyone engaged in the Industry as above defined.

The term "member of the Code" includes any member of the Industry who shall expressly signify assent to this Code.

The terms "President", "Act", and "Administrator" as used herein mean, respectively, the President of the United States, the National Industrial Recovery Act, and the Administrator of said Act.

The term "effective date" as used herein means the first Monday after this Code shall have been approved by the President of the United States.

ARTICLE III—HOURS

SECTION 1. On and after the effective date employers in the Industry shall not operate on a schedule of hours of labor for any of their employees (except any person employed as salesman, engineer, fireman, loader, truck driver, or watchman, or employed in a managerial or executive capacity and receiving more than \$35.00 per week) in excess of an average of forty (40) hours per week over any period of six (6) weeks, or in any event more than forty-eight (48) hours in any one week.

SEC. 2. If anyone employed as engineer, fireman, loader, or truck driver shall work more than forty-four (44) hours in any week, compensation at the rate of time and one third for such time over forty-four (44) hours a week shall be paid to such employee.

SEC. 3. The maximum hours fixed in Section (1) of this Article III shall not apply to employees on emergency maintenance or emergency repair work involving breakdowns or protection of life or property, but in any such special case time and one third time shall be paid for hours worked in excess of the maximum hours herein provided.

ARTICLE IV—WAGES

On and after the effective date the minimum wages that shall be paid shall be not less than 40¢ per hour except in the states of Louisiana, Florida, Georgia, North Carolina, South Carolina, Alabama, Oklahoma, Mississippi, Arkansas, Virginia, West Virginia, Tennessee, Kentucky, and Texas, in which states the minimum wages shall be not less than 35¢ per hour. This minimum rate shall be paid regardless of whether the employee is compensated on the basis of a time rate or on a piecework performance. The minimum wages for all employees not paid on an hourly basis shall be not less than \$15.00 per week, except in the above-mentioned fourteen states, where they shall be not less than \$14.00 per week. The hourly rates of wages, including piecework, of employees now being paid in excess of the established minimum, shall be equitably adjusted where such adjustment has not already been made. Employers shall not re-classify employees with the object of defeating the purposes of the Act.

ARTICLE V—CHILD LABOR

No person under 16 years of age shall be employed in this Industry; no person under 18 years of age shall be employed in a dangerous or hazardous occupation.

ARTICLE VI—ADMINISTRATION

SECTION 1. The Board of Directors of the National Oxygen and Acetylene Association is hereby designated to be the Supervising Agency for administering, supervising, and promoting the performance of the provisions of this Code for members of the Industry.

SEC. 2. The National Oxygen and Acetylene Association shall (1) impose no inequitable restrictions on membership, and (2) submit

to the Administrator true copies of its articles of association, bylaws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

SEC. 3. In order that the Supervising Agency shall at all times be truly representative of the trade industry and in other respects comply with the provisions of the Act, the Administrator may provide such hearings as he may deem proper; and thereafter if he shall find that the Supervising Agency is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Supervising Agency.

SEC. 4. The Supervising Agency shall permit to be present at any and all of its meetings called for or taking any action with respect to the operation of the Code, not more than three members to be appointed by the President but to have no vote upon any matter considered at such meetings of the Supervising Agency.

SEC. 5. With a view to keeping the President and the Administrator informed as to the observance or nonobservance of this Code, and as to whether the Industry is taking appropriate steps to effectuate the declared policy of the Act, each member of the Industry will, at the request of the Supervising Agency, furnish (1) such pertinent facts, figures, and records of such member as may be necessary for a determination as to whether such member shall be complying with the provisions and the spirit of this Code, and (2) such other reports and information requisite to the administration of this Code as may be called for by the Administrator or the Supervising Agency in furtherance of the provisions of this Code.

All such information must be furnished, when and as requested by the Supervising Agency, to a committee appointed for such purpose by a majority of the members of the Supervising Agency. Such committee shall not have as a member thereof any person coming within the definition in this Code of employer, employee, or member of the Industry. All such information on individual company data shall be held confidential except that it may be communicated by such committee to the Administrator, and except also that the Supervising Agency shall have the right to appoint a firm of certified public accountants for the purpose of accumulating such information and communicating it to such committee.

SEC. 6. All expenses of the Supervising Agency for the purpose of its functions under this Code shall be prorated on an equitable basis among the signers of the Code.

ARTICLE VII—TRADE PRACTICES

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

SECTION 1. Inducing, or attempting to induce, by any means, any party to a commercial contract with a member of the Industry to violate such contract; or selling to any such party knowingly in violation of such contract;

SEC. 2. Filling of cylinders belonging to another member of the Industry, save at the written consent of such member;

SEC. 3. Failing to charge rental for cylinders, after they shall have been retained by customers more than 30 days, for such time in excess of 30 days, at rates to be filed by each member of the Industry with the Supervising Agency, which rates shall be open to inspection by any member of the Industry; or rebating such charge if justly made against the customer;

SEC. 4. Failing to charge for all gases sold (1) an f.o.b. plant or warehouse price; (2) a delivery charge to be filed by each member of the Industry with the Supervising Agency which shall be open to inspection by any member of the Industry;

SEC. 5. Failing to add to the prices charged for products of the Industry, whenever such addition may be lawful, any tax assessed against the production or sale of such products by any duly authorized Federal, State, County, or Municipal agency; or rebating such charge;

SEC. 6. Allowing cash discounts for gases sold;

SEC. 7. Marking, branding, or labeling products or making statements regarding products, that may tend to mislead or deceive purchasers as to the quantity, quality, grade, or substance of such products;

SEC. 8. The provisions set forth in the foregoing Sections (3), (4), and (6) do not apply to medical gases.

ARTICLE VIII—GENERAL

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

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

SEC. 3. Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

SEC. 4. Without in any way attempting to qualify or modify, by interpretation, the foregoing requirements of the National Industrial Recovery Act, employers in this Industry may exercise their right to select, retain, or advance employees on the basis of individual merit, without regard to their membership or nonmembership in any organization.*

SEC. 5. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of Subsection (b) of Sec. 10 of the National Industrial Recovery Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under Title I of said Act and specifically, but without limitation, to the right of the President

* This paragraph deleted per last paragraph of Executive order approving this Code.

to cancel or modify his approval of this Code or any conditions imposed by him upon his approval thereof.

SEC. 6. Within each State, this Code shall not supersede any laws of such State imposing more stringent requirements regulating the age of employees, wages, or hours of work than under this Code.

SEC. 7. Each employer shall post in conspicuous places full copies of this Code.

SEC. 8. No provision of this Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

SEC. 9. Such of the provisions of this Code as are not required to be included therein by the Act may, with the approval of the President, be modified or eliminated as changes in circumstances or experience may indicate. It is contemplated that from time to time supplementary provisions to this Code or additional code will be submitted for the approval of the President to prevent unfair competition in price and other unfair and destructive competitive practices and to effectuate the other purposes and policies of Title I of the Act consistent with the provisions hereof.

ARTICLE IX

The Code shall continue in effect for a period of ninety days after the effective date thereof, subject, however, to amendment at any time as hereinbefore provided, and also subject to the exercise of reserved power of the President to cancel or modify his approval thereof. The Code shall continue in effect after the expiration of said period of ninety days in the absence of such reserved power on the part of the President, or in the absence of the exercise by members of the Code of the power which they hereby reserve, to terminate the Code at any time after the expiration of the said period of ninety days. Such cancellation shall be proposed by the Supervising Agency by vote of the majority of members thereof at the time in office. The proposal to cancel shall then be submitted to all members of the Code who shall be given a right to vote thereon. If at least three fourths of the votes entitled to be cast by the members of the Code, in accordance with the By-Laws of the Association shall be in favor of cancellation, the Association shall have the power after service of a thirty-day notice on the Administration to terminate said Code. When so terminated, all subsequent liabilities and obligations hereunder shall cease.

Approved Code No. 155.
Registry No. 1150-02.



Approved Code No. 156

CODE OF FAIR COMPETITION

FOR THE

RUBBER MANUFACTURING INDUSTRY

As Approved on December 15, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with provisions of title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Rubber Manufacturing Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said code of fair competition, together with his recommendations and findings with respect thereto, and the Administrator having found that the said code of fair competition complies in all respects with the pertinent provisions of title I of said act and that the requirements of clauses (1) and (2) of subsection (a) of section 3 of the said act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations, and findings of the Administrator and do order that the said code of fair competition be, and it is hereby, approved.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 15, 1933.

(69)

DECEMBER 6, 1933.

The PRESIDENT,

The White House.

SIR: The proposed Code of Fair Competition for the Rubber Manufacturing Industry (except tires) was submitted to the Administrator on September 26, 1933, by the Rubber Manufacturers' Association. The Association states it represents approximately 85% of the volume of production and over 50% of the members of the Industry. The hearing was conducted in Washington on October 25, 1933. The Code was revised during the recess of this hearing and is submitted in its present form for approval. Every person who requested an appearance was properly heard in accordance with statutory and regulatory requirements.

This Code consists of a basic code for the Industry together with nine supplementary codes for the following Divisions of the Industry:

Automobile Fabrics, Proofing and Backing Division.

Rubber Flooring Division.

Rubber Footwear Division.

Hard Rubber Division.

Heel and Sole Division.

Mechanical Rubber Goods Division.

Sponge Rubber Division.

Rubber Sundries Division.

Rainwear Division.

BASIC CODE—CHAPTER I

Chapter I of the Code establishes the relationship between the Code Authority, the several Divisional Authorities, and the Rubber Manufacturers' Association, for the administration of the Code. The Chapter includes all mandatory provisions of the Act, together with the maximum hours and minimum wages, applicable to the entire Industry except the Rainwear Division. It further includes the general trade practices which again are applicable to all Divisions.

DIVISIONAL CODES

The supplementary chapters include the definitions of the several Divisions, the composition and basis for the selection of the Divisional Authorities, the trade practices specifically applicable to every Division, and the method by which alterations and amendments may be made to any Divisional Code.

HOURS OF WORK

Under this Code, no employee (with the exceptions below) shall work more than 40 hours in any one week nor more than eight hours in any one day. Each employee may, however, work not more than

80 hours per year in excess of the maximum but in no case more than 48 hours per week. For all hours worked in excess of 40 hours per week, overtime shall be paid at the rate of time and one third.

Maintenance crews, engineers, firemen, electricians, shipping crews, watchmen, and elevator operators shall not work more than 45 hours per week, except in emergencies. All time worked in excess of 45 hours per week in such cases shall be paid for at the rate of time and one third.

Accounting, clerical, office, service, or sales employees (except outside salesmen) receiving \$35.00 per week or less, are limited to an average of 40 hours a week over a period of one month but in no case shall they work more than 48 hours in any one week. Salaried employees receiving more than \$35.00 weekly and outside salesmen are not restricted to any maximum hours.

In the Rainwear Division, factory employees are limited to 40 hours per week and 8 hours per day. All overtime is expressly prohibited. The Divisional Authority is required to report to the Administrator within ninety days after approval of this Code, as to the effect of a 40-hour week on re-employment in that Division.

WAGES

This Code provides for a minimum wage of \$0.35 per hour. In the Rainwear Division, nonmanufacturing employees shall be paid not less than \$0.35 per hour and manufacturing employees (as defined in the Divisional Code) shall be paid not less than \$0.40 per hour. Apprentices may be paid \$0.28 per hour during a six weeks' apprenticeship. Such apprentices are limited to five percent of the total employees in any one establishment.

Minimums for salaried employees range from \$12.00 per week in towns of less than 2,500 population to \$15.00 per week in cities over 500,000. Clerical apprentices, office boys and girls, may be paid not less than 80% of these minimums but may not constitute more than five percent of the total office employees in any one establishment. Provision is made for superannuated and disabled employees; for equalization of rates of pay for men and women performing the same work; for equitable adjustments of pay schedules of factory employees above the minimum, and for the posting of the labor provisions of the Code.

ECONOMIC EFFECT OF CODE

This Code will affect approximately 400 establishments and some 60,000 to 70,000 employees. Due to the inadequacy of governmental or industry data, the exact number cannot be determined. The following estimates of the volume of sales and total number of employees have been compiled by the Division of Research and Planning:

	1929	1932	Percent decrease
Value of products.....	\$430,500,000	\$175,000,000	59.4
Number employees.....	80,550	51,360	36.2

The Division estimates 73,000 wage earners were employed in the Industry in August 1933 and 79,000 in October 1933. For the latter month this is approximately the average number employed in 1929.

The indexes of the United States Bureau of Labor Statistics indicate that employment and payrolls have increased about 10% from August to October, average hours per week have declined, and average hourly earnings have increased slightly. It is believed the adoption of the maximum hours and minimum wages by all members of the Industry will tend to further increase employment and average hourly earnings.

FINDINGS

The Administrator finds that:

1. This Code complies in all respects with the pertinent phrases of Title I of the Act, including but without limitation, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof.
2. The Rubber Manufacturers' Association, Incorporated, is truly representative of the Rubber Manufacturing Industry and its by-laws contain no inequitable restrictions on membership.
3. The Code is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them. The Code will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

It is therefore recommended that this Code be approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION
FOR THE
RUBBER MANUFACTURING INDUSTRY

CHAPTER I

To effect the policies of Title I of the National Industrial Recovery Act, this Code is submitted as a Code of Fair Competition for the Rubber Manufacturing Industry and, upon approval by the President, its provisions shall be the standards of fair competition for this industry, and shall be binding upon every member thereof.

ARTICLE I

A. DEFINITIONS

SECTION 1. The term "Rubber Manufacturing Industry" or "Industry" as used herein means the manufacture for sale in the continental United States (including Alaska) of any rubber product or products, expressly excluding, however, all solid and pneumatic tires and pneumatic tubes, and tire accessories and/or tire repair materials, together with such other rubber products as may be specifically covered by another duly approved Code of Fair Competition.

SEC. 2. The term "Division of the Industry", as used herein, includes the several branches of the Industry which have been or may hereafter be established, as herein below provided, as administrative units, under the provisions of this Code. The Divisions immediately established and defined in Chapters II to X are:

- Automobile Fabrics, Proofing, and Backing Division
- Rubber Flooring Division
- Rubber Footwear Division
- Hard Rubber Division
- Heel and Sole Division
- Mechanical Rubber Goods Division
- Sponge Rubber Division
- Rubber Sundries Division
- Rainwear Division

SEC. 3. The term "Member of the Industry" includes, but without limitation, any individual, partnership, association, corporation, or other form of enterprise or any subsidiary or affiliate of the same engaged in the Industry, either as an employer or on his or its own behalf.

SEC. 4. The term "Member of the Division" includes any member of the Industry classified in one of the Divisions of the Industry now or hereafter established.

SEC. 5. The term "Member of the Code" includes any Member of the Industry who shall expressly signify assent to this Code.

SEC. 6. The term "employee", as used herein, includes any and all persons engaged in the Industry, however compensated, except a member of the Industry.

SEC. 7. The term "Association", as used herein, means the Rubber Manufacturers Association, Incorporated, a corporation organized under the laws of the State of Connecticut and having its principal office at 250 West 57th Street, New York, New York.

SEC. 8. The term "the President", as used herein, means the President of the United States.

SEC. 9. The term "the Act", as used herein, means Title I of the National Industrial Recovery Act.

SEC. 10. The term "the Administrator", as used herein, means the Administrator appointed under the Act.

SEC. 11. Population for the purposes of this Code shall be determined by reference to the latest Federal Census.

ARTICLE II

A. ADMINISTRATION AND ORGANIZATION

SECTION 1. To further effectuate the policies of the Act a Rubber Code Authority (herein referred to as "the Code Authority") is hereby set up for the administration of this Code.

SEC. 2. The Code Authority shall consist of the Chairmen of the several Divisional Code Authorities herein established. The Administrator, in his discretion, may appoint not more than three additional members (without vote) to represent the Administrator, without expense to the Industry or Association. No two members, or alternates, of the Code Authority shall be affiliated with any single member of the Industry.

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

(b) The General Manager of the Rubber Manufacturers Association shall act as Chairman of the Code Authority, without vote.

(c) One alternate may be selected from each Division to represent the Chairman of that Division on the Code Authority with full power to vote in the absence of his principal. No alternate shall, however, be affiliated with any member of the Industry already represented on the Code Authority.

(d) Should any matter come before the Code Authority which specifically involves acts, conduct, or the interest of a member of the Industry with which any member of the Code Authority is asso-

ciated, or employed, such member of the Code Authority shall be disqualified to act in such matter. The designated alternate shall act in place of the disqualified member of the Code Authority.

SEC. 3. The Code Authority shall have the duties and powers herein provided subject to the right of the Administrator, on review, to disapprove any action taken by the Code Authority.

(a) The Code Authority shall cooperate with the Administrator in making investigations as to the functioning and observance of any provisions of this Code, and report its findings and recommendations to the Administrator.

(b) The Code Authority may study the trade-practice provisions incorporated in this Code, and the operation thereof, and may make such recommendations as are approved by the Divisions affected, to the Administrator from time to time, which it considers desirable for the modifications or additions thereto. Upon approval by the Administrator, after such hearing as he may prescribe, such recommendations shall become a part of this Code and shall have full force and effect as provisions hereof.

(c) The Code Authority may, at the request of a Divisional Authority, present recommendations to the Administrator, based on conditions in the Industry as they may develop from time to time. Such recommendations shall be designed to facilitate the operation of the provisions of this Code and the policy of the Act.

(d) The Code Authority may require reports from members of the Industry with respect to hours of labor, wages, conditions of employment, number of employees, plant capacity, production, orders, shipments, inventories, and any other matters pertinent to this Code in order that the President may be kept informed with respect to the observance and performance of the Code.

(e) The Code Authority may, at its discretion, set up any or all of the following committees, or any other committees, if their existence will further effectuate the policies of the Act, viz:

- Accounting
- Complaints and Grievances
- Fair Practices
- Industrial Relations
- Statistical

Similar committees may likewise be created within the Divisions of the Industry by any Divisional Code Authority at its discretion.

(f) In addition to the Divisions herein established in Article I, Section 2, the Code Authority may from time to time establish new Divisions of the Industry. Each Division shall have a Divisional Authority, selected by the members of said Division, as provided herein below in Article III.

(g) The Code Authority shall coordinate the administration of this Code throughout the several Divisions of the Industry.

SEC. 4. The Association is hereby designated as the agency for the collection of statistics, data, reports, and information under the Code, provided that no inequitable restrictions upon membership therein shall at any time be imposed.

(a) Every member of the Industry shall prepare and file with the Association, at such times and in such manner and form as the Code

Authority may require, statistics of plant capacity, production, sales, orders received, inventories, wage rates, hours of work, and such other data or information as the Administrator may from time to time require. Such reports and/or records may be either sworn or unsworn as required.

(b) In addition to information required to be submitted to the Code Authority, every member of the Industry shall furnish directly to Governmental agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the National Industrial Recovery Act.

(c) Except as otherwise provided in the Act all such statistics, data, and information filed in accordance with this Article shall be confidential, and the reports and records from any member of the Industry shall only be revealed to the Administrator or other governmental authority to the extent necessary for the administration and enforcement of the provisions of this Code.

(d) If the Association shall have reason to believe that any reports submitted by a member of the Industry are inaccurate, such reports may be verified by a disinterested and impartial agency designated by the Code Authority, and for such purpose, such agency shall have access to any and all relevant books and records of such member.

(e) Any refusal or persistent or deliberate neglect by any member of the Industry to file or furnish information required under this Article shall constitute an unfair trade practice and a violation of this Code.

SEC. 5. Each member of the Code shall be entitled to participate in the activities of the Code Authority and of the proper Divisional Authority or Authorities and of the Association in connection with the administration of the Code. Each member of the Code shall bear an equitable share of the cost of maintenance of the Code Authority and of the proper Divisional Authorities and their activities, either by becoming a member of the Association or by paying to the Association a sum equal to his reasonable share of the expenses incurred in the administration of this Code as determined by the Code Authority subject to review by the Administrator.

ARTICLE III

A. DIVISIONAL CODE AUTHORITY

SECTION 1. Each Division of the Industry shall establish a Divisional Code Authority (or Divisional Authority) to administer this Code within such Division, subject to the right of the Administrator, on review, to disapprove any action taken by any Divisional Authority.

(a) Each Division shall determine the size and character of its Divisional Authority and the basis of representation which shall prevail within that Division, subject to the same provision contained in Article II-A, Section 2-a.

(b) Any person or persons appointed under Article II-A, Section 2, as representatives of the Administrator may likewise represent the Administrator on any Divisional Authority.

(c) No two members or alternates of any Divisional Authority shall be affiliated with any single member of the Industry.

(d) Should any matter come before the Divisional Authority which specifically involves acts, conduct, or the interest of a member of the Industry with which any member of the Divisional Authority is associated or employed, such member of the Divisional Authority shall be disqualified to act in such matter. The designated alternate shall act in place of the disqualified member of the Divisional Authority.

SEC. 2. The Divisional Authority shall have the following duties and powers. Any member of a Division may appeal to the Code Authority from any determination of the Divisional Authority. The Code Authority, on its own motion, may review any decision of any Divisional Authority which directly or indirectly affects more than one Division.

(a) The Divisional Authority shall cooperate with the Code Authority in making investigations as to the functioning and observance of any provisions of this Code, at its own instance or on complaint of any person affected, and report its findings and recommendations to the Code Authority.

(b) The Divisional Authority shall study the trade-practice provisions incorporated in this Code applicable to its own Division, and the operation thereof, and after approval by the Division, shall make such recommendations to the Code Authority, from time to time, which it considers desirable for modification or addition thereto. Such recommendations shall be submitted to the Administrator through the Code Authority accompanied by its own recommendations. Upon approval by the Administrator after such hearing as he may prescribe such recommendations shall become a part of this Code and have full force and effect as provisions hereof.

(c) The Divisional Authority shall receive, and so far as possible, adjust all complaints in regard to the operation of this Code, which involve the members of that Division.

(d) The Divisional Authority shall coordinate the activities of any Divisional Committees designated to facilitate the operation of this Code.

SEC. 3. The Association shall act in the same capacity and perform the same functions for all Divisional Authorities as specified for the Code Authority in Article II-A, Section 4.

ARTICLE IV

A. INDUSTRIAL RELATIONS POLICIES

SECTION 1. In compliance with Section 7 (a) of the Act it is provided:

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

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

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

SEC. 2. No person under 16 years of age shall be employed in the Industry. No person under 18 years of age shall be employed on any milling or calendering operations or any other operations where there may be recognized hazards connected with the job or operation.

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

ARTICLE V

A. HOURS

SECTION 1. Except as hereinbelow provided, no employee shall work or be permitted to work in excess of 40 hours in any one week or more than 8 hours in any 24-hour period. Provided that each employee may be permitted to work a total of 80 hours per year in excess of the maximum hours specified above but not more than 48 hours in any one week. For all hours worked in excess of 40 hours per week, overtime shall be paid at the rate of time and one third. It is the intent that the hours worked by employees under this Section shall be consecutive, except that reasonable provision may be made for eating periods.

SEC. 2. Maintenance crews, engineers, firemen, electricians, ship-ping crews, watchmen, and elevator operators shall not work or be permitted to work more than 45 hours in any one week. Provided, however, that this limitation of hours shall not apply in cases of emergency, but in such cases all hours worked in excess of 45 hours in any one week shall be paid for at the rate of time and one third.

SEC. 3. Accounting, clerical, office, service or sales employees (excepting outside salesmen) shall not work or be permitted to work in excess of an average of 40 hours a week over the period of a month, nor more than 48 hours in any one week.

SEC. 4. The maximum hours fixed in Sections 1, 2, and 3 shall not apply to salaried employees in any managerial, executive, clerical, supervisory, or technical capacity receiving more than \$35.00 per week, nor to any outside salesmen.

SEC. 5. No employee shall work or be permitted to work for a total number of hours in excess of the number of hours prescribed for each week and day, whether employed by one or more employers; provided, however, that if any employee works for more than one employer for a total number of hours in excess of such maximum without the knowledge or connivance of any one of his employers, such employer shall not be deemed to have violated this Section.

SEC. 6. No employee shall be classified in any of the foregoing excepted classes unless he performs functions identical with those performed by employees thus classified on June 16, 1933.

B. WAGES

SECTION 1. Except as herein below provided no employee shall be paid in any pay period less than at the rate of thirty-five cents (\$0.35) per hour. Apprentices, during a six weeks' apprenticeship, may be paid not less than twenty-eight cents (\$0.28) per hour. Such apprentices shall be understood as persons having no previous experience or employment on similar work in the Industry and shall not constitute more than five (5) percent of the employees covered by this Section in the employ of any member of the Industry. Provided, however, that if any member of the Industry finds such restriction to five percent too stringent, such member may appeal to the Administrator, who may grant an exception.

SEC. 2. No salaried employee (except outside salesmen, office girls and boys, and clerical apprentices) shall be paid less than at the rate of—

\$15.00 per week—Cities over 500,000 population or in the immediate trade area of such a city.

\$14.50 per week—Cities between 250,000 and 500,000 population or in the immediate trade area of such city.

\$14.00 per week—Cities between 2,500 and under 250,000 population or in the immediate trade area of such a city.

\$12.00 per week—Towns of less than 2,500 population.

(a) Clerical apprentices during a six months' apprenticeship and office girls and boys may be paid not less than 80% of the above minimums. Such excepted office employees shall not exceed five (5) percent of the total number of employees covered by Section 2 in the employ of any member of the Industry. Provided, however, that if any member of the Industry finds such restriction of five percent too stringent, such member may appeal to the Administrator, who may grant an exception.

SEC. 3. The provisions in Article V-B shall not apply to any employee of ten years' service partially incapacitated through age or to any employee partially incapacitated through injury, or disease; provided, however, that such employee shall receive not less than twenty-five cents (\$0.25) per hour. Each member of the Industry shall report to the Association monthly the number and names of employees so classified.

SEC. 4. Female employees performing the same work as male employees in manufacturing operations shall receive the same rates of pay as male employees.

SEC. 5. Article V-B establishes minimum rates of pay which shall apply whether an employee is actually compensated on a time rate, piecework, or other basis.

SEC. 6. Equitable adjustments in all pay schedules of factory employees above the minimum shall be made within thirty (30) days after the approval of this Code, by any members of the Industry

who have not heretofore made such adjustments and the first monthly reports of wages required to be filed under this Code, shall contain all wage increases made since May 1, 1933.

C. POSTING OF LABOR PROVISIONS

SECTION 1. Every member of the Industry shall post in conspicuous places in all departments of his establishment or establishments copies of Articles IV and V of Chapter I of this Code.

ARTICLE VI

A. COMPLAINTS AND APPEAL

SECTION 1. Any interested party shall have the right of complaint to any Divisional Authority, and prompt hearing and decision thereon in respect to any matter arising under this Code. Such complaint must be filed in writing with the Divisional Authority within a reasonable period of time after the complaint arises. Any interested party shall have the right of appeal to the Code Authority from any such decision, under such procedure as it shall prescribe.

SEC. 2. Any interested party shall have the right of complaint to the Code Authority and prompt hearing and decision thereon, under such procedure as it shall prescribe, in respect to any rule, regulation, order, or finding made by the Code Authority.

SEC. 3. Any interested party shall have the right of appeal to the Administrator under such procedure as he shall prescribe in respect to any decision, rule, regulation, order, finding, or omission to act by the Code Authority or any Divisional Authority.

ARTICLE VII

A. COSTS AND PRICES

SECTION 1. Each member of the Industry shall substantially adopt and adhere to the methods of cost determination and the cost accounting formulae adopted by each Division, and advocated in the Association Accounting Manual and revisions thereof adopted by the Association from time to time, subject to the approval of the Administrator.

SEC. 2. No member of the Industry shall initiate the sale and/or exchange of any product of its manufacture at a price or upon such terms or conditions as will result in the customer paying for the goods received less than the seller's own individual cost, determined as in Section 1, subject to any qualifications in the several Divisional Codes. Where the term "representative member" is used in any Divisional Code in connection with any such qualifications, it shall be deemed to exclude any member of the Industry whose actual capital costs are unduly low due to the acquisition of plant at less than fair appraisal value, or to other exceptional circumstances out of the course of normal business; but this shall not be construed as applying to any legitimate advantages due to location, material costs, or manufacturing methods. Provided, that seconds and obsolete goods may be marketed on such terms and conditions as the Divisional Authorities may approve.

ARTICLE VIII

A. MONOPOLIES

SECTION 1. No provision of this Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

ARTICLE IX

A. EXPORTS

SECTION 1. Subject to such qualifications as may be contained in the several Divisional Codes, the provisions of this Code now or hereafter adopted with regard to prices, discounts, deductions, allowances, extras, commissions, or methods and/or terms of sale shall not apply to direct export sales. Upon application to the Code Authority, any member of this Industry may secure exemption from such provisions of this Code in regard to sales in the course of export (i.e., sales destined ultimately for export) or sales of materials used in the manufacture of products for export. The term "export" shall include, in addition to shipments to foreign countries, shipments to territories and possessions of the United States, except Alaska.

ARTICLE X

A. IMPORTS

SECTION 1. Any Division of the Industry may set up a Committee on Imports whose duty it shall be to investigate and inform the President as to the importation of competitive articles into the United States in substantial quantities or increasing ratio to domestic production, on such terms or under such conditions as to render ineffective, or to seriously endanger the maintenance of this Code as provided in Section 3 (e) of the Act. The Committee shall make such reports of its findings to the Divisional Authority which shall inform the President through the proper channels.

ARTICLE XI

A. TRADE PRACTICES

The following trade practices shall apply to all members of the Industry in addition to such trade practices as may be specifically set forth in the several Divisional Codes.

SECTION 1. No member of the Industry shall use advertising (whether printed, radio, display or of any other nature) or other representation which is inaccurate in any material particular or which refers inaccurately to competitors or their commodities, prices, values, credit terms, policies or services. No member shall, in any way, misrepresent any commodity (including its use, trade mark, grade, quality, quantity, origin, size, specifications) or his credit

terms, values, policies, services or the nature or form of the business conducted.

SEC. 2. No member of the Industry shall use advertising or selling methods or credit terms which tend to deceive or mislead a customer or prospective customer.

SEC. 3. No member of the Industry shall publish or circularize unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harassing competitors or intimidating their customers.

SEC. 4. No member of the Industry shall secretly offer or secretly make any payment or allowance of a rebate, refund, commission, credit, unearned discount, or excess allowance, whether in the form of money or otherwise, for the purpose of influencing a sale; nor shall a member secretly extend to any customer any special service or privilege not extended to all such member's customers of the same class.

SEC. 5. No member of the Industry shall give, permit to be given, or offer to give anything of value for the purpose of influencing or rewarding the action of any employee or agent of another, in relation to the business of the employer of such employee, or the principal of such agent without the knowledge of such employer or principal.

SEC. 6. No member of the Industry shall, directly or indirectly, give or permit to be given or offer to give, money or anything of value to any customer or prospective customer, or to anyone else, upon the instigation and for the benefit of any customer or prospective customer, to induce such customer or prospective customer to purchase any products of the Industry from such members.

SEC. 7. No member of the Industry shall secure confidential information concerning the business of a competitor by a false or misleading statement or representation, by a false impersonation of one in authority, by bribery, or by any other unfair method.

SEC. 8. No member of the Industry shall attempt to induce the breach of an existing contract between a competitor and his employee or customer or source of supply; nor shall any such member interfere with or obstruct the performance of such contractual duties or services.

SEC. 9. No member of the Industry shall brand or mark or pack any commodity in any manner which tends to deceive or mislead purchasers with respect to the brand, grade, quality, quantity, origin, size, or specification of such commodity.

SEC. 10. No member of the Industry shall withhold from or insert into any invoice any statement which would make the invoice a false record, wholly or in part, of the transaction to which it refers, or make any arrangement which contemplates payment or settlement contrary to the face of the invoice.

SEC. 11. No member of the Industry shall imitate the trade mark of a competing member.

ARTICLE XII

A. REVISIONS AND MODIFICATIONS

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the

provisions of subsection (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under said Act and specifically, but without limitation, to the right of the President to cancel or modify his approval of this Code or any conditions imposed by him upon his approval thereof.

SEC. 2. Such of the provisions of this Code as are not required by the Act to be included herein may, with the approval of the President, be modified or eliminated as changed circumstances or experiences may indicate. It is intended that this Code shall be a basic code for the Industry and that additions to this Code applicable to all members of the Industry, or affecting or pertaining to one or more Divisions of the Industry, may be submitted to the President for approval, as herein provided.

SEC. 3. By presenting this Code members of the Industry who have assented hereto shall not be deemed to have consented to any modification thereof, except as each shall thereto subsequently agree.

SEC. 4. If any member of the Industry is likewise engaged in part in any other industry or trade, this Code shall apply only to such of the activities of said member as are comprehended within the Rubber Manufacturing Industry.

ARTICLE XIII

A. EFFECTIVE DATE AND TERMINATION

SECTION 1. This Code shall become effective on the second Monday after it shall have been approved by the President of the United States. It shall continue in effect until June 16, 1935, or until such time prior thereto when the President shall, by proclamation, or the Congress shall by joint resolution, declare that the emergency recognized by Section 1 of the Act has ended.

CHAPTER II

AUTOMOBILE FABRICS, PROOFING, AND BACKING DIVISION

ARTICLE I

A. DEFINITION

SECTION 1. The Automobile Fabrics, Proofing, and Backing Division shall consist of all members of the Industry engaged in the manufacture for sale of the products of the Division as further defined herein, except as may be specifically covered by another duly approved Code of Fair Competition.

(a) The term "Automobile Fabrics" as used herein includes all rubberized fabrics which are generally used for automobile top coverings and/or side curtains and/or accessories.

(b) The terms "Proofing" and "Backing" as used herein include all materials which have been coated, backed, impregnated, and/or combined with rubber in any form, or gutta percha, such materials being in sheets or continuous rolls. The term shall likewise include materials which have been coated, backed, or combined with paste or glue by members of the Industry engaged principally in proofing and backing materials with rubber and gutta-percha. This definition includes, but without limitation, leatherette, flocked suede, trench, jersey, and other garment fabrics, hospital sheeting, shower-bath curtain materials, quarter lining and other shoe fabrics, corset fabric, weather stripping, sanitary specialties fabrics, cover cloths, novelty, luggage, and upholstery fabrics.

ARTICLE II

A. ADMINISTRATION

SECTION 1. An Automobile Fabrics, Proofing, and Backing Divisional Code Authority consisting of five persons (herein referred to as the Divisional Authority) is hereby set up for the administration of this Code in accordance with Chapter I, Article III-A.

SEC. 2. The Divisional Authority shall consist of two representatives from the Automobile Fabrics Subdivision, two from the Proofing Subdivision and one from the Backing Subdivision. Such representatives shall be elected by vote of a majority of the Divisional Code members in number and volume in the respective Subdivisions.

ARTICLE III

A. COSTS

SECTION 1. Notwithstanding the provisions of Chapter I, Article VII-A, Section 2, the following shall be the provisions as to the Cost Recovery formula for this Division:

(a) At the request of the Divisional Authority each member of the Division shall compute his own individual cost pursuant to the system of cost accounting provided in Article VII-A, of Chapter I and report such cost to the Association. The Divisional Authority shall then ascertain the cost of the most efficient member of the Division, i.e., that representative member of the Division whose cost is lowest. The Divisional Authority shall thereupon publish such cost to the members of the Division. Thereafter no member of the Division shall sell any product of the Division at a price lower than such cost. Such cost determination shall be revised from time to time at reasonable intervals. If the operation of this paragraph should work unjust hardship upon any member of the Division, such member may appeal to the Divisional Authority which shall have power to grant such relief as justice may require.

SEC. 2. Within ten days after the date of approval of this Code each member of the Division engaged in the manufacture of automobile fabrics shall publish and file with the Association a schedule of its prices and terms of sale to the jobbing and replacement trade. All such price schedules shall be open to inspection in the office of the Association. The Association shall furnish copies of such schedules to any member of the Division who makes application therefor.

SEC. 3. No member of the Division engaged in the manufacture of automobile fabrics shall sell such products at prices lower or on terms more favorable than the prices and terms in his price schedules and price lists filed pursuant to Section 2 of this Article, unless he has first filed revised schedules and lists to take effect in not less than five days from date of filing. The Association shall, promptly after receipt of such revised schedules and lists, notify all members affected. Such affected members may thereupon file with the Association, revisions of their price lists which, if filed prior to the date when the revised price lists first filed shall go into effect, may become effective on said date.

ARTICLE IV

A. TRADE PRACTICES

SECTION 1. No member of the Division shall consign any merchandise, except patented products.

SEC. 2. Secret rebates, secret discounts, or secret bonuses shall not be given or extended to any person. No form of commercial bribery shall be practiced.

SEC. 3. Money, goods, premiums, or a reduction in price of products of the Division shall not be given to a purchaser for the purchaser's or his customers' advertising purposes.

SEC. 4. No member of the Division shall depart from the following standard terms of sale:

(a) *Automobile Fabrics.*—(1) 2% cash discount, 15th proximo, net 25th proximo, except that terms for goods billed and shipped to customers in the States of California, Oregon, and Washington from points east of the Mississippi River shall be 2%, 15th proximo, net 25th proximo, 30 days extra.

(2) No prepayment or allowance of freight shall be made, except on shipments of 100 pounds and over.

(3) There shall be no post-dating, except that shipments made on or after the 25th day of the month may be billed as of the first of the following month.

(4) No material sold shall be invoiced to any other than the customer who placed the order.

(b) *Proofing.*—(1) 2%, 30 days, net 35th day. Interest at the legal rate shall be charged after the 35th day. There shall be no post-dating.

(c) *Backing.*—(1) 2%, 15th proximo, net 30th proximo.

(2) No prepayment or allowance of freight shall be made except on shipments of 100 pounds and over.

(3) Bona fide jobbers and/or distributors may be extended terms of 7%, 15th proximo, net 30th proximo.

(4) There shall be no post-dating, except that shipments made on or after the 25th day of the month may be billed as of the first of the following month.

SEC. 5. After January 1, 1934, no member of the Division shall coat or combine customer's auto-topping fabrics to be used in the jobbing or replacement trades, whether domestic or export, or buy or take title to any material with the intent of evading this provision. Should this provision work an unjust hardship on any member of the Division or on any customer, such member or customer may appeal to the Administrator who shall have power to grant such exemption or stay as justice may require.

SEC. 6. No member of the Division shall make blanket commitments for the sale of any products of the Division.

SEC. 7. Every member of the Division shall conform to the standard specifications and inspection rules adopted by the Division from time to time for auto-topping fabrics, subject to the approval of the Administrator. Should this provision work an unjust hardship on any member of the Division, such member may appeal to the Divisional Authority which shall have power to grant such relief as justice may require.

SEC. 8. No member of the Division shall extend any guaranty or warranty in connection with any auto-topping fabrics other than the Standard Guaranty of the Association, reading as follows:

“Guaranty on Double Texture Rubber Surface Coated Top Material

“The material covered by this contract is guaranteed for a period of one year from date of shipment from supplier's mill against leaking due to deterioration of coating, provided the coating has not been injured by other materials used in conjunction with it, such as fillers used in closing the cracks or joints of the frame over which the top material is stretched, or from the use of top dressings or cleaning materials containing ingredients injurious to rubber. Neither will

the guaranty apply to leaks due to improperly attaching the material or to seams.

“In the event of establishment of claim, we will replace the material without charge and allow approved labor cost of applying it to the top.

“This guaranty does not apply to single-texture goods.”

SEC. 9. All contracts or orders hereinafter made shall contain a statement that prices on all orders shall include Federal or State taxes payable by members of the Division and all other increased costs incurred as a direct result of the operation of the Act. Contracts shall provide that prices shall be subject to increase without notice, by such amount as may be necessary to compensate a member for the increased cost incurred as a direct result of any State or Federal legislation enacted after the date of acceptance of any order and before shipment thereof is made.

SEC. 10. No member of the Division shall either post-date or pre-date invoices for his product for the purpose of achieving an unfair competitive advantage.

SEC. 11. Violation of any of the provisions of this Code shall be construed an unfair trade practice and shall be subject to the penalties of the Act.

ARTICLE V

A. ALTERATIONS OR AMENDMENTS

SECTION 1. Any addition, alteration, or amendment of this Code which has had the approval of the majority of the Divisional Code members in number and in volume shall be presented to the Code Authority in accordance with Chapter I, Article III-A, Section 2.

CHAPTER III

RUBBER FLOORING DIVISION

ARTICLE I

A. DEFINITION

SECTION 1. The Rubber Flooring Division shall consist of all members of the Industry engaged in the manufacture for sale or wholesale sale by manufacturers, or any subsidiary or affiliate of the same, of rubber tile flooring, sheet rubber flooring, wainscoting, interlocking tile, and other flooring accessories of which the chief component part is rubber, exclusive of mats and matting.

ARTICLE II

A. ADMINISTRATION

SECTION 1. A Rubber Flooring Divisional Authority consisting of three persons (herein referred to as the Divisional Authority) is hereby set up for the administration of this Code in accordance with Chapter I, Article III-A. Such Divisional Authority shall be elected by vote of a majority of the Divisional Code members in number and in volume.

ARTICLE III

A. MARKETING STANDARDS

SECTION 1. To assist in providing uniform trade practices and preventing discrimination and unfair competition, the following group customer classifications, based upon differences in costs and services rendered, are hereby established. All members of the Division shall file with the Association the names and addresses of all distributors, sales agents, and special-brand accounts as herein defined. If such definitions shall by virtue of their application in this Chapter work hardship on any member of the Division or any customer, such member or customer may appeal to the Divisional Authority, which shall have power to reclassify such customer as justice requires.

(a) *Dealer*.—A dealer shall be an account actively engaged in the sale to and installation for the ultimate consumer, of any products of the Division whether standard or special brand.

(b) *Preferred Dealer*.—A preferred dealer shall be an account carrying an adequate stock of sheet-rubber flooring materials and actively engaged in their sale to the ultimate consumer, with or without installation.

(c) *Distributor*.—A distributor shall be an account carrying an adequate stock of sheet-rubber flooring materials and actively engaged in their sale to any or all classes of accounts, with or without installation.

(d) *Original equipment customer*.—An original equipment customer shall be an account which buys rubber flooring materials for use in the manufacture by it of products sold by it, such as elevators, railroad cars, steamships, busses, furniture and fixtures or for use in connection with the sale or installation of such products.

(e) *Sales agent*.—A sales agent shall be an account engaged, directly or indirectly, in the sale, without installation, of rubber flooring materials, to any or all classes of accounts.

(f) *Special brand account*.—A special brand account shall be an account actively engaged, directly or indirectly, in the sale, without installation, of special brand rubber flooring materials to any or all classes of accounts.

(g) *Ultimate consumer*.

SEC. 2. Inasmuch as approximately 75 percent of sales of products of the Division to dealers is made direct by manufacturers, it is necessary to supplement marketing standards and trade practices by provisions designed to prevent indirect evasion of such standards and practices by members of the Division by sales to or through distributors, sales agents, or special brand accounts. Accordingly, it is provided that no member of the Division shall sell any product of the Division to or through any distributor, sales agent, or special brand account who is not complying with the provisions of Articles IV, V, and VI of this Chapter.

ARTICLE IV

A. SELLING SCHEDULES

SECTION 1. Every member of the Division shall file with the Association, within ten days after the approval of this Code, a complete schedule of his prices and terms of sale to dealers, preferred dealers, distributors, original equipment accounts, and ultimate consumers, as classified in Article III-A, Section 1, for immediate distribution to all other members.

SEC. 2. No member of the Division shall sell any product at prices lower or on terms more favorable than the prices and terms in his price schedules and price lists filed pursuant to Section 1 of this Article, unless he has first filed revised schedules and lists to take effect in not less than fifteen (15) days from date of filing and has supplied by registered mail sufficient copies of such revised price schedules and lists to permit distribution thereof to all members of the Division. Immediately upon receipt of such revised price schedules and lists the Association shall mail a copy thereof to each member of the Division. Any member of the Division may then file revised price schedules and lists which, if filed prior to the date when the revised price schedules and lists first filed shall go into effect, may become effective on said date.

SEC. 3. Many members of the Division, either directly or through a branch, subsidiary, or affiliate, sell products of the Division to the

ultimate consumer and install the same. To maintain stability, it is necessary to prevent the operation of such selling with installation at a loss and the absorption of such loss by profits obtained in other phases of such members' businesses. Accordingly, it is hereby provided that this phase of each member's business shall be segregated for costing purposes and, as thus segregated, shall be conducted in compliance with Article VII of Chapter I of this Code.

ARTICLE V

A. TRADE PRACTICES

The following trade practices shall apply to the sale to any class of customer as set forth in Article III-A of this Chapter.

SECTION 1. No member of the Division shall allow a shipment or sale of any goods which are in any way of a better or poorer quality, weight, or gauge or appearance than is represented.

SEC. 2. No member of the Division shall sell or offer for sale any product of the Division which has been or should be properly classified as "seconds", except to employees for their own personal use and not for resale purposes. No member shall sell or offer for sale any obsolete and/or discontinued design and/or colors and/or remnants, at special prices without first:

(a) Notifying the Divisional Authority two weeks in advance of the quantity and other pertinent specifications of such products to be so disposed of, with the reasons therefor.

(b) Stating discount below the regular established price at which they are to be sold.

(c) Obtaining the approval of the Divisional Authority for such disposal. If the Divisional Authority denies approval or fails to notify such member of its decision within ten (10) days, such member may appeal to the Administrator who shall have power to grant approval. The Divisional Authority shall advise all members of the Division simultaneously of such authorizations.

SEC. 3. No member of the Division shall give or extend secret rebates, secret discounts, or secret bonuses to any person or customer.

SEC. 4. No member of the Division shall withhold from or insert into any invoice any statement which would make the invoice a false record, wholly or in part, of the transaction to which it refers, or make any arrangement which contemplates payment or settlement contrary to the face of the invoice.

SEC. 5. No member of the Division shall discriminate between customers by selling or shipping goods to any customer upon terms more favorable than to any such member's other customers of the same class. No member shall store goods in any establishment in which a customer has any interest nor shall warehouse premises be hired by any member from his customers, except where the customer may have, or own, an interest in a public warehouse in which a customer's place of business is not located.

SEC. 6. No member of the Division shall guarantee or promise any dealer, preferred dealer, distributor, original equipment customer, sales agent, or special-brand account any specific volume of

sales or the assistance of any one or more salesmen of such member for any definite period, as an inducement for obtaining the account of such customer or customers.

SEC. 7. No member of the Division shall ship or in any way deliver free goods of any kind, to any person as an inducement in connection with any sale.

SEC. 8. No member of the Division shall engage in untruthful, misleading advertising, or advertising disparaging of a competitor or tending to disparage a competitor or his products.

SEC. 9. No member of the Division shall subnormally price any other products manufactured or sold by him, but not included in his rubber flooring price list, for the purpose of influencing the sale of rubber flooring materials.

SEC. 10. If, as, and when any prospective purchaser demands a performance bond of a member of the Division, each member shall give only such bond as shall conform with the terms of the standard guaranty of the Association, reading as follows:

"We guarantee our product against defects provided our recommended cleaning instructions are followed and we will repair or replace any such defective product which is brought to our attention, in writing, within one year after date of completion of installation.

"We do not accept responsibility for any damages arising from defects or dampness in subfloors or other surfaces which may occur after completion of installation."

SEC. 11. Violation of any schedule filed with the Association as provided for in this Code, or the violation of any of the provisions of this Code shall be considered an unfair trade practice and shall be subject to the penalties of the Act.

ARTICLE VI

A. CONTRACTS WITH DEALERS

SECTION 1. Each member of the Division may offer to any dealer a contract in such form and subject to such terms and conditions as may be prescribed by the President or the Administrator, under the terms of which contract such dealer shall agree to conform to the following practices:

(a) To promptly furnish, on formal request of the Divisional Authority, a properly executed bid form, which shall be a true and precise record of any final bid, proposal, or quotation.

(b) To segregate the quantities, sizes, and prices charged on each and all items involving materials other than rubber flooring, so that rubber flooring shall be shown separate from all other materials.

(c) To furnish no performance bond not in conformity with the terms of the standard guaranty of the Association set forth in Article V-A, Section 10 herein.

(d) To specify name or brand of rubber flooring in all bids, proposals, or quotations.

(e) To refrain from subnormally pricing any other products sold by him, for the purpose of influencing the sale of rubber flooring.

(f) To make all bids, proposals, or quotations in accordance with plans or specifications and on all open bidding to base all bids, proposals or quotations on computations furnished by an estimating bureau approved by the Divisional Authority.

(g) To refrain from the giving of secret rebates or the practice of commercial bribery in any form.

(h) To refrain from accepting an order from any customer on a blanket order basis which calls for areas and/or quantities not definitely specified or delivery date not specified.

(i) To refrain from accepting additional orders on a contract at the original price unless such orders are placed before the original contract is completed and unless there has been no change in the dealer's scheduled installed price.

ARTICLE VII

A. ALTERATIONS AND AMENDMENTS

SECTION 1. Any addition, alteration or amendment of this Code may be proposed by any member of the Division, and after receiving the approval of a majority in volume and in number of the Divisional Code members, it shall be presented to the Code Authority in accordance with Chapter I, Article III-A, Section 2.

CHAPTER IV

RUBBER FOOTWEAR DIVISION

ARTICLE I

A. DEFINITION

SECTION 1. The Rubber Footwear Division shall consist of all members of the Industry engaged in the manufacture for sale or wholesale sale by manufacturers, or any subsidiary or affiliate of the same, of all types of so-called "Waterproof and Canvas Rubber-Soled Footwear."

ARTICLE II

A. ADMINISTRATION

SECTION 1. A Rubber Footwear Divisional Code Authority consisting of three persons (herein referred to as the Divisional Authority) is hereby set up for the administration of this Code in accordance with Chapter I, Article III-A. Such representatives shall be elected by a majority vote of the Divisional Code members.

SEC. 2. The Divisional Authority shall set up the following committees to further effectuate this Code, whose duties and responsibilities are hereinafter prescribed:

- (a) A Marketing Committee consisting of three members.
- (b) A Specification Committee consisting of three members.
- (c) A Committee on Imports, consisting of three members, whose duty it shall be to investigate and inform the President as to the importation of competitive articles into the United States in substantial quantities or increasing ratio to domestic production on such terms or under such conditions as to render ineffective or to seriously endanger the maintenance of this Code as provided in Section 3 (e) of the Act. The Committee shall make such reports of its findings to the Divisional Authority, which shall inform the President through the proper channels.

(d) Such additional committees as the Divisional Authority from time to time may deem desirable, in accordance with Chapter I, Article II-A, Section 3-e.

ARTICLE III

A. COST RECOVERY

SECTION 1. The Specification Committee shall from time to time present for adoption, with reasonable tolerances, by the Division,

definitions of standard products under the title "Standard Product Specifications", which definitions when adopted shall be filed with the Association.

SEC. 2. At the request of the Divisional Authority, each member of the Division shall compute his own individual cost for all products defined in Article III-A, Section 1 of this Chapter, pursuant to the system of cost accounting provided in Article VII-A of Chapter I and report such cost to an impartial agency selected by the Divisional Authority. Such impartial agency shall then ascertain the cost of the most efficient member of the Division, i.e., that representative member whose cost is lowest. The Divisional Authority shall thereupon publish the cost of the most efficient member to all members of the Division. Thereafter no member of the Division shall sell any product of the Division at a price lower than such cost, other than factory damaged or obsolete merchandise to be disposed of under Article IV-A, Section 1, of this Chapter.

SEC. 3. Any member of the Division may make footwear of higher quality than any defined in the specifications adopted in Section 1 and in that event shall sell such footwear at a proportionately higher price than his filed list, which shall truly reflect the increased cost of such footwear. The prices, discounts and terms of sale of such footwear of higher quality shall be filed with the Association from time to time promptly upon such issuance.

SEC. 4. No member of the Division shall make footwear of lower quality than the lowest defined in the "Standard Product Specifications"; provided, however, that if this section works an unjust hardship on any member of the Division, such member may appeal to the Divisional Authority for an exemption.

ARTICLE IV

A. MARKETING STANDARDS

SECTION 1. The Marketing Committee shall recommend for adoption by the Division, methods of properly identifying and disposing of factory damaged and obsolete goods, in order that the marketing of such goods may be carried out in an orderly and fair manner.

SEC. 2. To assist in providing uniform trade practices and preventing discrimination and unfair competition, group customer classification definitions, based upon differences in costs and services rendered, shall be adopted by the Division, subject to the approval of the Administrator, for the following classifications under the title of "Definitions of Buyers of Footwear", and such definitions shall be filed from time to time with the Association:

(a) Classification of Buyers of Footwear:

- Jobbers
- Mail-Order Houses
- Chain Stores
- Department Stores
- Cooperative Buying Associations
- Group Buyers
- Industrials:
 - Contractors
 - Commissaries
 - Abattoirs, etc.
- Government:
 - Federal
 - State
 - County
 - Municipal
- Retailer
- Agencies:
 - Syndicates
 - Resident buyers
- Consumers

(b) If the definitions adopted should, by virtue of their application, pursuant to this Chapter, work a hardship on any member of the Division or customer, such member or customer may apply to the Divisional Authority, which shall have power to reclassify such member or customer as justice may require.

ARTICLE V

A. PUBLICITY OF PRICES AND TERMS OF SALE

SECTION 1. Within ten days after the approval of this Code, every member of the Division shall file with the Association a complete schedule of his present unit prices, discounts, and terms of sale for all products defined in Article III-A, Section 1, herein, and to all classifications of Buyers defined in Article IV-A, Section 2 herein. Thereafter, annually each member shall file with the Association not less than ten days prior to the opening of the Waterproof "advance order" season on February first and the opening of the Canvas Goods "advance order" season on September first, a complete schedule of his new unit prices, discounts, and terms of sale for such products, to such classifications of Buyers to become effective on such dates. No member shall sell any products of the Division at prices lower or on terms more favorable than the prices and terms in his price lists and schedules on file with the Association. Any member may file new schedules to meet competition within thirty days after the opening of the aforesaid "advance order" seasons, which new schedules may take effect not less than ten days from the date of filing. The Association shall, promptly after receipt of such revised lists and terms, notify all members affected. Such affected members may thereupon file with the Association revisions of their schedules which, if filed prior to the date when the revised schedules first filed shall go into effect, may become effective on said

date. Thereafter, any changes in schedules must be supported by adequate cost data to warrant such changes, which data shall be submitted to the Divisional Authority. Whereupon, any member may file with the Association further revised schedules not less than ten days in advance of the effective date, in accordance with the procedure herein established.

SEC. 2. No order shall be taken which guarantees prices beyond the expiration of the "consumer" season for the class of goods specified. Provided further, that, whenever a member of the Division files new prices during the "consumer" season, all shipments made by such member after the effective date of such change of price shall be at the new prices, except that orders on hand, shipment of which can be completed within 30 days after the effective date of such price change, may be filled at old prices provided that such 30-day period does not extend beyond the expiration of such "consumer" season. Whenever a member files new prices during the "advance order" season, all shipments after the effective date of such price changes, must be at new prices, except orders on hand, shipment of which can be completed within 30 days after the expiration of said "advance order" season.

(a) For purposes of interpretation of this section the "advance order" and "consumer" seasons shall be as follows:

"Advance order", Waterproof—February 1 to September 1. Canvas—September 1 to March 1.

"Consumer", Waterproof—September 1 to February 1. Canvas—March 1 to September 1.

ARTICLE VI

A. TRADE PRACTICES

SECTION. 1. No member of the Division shall ship any merchandise under any conditions, on consignment to any classification of account.

SEC. 2. No member of the Division shall sell or offer for sale any Firsts as Seconds, or obsolete merchandise except in accordance with Article IV-A, Section 1.

SEC. 3. No member of the Division shall accept any order other than a detailed order with specified shipping date, prices, terms, and discounts.

SEC. 4. No member of the Division shall offer or give so-called premiums with his merchandise.

SEC. 5. Violation of any schedule filed with the Association as provided in this Code, or the violation of any of the provisions of this Code, shall be considered an unfair trade practice, and subject to the penalties of the Act.

ARTICLE VII

A. SALES THROUGH JOBBERS OR AGENTS

SECTION 1. In view of the fact that more than 75 percent of the total volume of sales of products of the Division to retailers consists

of sales direct by members of the Division, the restriction of such members to marketing standards and trade practices will be unavailing unless supplemented by provisions designed to prevent indirect evasion thereof through sales by jobbers or agents. Accordingly, it is hereby provided that no member of the Division shall sell products of the Division to or through any jobber or agent who is not complying with the provisions of Articles IV, V, and VI (except Section 4) of this Chapter.

ARTICLE VIII

A. INDUSTRY CAPACITY

SECTION 1. The Divisional Authority may proceed with a survey of the productive capacity of the Division and submit recommendations to the Administrator concerning the desirability of limiting the expansion of the productive capacity of the Industry.

ARTICLE IX

A. ALTERATIONS AND AMENDMENTS

SECTION 1. After due notice to all members of the Division, the Divisional Authority may, at the request of a majority of the Divisional Code members and shall, at the request of 75 percent in numbers representing 50 percent in volume of the Divisional Code members, submit to the Administrator for approval any recommended additions, alterations, or amendments to this Code in accordance with Chapter I, Article III-A, Section 2.

CHAPTER V

HARD RUBBER DIVISION

ARTICLE I

A. DEFINITION

SECTION 1. The Hard Rubber Division shall consist of all members of the Industry engaged in the manufacture for sale of any type of hard rubber products.

ARTICLE II

A. ADMINISTRATION

SECTION 1. A Hard Rubber Divisional Code Authority consisting of five persons (herein referred to as the Divisional Authority) is hereby set up for the Administration of this Code in accordance with Chapter I, Article III-A. Such representatives shall be elected by concurrent vote of a majority of the Divisional Code members in number and volume of hard rubber products.

ARTICLE III

A. COSTS

SECTION 1. In the application of Article VII of Chapter I to this Division, the cost accounting formulæ shall take due account of costs and expenses for equipment, including special molds, jigs, tools, etc., and installation costs of same and related costs of handling.

ARTICLE IV

A. MARKETING STANDARDS

SECTION 1. No guaranty or warranty shall be made in connection with any product sold other than the standard guaranty of the Association, which is:

“This merchandise is warranted to be free from defects of workmanship and material. The seller’s liability hereunder is limited to the purchase price of merchandise which has failed through defect or, at the seller’s option, to the replacing of such merchandise upon its return by the buyer with other merchandise of the quality warranted and with due allowance made for the service rendered by the merchandise returned.”

ARTICLE V

A. SELLING SCHEDULES

SECTION 1. Products of the Hard Rubber Division shall be divided into standard lines and special items.

A standard line shall be a line of products repeatedly made by more than one manufacturer for which general specifications may be drawn, and which, on account of similarity of the articles contained therein, may be priced on a substantially uniform basis according to size, weight, or per individual article. Standard lines may be furnished in accordance with customers' special designs and brands, but if such articles require special molds or parts to conform to customers' special designs or brands, such customers shall be charged for said special molds or parts of molds in accordance with Article III-A, Section 1. Special items shall comprise all articles not contained in any of the standard lines or directly comparable to any of the standard lines.

SEC. 2. All members of the Division shall submit to the Divisional Authority a list of product classes manufactured by them which they believe should be classed as standard lines in accordance with the definition given above. The Divisional Authority shall make up from the lists submitted a schedule of the products to be classified as standard lines. Copies of schedules and specifications shall be sent to each member of the Division. Within ten days after receipt of such schedules and specifications each member of the Division shall file with the Association his price lists covering the standard line, lines, or part thereof that he manufactures. Such price lists shall follow the specifications, form, and arrangement established by the Divisional Authority and shall show all discounts allowed, together with mold policy.

(a) No member shall sell any standard-line product at a price lower or at discounts greater or on terms more favorable than those stated in his current price list, unless he shall first file a revised price list to take effect in not less than ten days from date of filing. Price lists on standard lines shall be available to all members manufacturing such lines and the Association shall send copies of such lists filed to the other members manufacturing that line.

(b) If a member objects to any standard-line classification or specification set up by the Divisional Authority, he may protest to said Authority in writing. Each protest shall receive due consideration and the protesting member shall be accorded a hearing if he so desires. Should the Divisional Authority decide that the standard-line classification or specification shall remain unchanged and the protesting member still objects thereto, said member shall have the right of appeal as provided in Article VI of Chapter I.

SEC. 3. Upon application by any member, the Divisional Authority shall consider whether any class of product shall be removed from the special items and put under the standard-line classification. In the event that the Divisional Authority approves the application, procedure shall be as outlined above.

ARTICLE VI

A. TRADE PRACTICES

SECTION 1. Terms of shipment shall be f.o.b. point of manufacture, except, at the discretion of the seller, transportation charges on shipments of 100 pounds and over may be allowed.

SEC. 2. Regular terms of payment for special items shall be a maximum cash discount of 2% ten days, net 30 days. Where a member is regularly supplying a customer, the 2% discount may be extended up to the 25th proximo.

SEC. 3. Orders shall specify a definite quantity. No contracts shall be made guaranteeing prices for a longer period than six months from date of order. Contracts which of necessity must be spread over a longer period of time shall specify "price of any undelivered portion of this contract six months from the date of this contract is subject to change with reference to the then-prevailing market price."

SEC. 4. All quotations and order acknowledgements shall specify that the prices do not include sales taxes and shall be subject to increase to cover any taxes or any other increased costs directly due to present or future legislation, either Federal or State.

SEC. 5. No member of the Division shall sell any products of the Division on consignment.

SEC. 6. No member of the Division shall enter into any contract for furnishing any of his products contingent upon the sale or purchase of any other thing, or the performance of any other service.

SEC. 7. No member of the Division shall furnish without charge samples of products in excess of what are actually required reasonably to serve the intended purpose.

SEC. 8. Violation of any schedule filed with the Association as provided for in this Code, or the violation of any of the provisions of this Code shall be considered an unfair trade practice.

ARTICLE VII

A. ALTERATIONS OR AMENDMENTS

SECTION 1. Any addition, alteration, or amendment of this Code, which has had the approval of the majority of the Divisional Code members in numbers and in volume of hard-rubber products, shall be presented to the Code Authority in accordance with Chapter I, Article III-A, Section 2.

CHAPTER VI
HEEL AND SOLE DIVISION

ARTICLE I

A. DEFINITION

SECTION 1. The Heel and Sole Division shall consist of all members of the Industry engaged in the manufacture for sale of rubber heels, soles, soling sheets, strips, taps, sport soles, sport heels, stick-on soles and heels, and rubber heel and sole cement.

ARTICLE II

A. ADMINISTRATION

SECTION 1. A Heel and Sole Divisional Authority consisting of five persons (herein referred to as the Divisional Authority) is hereby set up for the administration of this Code in accordance with Chapter I, Article III-A. Such representatives shall be elected by a vote of a majority of the Divisional Code members in number and volume, and shall be composed of representatives of two small-size companies, two large-size companies and one medium-size company.

ARTICLE III

A. MARKETING STANDARDS

SECTION 1. To assist in providing uniform trade practices and preventing discrimination and unfair competition, group customer classification definitions, based on differences in costs and services rendered, shall be adopted by the Division, subject to the approval of the Administrator, for the following classifications, under the title of "Definitions of Buyers of Heels and Soles" and such definitions shall be filed from time to time with the Divisional Authority.

- (a) Shoe manufacturers including wood-heel manufacturers.
- (b) Wholesale merchants including leather and findings distributors and jobbers, wholesale hardware, harness, grocery, novelty, and general merchandise.
- (c) Mail order and/or chain store retail merchants, excluding those engaged in the business of alteration and/or repair of footwear.
- (d) Manufacturers' distributors or sales agents
- (e) Shoe repair shops, individual and multiple.

SEC. 2. If such definitions shall by virtue of their application pursuant to this Chapter, work hardship or any member of the Division or customer, such member or customer may apply to the

Divisional Authority, which shall have power to reclassify such customer as justice may require.

SEC. 3. No member of the Division may market his products through a manufacturer's distributor or sales agent who is not complying with the terms of Articles III and IV of this Chapter.

SEC. 4. Within ten days after the date of approval of this Code, each member of the Division shall publish and file with the Divisional Authority a schedule of its prices and terms of sale for each of the classes of customers referred to in Section 1 of this Article, except manufacturers' distributors and sales agents, on all standard products sold by it. All such price schedules shall be open to inspection at the office of the Divisional Authority. The Divisional Authority shall furnish copies of such schedules to any member of the Division who makes application therefor.

SEC. 5. No member of the Division shall sell any standard product at prices lower or on terms more favorable than the prices and terms in his price schedules and price lists filed, pursuant to Section 4 herein, unless he has first filed revised schedules and lists to take effect in not less than five days from date of filing. The Divisional Authority shall promptly after receipt of such revised schedules and lists notify all members affected. Such affected members may thereupon file with the Divisional Authority revisions of their price lists, which, if filed prior to the date when the revised price list first filed shall go into effect, may become effective on said date.

ARTICLE IV

A. TRADE PRACTICES

SECTION 1. All shipments of goods shall be made and invoices rendered at prices and terms as shown on the member's schedule of prices in effect at the time of sale, and such invoices shall show accurately quantities, grades, types, sizes, colors, gauges, and other features exactly in accordance with the shipment made.

SEC. 2. No member of the Division shall offer or give any special terms, prices, consignments, allowances, secret rebates, either directly or indirectly, or any concessions of any kind or description not shown on the member's published schedule of prices.

SEC. 3. No member of the Division, for itself or through its salesmen or other employees, shall engage in lavish entertainment of customers or their employees, or permit bribes of any kind or description, or engage in gambling or bets of any nature with the intention of losing, or make loans to customers or their employees, or subnormally price any other product manufactured and/or sold by the member, or engage in any other act or practice commonly known as "commercial bribery", for the purpose of selling merchandise or to lower its cost to the purchaser.

SEC. 4. Terms of shipment shall be f.o.b. point of shipment, except at the discretion of the seller, transportation charges on shipments of 100 pounds and over may be allowed. In the event that the means of transportation employed results in a cost in excess of the published freight rates from point of origin to destination, then the

transportation allowance shall not exceed the published freight rate applicable to the tonnage involved in the shipment.

SEC. 5. Violation of any schedule filed with the Divisional Authority as provided in this Code, or the violation of any of the provisions of this Code shall be considered an unfair trade practice, and subject to the penalties of the Act.

ARTICLE V

A. ALTERATIONS OR AMENDMENTS

SECTION 1. Any addition, alteration, or amendment of this Code which has the approval by concurrent vote, of a majority in number and in volume of the Divisional Code members shall be presented to the Code Authority in accordance with Chapter I, Article III-A, Section 2.

CHAPTER VII

MECHANICAL RUBBER GOODS DIVISION

ARTICLE I

A. DEFINITION

SECTION 1. The Mechanical Rubber Goods Division shall consist of all members of the Industry engaged in the manufacture for sale of all types of belting other than leather and balata, hose of all types, rubber cord and thread; jar rings, rubber friction tape, rubber splicing compound, rubber mats and matting, rubber tubing; all types of mechanical rubber molded and lathe-cut and extruded goods, rubber packing of all types; rubber-covered rollers and rubber rolls, and such other articles as are generally considered as Mechanical Rubber Goods.

ARTICLE II

A. ADMINISTRATION

SECTION 1. A Mechanical Goods Divisional Code Authority consisting of three persons (herein referred to as the Divisional Authority) is hereby set up for the administration of this Code in accordance with Chapter I, Article III-A. Such representatives shall be elected by a majority in number and volume of the Divisional Code members.

ARTICLE III

A. MARKETING STANDARDS

SECTION 1. To assist in providing uniform trade practices and preventing discrimination and unfair competition, group customer classifications, definitions, based upon differences in costs and services rendered, may be adopted by the Division, subject to the approval of the Administrator, for the following classifications under the title of "Definitions of Buyers of Mechanical Rubber Goods" and such definitions shall be filed from time to time with the Association.

Classification of Buyers of Mechanical Rubber Goods:

Jobbers and Mill Supply Houses

Distributors

Dealers

Mail Order—Chain Stores

Department Stores

Syndicate Buyers

Equipment Manufacturers

Industrials

Government:

Federal

State

County

Municipal

Consumers

If such definitions shall by virtue of their application, pursuant to this Chapter, work hardship on any member of the Division or customer, such member or customer may apply to the Divisional Authority, which shall have power to reclassify such customer as justice may require.

SEC. 2. Each member of the Division shall establish a price schedule for standard goods, as recognized by the Division, properly applicable to each classification and price lists for goods made to recognized standard specifications. Having established such price schedules and price lists, which may be revised from time to time, they shall be filed with the Association on or before the date specified by the Divisional Authority.

SEC. 3. If any member of the Division wishes to make a sale of merchandise classed as overstock or obsolete material, or below value for any cause at less than the minimum price as determined by the Cost Recovery Formulae in Chapter I, Article VII, such member shall apply to the Divisional Authority for its sanction to so dispose of such products. Such request shall be in the form of a written application stating the reason therefor, together with such data as will support such request, and such member shall furnish such additional information, at its own expense, as the Divisional Authority may require. The Divisional Authority, following such procedure as it shall establish, shall consider such application, and if on investigation it shall find that any such proposed sale at less than the minimum price so determined may constitute unfair competition, it may disapprove the same. If the Divisional Authority does not notify such member of its decision within ten (10) days after receipt of application, such member may appeal to the Administrator.

ARTICLE IV

A. SELLING SCHEDULES

SECTION. 1. No member of the Division shall initiate a price not in accordance with Chapter I, Article VII. No member shall sell any standard goods or goods made under recognized standard specifications at prices lower or on terms more favorable than the prices and terms in his price schedules and price lists filed pursuant to

Article III of this Chapter, unless he has first filed revised schedules and lists to take effect in not less than 10 days from date of filing. The Association shall promptly after receipt of such revised schedules and lists notify all members affected. Such affected members may thereupon file with the Association, if they so desire, revisions of their price lists which, if filed prior to the date when the revised price lists first filed shall go into effect, may become effective on said date.

Sec. 2. On goods made to customers' specifications the minimum selling price of any member of the Division shall be the cost of the most efficient member of the Division, i.e., that representative member of the Division whose cost is lowest. Each member of the Division shall compute his own individual costs on such goods, according to the methods of cost determination and the cost accounting formulae adopted by the Association and this Division pursuant to Section 1 of Article VII of Chapter I of this Code and report the same to the Association. The Association shall ascertain the costs of the most efficient member of the Division and publish such figures to the Division. Such lowest cost finding shall be revised from time to time at reasonable intervals. Nothing herein contained shall be construed to permit any member of the Division to initiate a price which will result in the customer paying less than the member's own individual cost, as provided in Section 2 of Article VII of Chapter I.

ARTICLE V

A. TRADE PRACTICES

SECTION 1. Uniform terms of sale shall be established by the Divisional Authority, subject to the approval of the Administrator, which may include freight paid or allowed to customer. In no case shall the freight allowed by any member to any customer be more than the published freight rate by the route used from the member's factory to the destination.

SEC. 2. No member of the Division shall offer or give any discounts other than those specified in such member's price schedules or price lists, on file with the Association. After January 1, 1934, no member of the Division shall offer or give any rebates or bonuses, to any classification of buyers.

SEC. 3. No guaranty or warranty shall be made in connection with any product sold, other than the standard guaranty of the Association, which is: "This merchandise is warranted to be free from defects of workmanship and material. The seller's liability hereunder is limited to the purchase price of merchandise which has failed through defect or, at the seller's option, to the replacing of such merchandise upon its return by the buyer with other merchandise of the quality warranted and with due allowance made for the service rendered by the merchandise returned."

SEC. 4. No guaranty against decline of price on contracts or orders shall be made to anyone—excepting, however, such items of seasonal character as may be specified by the Divisional Authority, subject to the approval of the Administrator. Any such guaranty shall apply only to the unshipped portion of any contract or order.

SEC. 5. No member of the Division shall enter into any contract for furnishing any of his products contingent upon the sale or purchase of any other thing, the performance of any other service, or any other contingency not appearing in the contract or complying with this Code.

SEC. 6. No member of the Division shall furnish without charge samples of products in excess of what are actually required reasonably to serve the intended purpose.

SEC. 7. No member of the Division shall permit or extend exclusive missionary sales help to any one distributor of its product for a period in excess of 90 days in any one year.

SEC. 8. No member of the Division shall either post-date or pre-date any invoice for his product for the purpose of achieving an unfair competitive advantage.

SEC. 9. Violation of any schedule filed with the Association as provided in this Code, or the violation of any of the provisions of this Code shall be considered an unfair trade practice and subject to the penalties of the Act.

ARTICLE VI

A. GENERAL

SECTION 1. The Divisional Authority shall make such studies of the productive capacity of the Division as may be desirable from time to time and make recommendations as to its findings to the Administrator.

ARTICLE VII

A. ALTERATIONS OR AMENDMENTS

SECTION 1. Any addition, alteration, or amendment of this Code which has had the approval of the majority of the Divisional Code members in number and in volume, shall be presented to the Code Authority in accordance with Chapter I, Article III-A, Section 2.

CHAPTER VIII

SPONGE RUBBER DIVISION

ARTICLE I

A. DEFINITION

SECTION 1. The Sponge Rubber Division shall consist of all members of the Industry engaged in the manufacture for sale of any type of sponge rubber products.

ARTICLE II

A. ADMINISTRATION

SECTION 1. A Sponge Rubber Divisional Code Authority consisting of three persons (herein referred to as the Divisional Authority) is hereby set up for the administration of this Code in accordance with Chapter I, Article III-A. Such representatives shall be elected by a majority in number and volume of the Divisional Code members.

ARTICLE III

A. TRADE PRACTICES

SECTION 1. No member of the Division shall depart from the following standard terms of sale:

(a) The maximum cash discount of 2%, 10 days—net 30 days except that where a member of the Division is regularly supplying a customer the 2% discount may be extended up to the 25th proximo.

(b) Freight may be paid or allowed to customer, but in no case shall the freight allowed by any member of the Division exceed the published freight rate via the route used from the member's factory to destination.

All quotations and order acknowledgments shall specify that the prices do not include sales taxes and shall be subject to increase to cover any taxes or any other increased costs directly due to the enactment of present or future legislation, either Federal or State.

SEC. 2. No member shall either postdate or predate invoices for his product for the purpose of achieving an unfair competitive advantage.

SEC. 3. No member of the Division shall dispose of any "seconds" or obsolete merchandise without first reporting to the Divisional Authority the approximate quantity, class of goods, the reason for disposing of them in other than regular channels, or at other than regular prices.

SEC. 4. No member of the Division shall let out the manufacture of any products to homeworkers.

SEC. 5. No guaranty or warranty shall be made in connection with any product sold other than the standard guaranty of the Association, which is: "This merchandise is warranted to be free from defect of workmanship and materials. The seller's liability hereunder is limited to the purchase price of merchandise which has failed through defect or, at the seller's option, to the replacing of such merchandise upon its return by the buyer with other merchandise of the quality warranted and with due allowance made for the service rendered by the merchandise returned."

SEC. 6. No member of the Division shall ship any merchandise under any conditions on consignment to any classification of account.

SEC. 7. No member of the Division shall furnish without charge samples of products in excess of what are actually required reasonably to serve the intended purpose.

SEC. 8. No member of the Division shall enter into any contract for furnishing any of his products contingent upon the sale or purchase of any other thing, the performance of any other service, or any other contingency not appearing in the contract or complying with this Code.

SEC. 9. No member of the Division shall furnish an advertising allowance of any kind.

SEC. 10. The violation of any provisions of this Code shall be considered an unfair trade practice and shall be subject to the penalties of the Act.

ARTICLE IV

A. ALTERATIONS AND AMENDMENTS

SECTION 1. Any addition, alteration, or amendment of this Code which has had the approval of the majority of the Divisional Code members in numbers and volume shall be presented to the Code Authority in accordance with Chapter I, Article III-A, Section 2.

CHAPTER IX

RUBBER SUNDRIES DIVISION

ARTICLE I

A. DEFINITION

SECTION 1. The Rubber Sundries Division shall consist of all members of the Industry engaged in the manufacture for sale of rubber sundries, including druggists', hospital, and medical rubber goods except hospital sheeting, stationers' rubber goods, rubber bathing apparel, rubber gloves, and other miscellaneous articles made of rubber, except as may be specifically covered by another duly approved Code of Fair Competition.

ARTICLE II

A. ADMINISTRATION

SECTION 1. A Rubber Sundries Divisional Code Authority (herein referred to as the Divisional Authority) is hereby set up for the administration of this Code in accordance with Chapter I, Article III-A.

SEC. 2. The Divisional Code Authority shall consist of the chairmen of the several Subdivisions herein established, and the chairman of the Divisional Authority, all to be elected as hereinafter described.

(a) The chairman of the Divisional Code Authority, and his alternate, shall be elected by a majority vote (each Divisional Code member having one vote) at a regular meeting of the Rubber Sundries Division. The chairman, or his alternate, shall represent the Sundries Division on the Rubber Code Authority, subject to the qualifications contained in Chapter I, Article III.

(b) A chairman shall be elected for each of the following Subdivisions, consisting of members engaged in producing the class of merchandise, indicated by the title.

Stationers' Rubber Goods; Rubber Gloves; Druggists', Hospital, and Medical Rubber Goods; Rubber Bathing Apparel.

(c) Each Subdivision shall elect a chairman by a majority vote (each Divisional Code member shall have a single vote in each Subdivision of which it is a member) who shall represent the Subdivision as a member of the Divisional Authority.

(d) One alternate shall be elected by each Subdivision to represent the chairman of that Subdivision in his absence. No alternate shall, however, be affiliated with any member of the Division already represented on the Divisional Authority.

(e) Any additional Subdivisions may be established at the discretion of the Divisional Authority. Such additional groups, when and if established, shall elect a chairman and an alternate as prescribed under paragraphs (c) and (d) of this Section, who shall represent such additional groups on the Divisional Authority.

(f) The Divisional Authority shall set up a Committee on Imports consisting of three members whose duty it shall be to investigate and inform the President as to the importation of competitive articles into the United States in substantial quantities or increasing ratio to domestic production, on such terms or under such conditions as to render ineffective, or to seriously endanger the maintenance of this Code as provided in Section 3 (e) of the Act. The Committee shall make such reports of its findings to the Divisional Authority which shall inform the President through the proper channels.

ARTICLE III

A. COSTS AND PRICES

SECTION 1. Within ten days after the date of approval of this Code, each member of the Stationers' Rubber Goods Subdivision of the Division shall publish and file with the Association complete schedules of its prices, discounts, and terms of sale. All such schedules shall be open to inspection at the office of the Association. The Association shall furnish copies of such schedules to all members of the aforesaid Subdivision.

SEC. 2. No member of the Stationers' Rubber Goods Subdivision shall sell any product thereof at prices or discounts lower or on terms more favorable than the prices, discounts, and terms in his price schedules and price lists filed with the Association in accordance with Section 1 of this Article, unless he has first filed revised schedules and lists to take effect in not less than ten (10) days from date of filing. Promptly after receipt of such revised schedules and lists the Association shall notify all members of the aforesaid Subdivision who may thereupon file with the Association revisions of their prices, discounts, and terms, which, if filed prior to the date when the revised price schedules and price lists first filed shall go into effect, may become effective on said date.

ARTICLE IV

A. TRADE PRACTICES

SECTION 1. No member of the Division shall depart from the following standard terms of sale:

(a) Maximum cash discount 2%, 10th proximo, except west of Denver, Colorado, where terms may be 2%, 10th, second proximo, to accounts to which shipments shall be made from shipping points east of the Mississippi River. Provided, however, that seasonal items may be sold on longer terms when sanctioned by the Divisional Authority. If the Divisional Authority does not notify the member of the Division who applies for longer terms, of its decision within ten

(10) days from the date of application, such member may appeal to the Administrator.

(b) Where freight may be paid or allowed to customer, in no case shall such payment or allowance exceed the charge for the tonnage involved at the published freight rate by the route used from the member's factory to destination.

SEC. 2. Rebates, discounts, or bonuses shall not be given or extended to any customer unless they are available to all customers of the same class on equal terms.

SEC. 3. No merchandise shall be shipped on consignment, guaranteed sale, or terms other than those established under Section 1 of this Article.

SEC. 4. No member of the Division shall let out any manufacturing to home workers.

SEC. 5. No member of the Division shall furnish salesmen or demonstrators for sales work other than for his own sales to his own customers.

SEC. 6. No member of the Division shall either post-date or pre-date invoices for his product for the purpose of achieving an unfair competitive advantage.

SEC. 7. No member shall furnish an advertising allowance of any kind.

SEC. 8. No member of the Industry shall usurp a design, style, or pattern originated by another member of the Industry and/or appropriate them for his own or customer's use during the twelve months following its introduction.

SEC. 9. The violation of any of the provisions of this Code shall be considered an unfair trade practice and shall be subject to the penalties of the Act.

ARTICLE V

A. ALTERATIONS OR AMENDMENTS

SECTION 1. Any addition, alteration, or amendment of this Code which has had the approval of the majority of the Divisional Code members in numbers shall be presented to the Code Authority in accordance with Chapter I, Article III-A, Section 2.

CHAPTER X

RAINWEAR DIVISION

ARTICLE I

A. DEFINITIONS

SECTION 1. The Rainwear Division shall consist of all members of the Industry engaged in the manufacture for sale of garments made from rubberized or waterproof fabrics, commonly called rainwear, excluding oiled cotton garments. The manufacture of the rubberized or waterproofed fabrics themselves is specifically included under Chapter II of this Code.

SEC. 2. The term "manufacturing employee" as used herein includes all employees engaged in the cutting, machine operating, cementing, buttonhole-making and button-sewing operations in any factory in the Division.

SEC. 3. The term "nonmanufacturing employee" as used herein includes all employees engaged in brushing or cleaning away the threads from finished garments and folding them or in any other miscellaneous nonmanufacturing process in any factory in the Division.

ARTICLE II

A. ADMINISTRATION

SECTION 1. A Rainwear Divisional Code Authority consisting of seven persons (herein referred to as the Divisional Authority) is hereby set up for the administration of this Code in accordance with Chapter I, Article III-A.

SEC. 2. The Divisional Authority shall consist of two representatives selected from the Midwestern members of the Division, two from New England, two from New York, together with one representative from the Vulcanized Rainwear Subdivision. Such members shall be elected by a majority of the members of the Division in each of the three geographical areas specified, together with the member so elected by the Vulcanized Rainwear Subdivision.

SEC. 3. Five members of the Divisional Authority shall constitute a quorum and a majority of a quorum must be had before any decision on any matter may be determined.

ARTICLE III

Notwithstanding the provisions of Article V, Chapter I, of this Code, the following shall be the provisions as to hours and wages for the Rainwear Division.

A. HOURS

SECTION 1. Except as herein below provided, no employee shall work or be permitted to work in excess of 40 hours in any one week, nor more than 8 hours in any 24-hour period. Such work shall take place in five days of the week, exclusive of Saturday and Sunday, subject to the right of the Divisional Authority, under special circumstances, to permit any or all members of the Division an exception from this particular restriction. Overtime shall be expressly prohibited.

SEC. 2. Maintenance crews, engineers, firemen, electricians, shipping crews, watchmen, and elevator operators shall not work or be permitted to work more than 45 hours in any one week. Provided, however, that this limitation of hours shall not apply in cases of emergency, but in such cases all hours worked in excess of 45 hours in any one week, shall be paid for at the rate of time and one third.

SEC. 3. Accounting, clerical, office, service, or sales employees (excepting outside salesmen) shall not work or be permitted to work in excess of an average of 40 hours a week over the period of a month, nor more than 48 hours in any one week.

SEC. 4. The maximum hours fixed in Sections 1, 2, and 3 shall not apply to salaried employees in any managerial, executive, clerical, supervisory, or technical capacity, receiving more than \$35.00 per week, nor to any outside salesmen.

SEC. 5. No employee shall work or be permitted to work for a total number of hours in excess of the number of hours prescribed for each week and day, whether employed by one or more employers; provided, however, that if any employee works for more than one employer for a total number of hours in excess of such maximum without the knowledge or connivance of any one of his employers, such employer shall not be deemed to have violated this section.

SEC. 6. No employee shall be classified in any of the foregoing excepted classes unless he performs functions identical with those performed by employees thus classified on June 16, 1933.

SEC. 7. Immediately after the effective date of this Code, the Divisional Authority shall begin an investigation to determine whether or not the 40 hour week provision of this Article will result in increased employment within the purpose and policy of the Act. The Divisional Authority, not later than 90 days after the effective date of this Code, shall report its findings to the Administrator so that the Administrator may determine whether or not the provisions of this Article as to maximum hours should be changed.

B. WAGES

SECTION. 1. Except as herein below provided no employee (other than apprentices) shall be paid in any pay period, less than at the rate of

For nonmanufacturing employees, \$0.35 per hour.

For manufacturing employees, \$0.40 per hour.

SEC. 2. No apprentice or learner shall be paid in any pay period less than at the rate of twenty-eight cents (\$0.28) per hour. Provided, however, that such apprentices or learners, where piece-work

is used, shall be paid at the piece-work rates paid to experienced workers, but in no case less than the above minimum. Such apprentices shall be understood as persons who have worked or been employed in the Rainwear Industry for less than six weeks. Such apprentices shall not constitute more than five (5) percent of the manufacturing and nonmanufacturing employees in any one establishment.

SEC. 3. No salaried employee (except outside salesmen, office girls and boys, and clerical apprentices) shall be paid less than at the rate of—

\$15.00 per week—Cities over 500,000 population or in the immediate trade area of such a city.

\$14.50 per week—Cities between 250,000 and 500,000 population or in the immediate trade area of such a city.

\$14.00 per week—Cities between 2,500 and under 250,000 population or in the immediate trade area of such a city.

\$12.00 per week—Towns of less than 2,500 population.

(a) Clerical apprentices during a six months' apprenticeship and office girls and boys may be paid not less than 80% of the above minimums. Such excepted office employees shall not exceed five (5) percent of the total number of employees covered by this Section in the employ of any member of the Division.

SEC. 4. Female employees performing the same work as male employees in manufacturing operations shall receive the same rates of pay as male employees.

SEC. 5. This Article establishes minimum rates of pay which shall apply whether an employee is actually compensated on a time rate, piecework, or other basis.

SEC. 6. The existing amounts by which hourly earnings in the higher paid classes exceeded the minimum rates herein specified, as of July 1, 1933, shall be maintained.

SEC. 7. Equitable adjustments in all pay schedules of factory employees above the minimum shall be made within thirty (30) days after the approval of this Code, by any members of the Industry who have not heretofore made such adjustments, and the first monthly reports of wages required to be filed under this Code shall contain all wage increases made since May 1, 1933.

C. POSTING LABOR PROVISIONS

SECTION 1. Every member of the Division shall prominently post in the work rooms of his establishment or establishments copies of Articles I, III, and IV of this Chapter together with copies of Article IV of Chapter I.

ARTICLE IV

A. LIMITATION AS TO PLANT OPERATION

SECTION 1. No member of the Division shall operate his establishment or establishments in excess of 40 hours per week; provided, however, that if the application of this Section should work a hardship on any member of the Division, such member may appeal to the Divisional Authority or the Administrator for such relief as justice may require.

B. USE OF CONTRACTORS

SECTION 1. All members of the Division who let out or cause their garments to be made by contractors shall file the names and addresses of all such contractors as are actually required, with the Divisional Authority within thirty days after approval of this Code. Such lists shall be revised from time to time. Members shall confine their work to such contractors as may be so listed. Members shall not let out or cause their garments to be made by contractors unless such contractors agree to conform to the provisions of this Code as to hours and wages in the course of the performance of such contracts. Members shall pay such contractors not less than an amount sufficient to enable such contractors thus to conform to the provisions of this Code as to hours and wages, together with an allowance for the contractor's overhead.

C. PERFORMANCE OF FACTORY OPERATIONS BY MEMBERS

SECTION 1. Any employer of the Division who directly or indirectly works in his own factory in the capacity of a manufacturing employee shall comply with the provisions of Article III-A of this Chapter.

D. HOMEWORK

SECTION 1. No member of the Division shall permit or allow the processing or manufacturing of any of his products except within his own plant or plants and/or the plants of registered contractors, as provided in Article IV-B. In particular, but without limitation, it is hereby provided that no part of such processing or manufacturing shall be done in the homes of any employees.

E. UNSAFE PREMISES

SECTION 1. No member of the Division shall cause or permit any work to be done in tenement houses, basements, or any unsanitary building or in buildings unsafe on account of fire risks.

F. USE OF LABELS

SECTION 1. The Divisional Authority may, within 60 days after the approval of this Code, make recommendations to the Administrator regarding the use of any N.R.A. insignia solely by those members of the Industry who have assented to and are complying with this Code.

ARTICLE V

A. COSTS AND SELLING PRICES

SECTION 1. Each member of the Division shall compute his own individual costs for standard lines on the basis of the cost-accounting system provided in Article VII of Chapter I and report the same to the Association. From these reports, the Divisional Authority shall ascertain the cost of the most efficient member of the Division—

i.e., that representative member of the Division whose cost is lowest—and publish such findings to the members of the Division. Such findings shall be revised from time to time at reasonable intervals. Thereafter no member of the Division shall sell any standard line of product below such cost. No member shall initiate a selling price on any special line which shall be below his own individual cost of production as provided in Article VII of Chapter I.

ARTICLE VI

A. TRADE PRACTICES

SECTION 1. No member of the Division shall offer a cash discount which exceeds 8% 10 days, E.O.M. No other discounts whatsoever nor any rebates shall be given to any buyers, buying offices, or other customers. Goods shipped after the 25th of the month may be billed as of the first of the following month. These terms shall not apply to Vulcanized Clothing.

SEC. 2. No member shall depart from the following standard terms of sale for Vulcanized Clothing:

(a) Terms to Jobbers: 3% 10 days; 2% 70 days; net 71 days; no post-dating.

(b) Terms to Retailers: Not more than 8% 10 days, E.O.M.; net thereafter.

(c) If payments are not made on or before the net due date, there shall be a charge for interest at the legal rate.

(d) No prepayment or allowance of freight shall be made, except on shipments of 100 pounds or more.

(e) No parcel-post or express charges shall be allowed in excess of freight allowance applicable to such shipment if shipped by freight.

SEC. 3. No member of the Division shall ship merchandise on memorandum or on consignment.

SEC. 4. The following shall be the standard sizes in the Rainwear Division:

Infants, 2 to 6.	Misses, 14 to 20.
Girls, 6 to 16.	Ladies, 34 to 44.
Boys, 6 to 16.	Men's, 34 to 46.
Boys (vulcanized), 4 to 18	

Where Boys sizes 18 to 20 (excluding 18 on vulcanized clothing), Ladies' sizes 46 to 52, Men's sizes 48 to 52 are ordered, the selling price shall truly reflect the increased cost.

SEC. 5. No merchandise purchased and shipped in good faith and in accordance with the buyer's specifications shall be permitted to be returned for credit by any purchaser after five (5) days from its receipt by the purchaser.

SEC. 6. No order shall be accepted without stipulating the sale price, terms, and date of shipment. No sale shall be made by any member on any other terms except those expressly set forth in the order, contract of sale, or the invoice pertaining to such sale.

SEC. 7. No member of the Division shall make any allowance or discounts for advertising or for payment for space in newspapers,

magazines, guides, or directories on behalf of any retailer to be used in promoting the sale of merchandise by such retailer to the consumer. The supplying of cuts, matrices, and window cards shall, however, not be included in such prohibition.

SEC. 8. The pirating of styles and designs shall be prohibited.

SEC. 9. Any violation of any of the provisions of this Code shall be an unfair trade practice and subject to the penalties of the Act.

ARTICLE VII

A. ALTERATIONS AND AMENDMENTS

SECTION 1. Any addition, alteration, or amendment of this Code which has had the approval of a majority of the Divisional Code members in number and in volume shall be presented to the Code Authority in accordance with Chapter I, Article III-A, Section 2.

Approved Code No. 156.

Registry No. 899—04.



Approved Code No. 157

CODE OF FAIR COMPETITION

FOR THE

HAIR CLOTH MANUFACTURING INDUSTRY

As Approved on December 15, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Hair Cloth Manufacturing Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said code of fair competition, together with his recommendations and findings with respect thereto, and the Administrator having found that the said code of fair competition complies in all respects with the pertinent provisions of title I of said act and that the requirements of clauses (1) and (2) of subsection (a) of section 3 of the said act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations, and findings of the Administrator and do order that the said code of fair competition be and it is hereby approved.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 15, 1933.

DECEMBER 1, 1933.

The PRESIDENT,
The White House.

INTRODUCTION

SIR: This is a report on the hearing of the Code of Fair Competition for the Hair Cloth Manufacturing Industry.

The hearing was conducted in accordance with the provisions of the National Industrial Recovery Act in the North Room of the Mayflower Hotel in Washington, D.C., on November 17, 1933. Every person who filed a request for an appearance was freely heard in public and all statutory and regulatory requirements were complied with.

The Code which is attached was presented by duly qualified and authorized representatives of the above industry, complying with the statutory requirements, as representing 93½ percent of the industry.

EVIDENCE SUBMITTED

The industry consists of eleven concerns, who, with the exception of one small plant, are members of the Association. The industry has invested capital of around two million dollars and in normal years has a sales volume of about four million dollars. It is estimated that the sales volume for 1933 will be about one million dollars. There are approximately 400 employees in the industry. The increase in the number of employees since July 1, 1933, has been about 10 percent and the increase in wages about 20 percent.

RÉSUMÉ OF PROVISIONS OF THE CODE

The Code provides for a minimum wage of \$17.00 per week for forty hours of labor. Shipping, receiving, storeroom employees, firemen, and engineers are permitted to work forty-four hours per week. Employees on emergency maintenance or repair work will be paid one and one third times the normal rate for hours worked over forty-four per week.

Watchmen are to be employed in pairs to work 36 and 48 hours on alternate weeks, giving them an average week of forty-two hours.

Provisions have been made to prevent stretch-outs, reclassification of employees, and the reduction of wages for the shorter week.

Productive machinery in the industry is limited to one shift of forty hours per week.

FINDINGS

I find that:

(a) The Code complies in all respects with the pertinent provisions of Title I of the National Industrial Recovery Act, including

without limitation subsection (a) of Section 7 and subsection (b) of Section 10 thereof.

(b) The Hair Cloth Manufacturers Association is truly representative of the Hair Cloth Manufacturing Industry. The By-Laws of this association provide no inequitable restrictions to membership.

(c) The Code is not designed to permit monopolies or to eliminate or oppress small enterprises, and will not operate to discriminate against them and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

Accordingly, I hereby recommend the approval of the Code of Fair Competition for the Hair Cloth Manufacturing Industry.

Respectfully submitted,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION
FOR THE
HAIR CLOTH MANUFACTURING INDUSTRY

ARTICLE I—PURPOSES

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

ARTICLE II—DEFINITIONS

The term "industry" as used herein includes the manufacturing of hair-cloth products and the sale thereof by the manufacturer and such branches thereof as may from time to time be included under the provisions of this Code.

The term "Hair Cloth Products" as used herein includes all fabrics woven with horse hair.

The term "Employee" as used herein includes anyone engaged in the industry in any capacity receiving compensation for his services, irrespective of the nature or method of payment of such compensation.

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

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

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

ARTICLE III—HOURS

1. No employee shall be permitted to work in excess of forty (40) hours in any one week or eight (8) hours in any twenty-four (24) hour period unless otherwise specified herein.

2. The maximum hours fixed in the foregoing section shall not apply to:

(a) Executives, office employees, supervisory staff, and outside salesmen who receive \$35.00 per week or more.

(b) Shipping, receiving, storeroom employees, firemen, and engineers who shall not work in excess of forty-four (44) hours per week.

(c) Employees on emergency maintenance or breakdown or repair work and protection of life and property. In any such special case, a tolerance of 10% shall be allowed. Any hours worked in excess of forty-four (44) hours per week shall be paid for at the rate of time and one third, and reported to the Code Authority every month.

(d) Watchmen shall be employed in pairs and shall not work more than thirty-six (36) and forty-eight (48) hours on alternate weeks, or an average of forty-two (42) hours per week.

3. The maximum hours of labor for office employees receiving less than \$35.00 per week shall be an average of forty (40) hours per week over a six (6) week period but in no week during such period more than forty-eight (48) hours.

4. No employee shall be permitted to work for a total number of hours in excess of the number of hours prescribed for each week and day, whether employed by one or more employers.

5. Employers of this industry shall not operate productive machinery for more than one shift of forty (40) hours per week.

ARTICLE IV—WAGES

1. No employee shall be paid at less than the rate of \$17.00 per week for forty (40) hours of work.

2. No employee shall receive for forty (40) hours of labor less compensation than he received or would have received as of July 1, 1933, for not exceeding fifty-four (54) hours per week.

3. Apprentices and learners for a period not to exceed three (3) months shall be paid at the rate of not less than 80% of the minimum wage herein provided. The total number of apprentices and learners employed by any employer of the industry shall not exceed 5% of the total number of employees employed by such member.

4. This article establishes a minimum rate of pay, regardless of whether an employee is compensated on a time-rate, piecework, or other basis.

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

ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under sixteen (16) years of age shall be employed in the industry, nor anyone under eighteen (18) years of age at operations or occupations hazardous in nature or detrimental to health. The Code Authority shall submit to the Administrator before January 1, 1934, a list of such occupations which, upon his approval, shall be deemed hazardous in nature or detrimental to health within the meaning of this section. In any State an employer shall be deemed to have complied with the age provision if he shall have on file a certificate or permit duly issued by the authority in such State empowered to issue employment or age certificates or permits, showing that the employee is of the required age.

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

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

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

5. Within each State this Code shall not supersede any laws of such State imposing more stringent requirements on employers regulating the ages of employees, wages, hours of work, or health, fire, or general working conditions under this Code.

6. Employers shall not reclassify employees or duties of occupations performed by employees so as to defeat the purposes of the Act.

7. To prevent any improper speeding up of work (stretch-outs), no employee in the industry shall be required to do any work in excess of the practice as to the class of work of such employee prevailing on July 1, 1933, unless such increase is submitted to and approved by the Administrator.

8. No member of the industry may knowingly employ as a learner or apprentice any employee who has previously been employed in any plant in this industry as a learner or apprentice for more than three (3) months. In case a learner or apprentice has not completed the three (3) months learning period, he may be employed as a learner or apprentice by any other employer for the balance of the learning period.

9. Each employer shall post in conspicuous places on his premises full copies of this Code.

ARTICLE VI—ADMINISTRATION

To further effectuate the policies of the Act, a Code Authority is hereby constituted to cooperate with the Administrator in the administration of this Code.

1. *Organization of Code Authority.*—(a) The Code Authority shall consist of three (3) individuals, selected by the members of the Industry, in accordance with a fair method of selection, approved by the Administrator, and not more than three (3) additional members without vote (and without expense to the Industry) to represent the Administrator or such groups or interests as may be agreed upon.

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

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

2. The Code Authority shall have the following duties and powers to the extent permitted by the Act, subject to the right of the Administrator on review to disapprove any action taken by the Code Authority.

(a) To administer and assist in the enforcement of this Code.

(b) To interpret the provisions of this Code and issue such rules and regulations as may be necessary for the proper administration of the provisions of this Code.

(c) To cooperate with the Administrator as a Planning and Fair Practice Agency.

(d) To cooperate with the Administrator in making investigations as to the functioning and observance of any provisions of this Code, at its own instance or on complaint by any person affected, and to report the same to the Administrator.

(e) To receive and adjust complaints of the alleged violation of any of the provisions of this Code.

(f) To receive from members of the industry, at such times as may be prescribed, statistics covering number of employees, wage rates, employee earnings, hours of work, and such other data as may be required by the Administrator.

(g) To obtain from the members of the Industry such other statistics and data as may be necessary for the proper administration of this Code, which information is to be collected by an impartial agent, acting in a judiciary capacity, with full protection to each member as to the confidential nature of the material collected.

3. Any interested party shall have the right of appeal to the Administrator, under such rules and regulations as he may prescribe, in respect to any rule, regulation, or other course of action issued or taken by the Code Authority.

4. Members of the Industry shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the selection of the members thereof by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the expenses of its administration. The reasonable share of the expenses of administration shall be determined by the Code Authority, subject to review by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable to be taken into consideration.

5. In addition to the information required to be submitted to the Code Authority, there shall be furnished to government agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act.

ARTICLE VII—TRADE PRACTICES

1. Every employer shall use a cost-accounting system which conforms to the principles of and is at least as detailed and complete

as the uniform and standard method of cost accounting to be prescribed by the Code Authority and approved by the Administrator. Such cost-accounting system shall include as items of cost all direct expenses for labor and materials and a proper allowance for overhead figured according to plant utilization in the production of products covered by this Code.

2. No member of the Industry shall sell or exchange any product of the Industry at a price lower than his cost determined in accordance with a uniform and standard method of costing to be adopted by the Association and approved by the Administrator.

3. Members of this Industry shall file with the Code Authority a schedule of prices, terms, discounts, and conditions of sale for the products of the industry within thirty (30) days after the effective date of the Code. Such price lists may be revised only upon five (5) days' notice to the Code Authority. The Code Authority shall immediately send copies of all price lists so filed to all members of the Industry.

4. Members of the Industry shall not sell their products at other prices or on other terms or conditions than set forth in their own price list. When any member of the Industry revises his price list, any other member of the Industry may revise his price list accordingly, to become effective on the same date as the revised price list first filed. Nothing in this paragraph shall be interpreted to permit the promulgation of list prices or the sale of goods at a price below the cost of production of the member of the industry issuing the list as provided in paragraphs one and two of this article.

5. Obsolete merchandise and merchandise that must be sold in emergencies may be sold at other than the price list or cost of the member of the Industry, with the approval of the Code Authority.

ARTICLE VIII—EXISTING CONTRACTS

Where the cost of executing contracts entered into by this Industry prior to June 16, 1933, is increased by the application of the provisions of the National Industrial Recovery Act, it is equitable and promotive of the purposes of the Act that appropriate adjustments of such contracts to reflect such increased cost be arrived at by arbitral proceedings or otherwise, and the Code Authority is constituted the agency to assist in effecting such adjustment.

ARTICLE IX—UNFAIR TRADE PRACTICES

The following practices constitute unfair methods of competition for members of the Industry and are prohibited:

1. The false marking or branding of any product of the industry which has the tendency to mislead or deceive customers or prospective customers, whether as to the grade, quality, quantity, substance, character, nature, origin, size, finish, or preparation of any product of the industry, or otherwise.

2. The making or causing or knowingly permitting to be made or published any false, materially inaccurate, or deceptive statement by way of advertisement or otherwise, whether concerning the grade, quality, quantity, substance, character, nature, origin, size, finish, or

preparation of any product of the industry, or the credit terms, values, policies, or services of any member of the industry, or otherwise, having the tendency or capacity to mislead or deceive customers or prospective customers.

3. Directly or indirectly to give or permit to be given, or offer to give, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase from the makers of such gift or offer, or to influence such employers or principals to refrain from dealing or contracting to deal with competitors.

4. Maliciously inducing or attempting to induce the breach of an existing oral or written contract between a competitor and his customers or source of supply, or interfering with or obstructing the performance of any such contractual duties or services.

5. No member of the industry shall secretly offer or otherwise make any payment or allowance of a rebate, refund, commission, credit, unearned discount, or excess allowance, whether in the form of money or otherwise, nor shall a member secretly, or otherwise, extend to any customer any special service or privilege not extended to all customers of the same class. This provision shall not be interpreted to prohibit the adjustment of legitimate claims.

6. The offering or giving of prizes, premiums, or gifts in connection with the sale of products, or as an inducement thereto, by any scheme which involves lottery, misrepresentations, or fraud.

7. The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations or by the false disparagement of the grade or quality of their goods.

8. The imitation of trade marks, trade names, slogans, designs, styles, brands, or other marks of identification of competitors having the tendency and capacity to deceive purchasers or prospective purchasers.

9. Canceling in whole or in part, or permitting the cancellation in whole or in part, of any contract of sales of any product, except for a fair consideration.

10. Making or giving to any purchaser of any product any guaranty or protection in any form against decline in the market price of such product.

11. Stating in the invoice of any product as the date thereof a date later than the date of the shipment of such product, or including in any invoice any product shipped on a date earlier than the date of such invoice.

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

13. Rendering to any purchaser of any product in or in connection with the sale of such product any service, unless fair compensation for such service shall be paid by such purchaser.

14. Shipping products on consignment, except insofar as it is necessary to complete arrangements existing as of the effective date of the

Code, which arrangement shall be reported in writing to the Code Authority. No member of the Industry shall deliver the products thereof on consignment except to an affiliated company of such member. An affiliated company shall mean a company in which a member of the Industry has a voting control through the record or equitable title of the voting stock thereof, or has control of such company in any other manner.

15. The making of false statements or reports, written or oral, required pursuant to any of the provisions of this Code or any resolution duly adopted by the Code Authority.

ARTICLE X—MODIFICATION

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

2. After due notice and hearing this Code, except as to provisions required by the Act, may be modified on the basis of experience or changes in circumstances; such modifications shall be based on the recommendation of the Code Authority or of any interested party or group or on the Administrator's own initiative and shall become effective on approval by the President.

ARTICLE XI—MONOPOLIES, ETC.

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

ARTICLE XII—EFFECTIVE DATE

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

Approved Code No. 157.
Registry No. 299-2-18.



Approved Code No. 158

CODE OF FAIR COMPETITION

FOR THE

**STONE FINISHING MACHINERY AND
EQUIPMENT INDUSTRY**

As Approved on December 15, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Stone Finishing Machinery and Equipment Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said code of fair competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said code of fair competition complies in all respects with the pertinent provisions of title I of said act and that the requirements of clauses (1) and (2) of subsection (a) of section 3 of the said Act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report and recommendations, and findings of the Administrator and do order that the said code of fair competition be and it is hereby approved.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 15, 1933.

DECEMBER 6, 1933.

THE PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Stone Finishing Machinery and Equipment Industry, the hearing having been held in Washington, November 20, 1933, in accordance with the provisions of the National Industrial Recovery Act.

PROVISIONS AS TO HOURS AND WAGES

Factory workers are limited to 8 hours per day and 40 hours per week, except during peak periods, when they may work not more than 48 hours per week in any 6 weeks in any 6 months' period. Time and one half will be paid for all hours in excess of 8 per day or 40 per week. A tolerance of 10 percent over the 40 hours' maximum is permitted for employees engaged in preparation and care of plant, machinery, and production facilities, and for stock and delivery employees for six weeks in any six months' period.

The above limitations as to hours do not apply to employees in managerial or executive positions, outside service employees, traveling salesmen, or employees engaged in emergency maintenance or emergency repair work. Outside service employees and emergency maintenance and emergency repair employees receive time and one half over 8 hours per day or 40 hours per week.

The minimum wage for factory employees is 40 cents per hour. No distinction in wage rates will be made between male and female employees. Adjustment of wage rates above the minimum will be made.

A maximum of 40 hours per week is provided for clerical employees and the minimum wage will be in accordance with the President's Reemployment Agreement. Salaries now higher than the minimum will not be reduced because of the reduction in hours provided in the Code.

Office boys and girls and messengers will be paid at not less than 80% of the minimum for clerical employees, and the number of such employees, together with apprentices will not exceed 5% of the total number of employees of any employer.

CHILD LABOR

The minimum age will be 16 years, and no person under 18 will be engaged in any hazardous occupation.

ECONOMIC EFFECT OF THE CODE

This industry produces stone-sawing machines and other machines and equipment for finishing granite, marble, and other building stone

after the stone has been freed from the quarry bed. It has suffered severely from lack of building activity, and its sales are only about one third of the 1929 total of \$6,000,000. However, the industry has retained 46% of the number of employees it employed in 1929, or a present total of about 500.

The reduction in the hourly schedule from approximately 50 hours per week to 40 hours as provided in the Code increases employment less than 5 per cent because of the above-mentioned program of work sharing, but with any increase in building activity it is expected that an immediate reemployment of workmen will be effected.

FINDINGS

The Administrator finds that:

(a) The Code as recommended complies in all respects with the pertinent provisions of Title I of the Act, including, without limitation, subsection (a) of Section 7 and subsection (b) of Section 10 thereof; and that

(b) The applicant group imposes no inequitable restrictions on admission to membership therein and is truly representative of the Stone Finishing Machinery and Equipment Industry; and that

(c) The Code as recommended is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

It is recommended, therefore, that this Code be approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION

FOR THE

STONE FINISHING MACHINERY AND EQUIPMENT INDUSTRY

ARTICLE I—PURPOSE

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are submitted as a Code of Fair Competition for the Stone Finishing Machinery and Equipment Industry, and upon approval of the President shall be the standard of fair competition for this Industry.

ARTICLE II—DEFINITIONS

The following words are used in this Code with the meanings set forth:

a. "Stone Finishing Machinery and Equipment Industry" or "The Industry" is defined to mean the manufacture for sale of all machinery, tools, equipment, accessories, and products applicable to the process of finishing granite, marble, and free stones after such stones have been freed from the quarry bed; also applicable to the process of finishing precast or artificial stone except such machinery, tools, equipment, accessories, and products as are specifically included within any other basic Code of Fair Competition which has been or may be approved by the President; also the dressing or sharpening of pneumatic and hand chisels, quarry drills, and forged tools exclusively used in processing granite, marble, freestones, and artificial stones.

(b) "Association" shall mean Allied Stone Equipment & Supply Association.

(c) "Employee"—any person engaged in any phase of the Industry in any capacity in the nature of employee, irrespective of the method of payment of his compensation.

(d) "Employer"—anyone for whose benefit such an employee is so engaged.

(e) "Member of the Industry"—any person engaged in the Industry either as an employer or on his own behalf, who shall be subject to this Code.

(f) "Apprentice"—a person having no previous experience in the manufacture of stoneworking machinery, tools, equipment, accessories, and supplies, and who is being trained to become competent in skilled operations.

(g) "Act"—The National Industrial Recovery Act.

- (h) "The President"—The President of the United States.
 (i) "Administrator"—The Administrator of Title I of the National Industrial Recovery Act.
 (j) "Consumer"—A purchaser for actual or direct use.

ARTICLE III—HOURS

(a) No employee, except as hereinafter provided in exceptions, shall be permitted to work in excess of forty (40) hours per week or in excess of eight (8) hours per day.

(b) Exception: During any period of seasonal or peak demand any employee described in Paragraph (a) hereof may be permitted to work not to exceed forty-eight (48) hours per week in any six (6) weeks in any six (6) months' period, provided that time and one half shall be paid for all hours worked in excess of eight (8) hours in any one day or forty (40) hours in any one week.

(c) Exception: There shall be a tolerance of ten (10) percent additional hours over the forty (40) hours per week for any employee engaged in the preparation, care, and maintenance of plant, machinery, and production facilities, and for stock and shipping clerks and delivery employees; provided that such tolerance shall not result in such employees working in excess of forty-four (44) hours per week in any six (6) weeks in any six (6) months' period.

(d) Exception: During the period of the day from 6 o'clock a.m. until starting time of shop operations, and from the closing hour of shop operations until 6 o'clock p.m. and on Saturday, Sundays, and holidays, factory employees (other than mechanics or artisans) may be employed as watchmen only, subject to no other duty during these hours, provided that the combined hours engaged as factory workers and as watchmen shall not exceed forty-eight (48) hours in one (1) week of seven (7) days; provided, further, that their regular hourly rate as a factory worker shall be paid for the hours engaged as watchmen.

(e) Exception: The limitations as to hours of labor shall not apply to persons in a managerial, executive, or supervisory capacity who receive more than \$35.00 per week; nor to outside service and installation men, commercial traveling salesmen, or night watchmen; nor to employees engaged in emergency maintenance or emergency repair work; provided that employees engaged in outside service or installation work, or emergency maintenance or emergency repair work, shall be paid time and one half for all hours worked in excess of eight (8) hours in any one day or forty (40) hours in any one week. Night watchmen shall not work regularly in excess of forty-nine (49) hours per week.

(f) No employer shall work any accounting, clerical, service, or sales employee more than forty (40) hours per week on a semi-yearly average, nor more than forty-four (44) hours per week in any two (2) successive weeks.

(g) No employee shall work or knowingly be permitted to work for a total number of hours in excess of the number of hours prescribed for each day and week, whether employed by one or more employers.

ARTICLE IV—WAGES

(a) Except as otherwise herein provided, the minimum wage that shall be paid to any employee shall be forty (40) cents per hour.

(b) All employees mentioned in paragraph (f) of Article III shall be paid at the rate of not less than \$15.00 per week in cities of over 500,000 population or in the immediate trade area of such city; nor less than \$14.50 per week in any city of between 250,000 and 500,00 population or in the immediate trade area of such city; nor less than \$14.00 per week in any city of less than 250,000 population or in the immediate trade area of such city.

(c) No employees of the classes mentioned in paragraph (f) of Article III now receiving compensation at a rate in excess of the minimum provided in paragraph (b) of this Article IV, shall have their weekly compensation reduced on account of any reduction in the weekly hours of employment to conform with the requirements of paragraph (f) of Article III.

(d) Apprentices as defined in paragraph (f) of Article II shall, for the first six months of their employment, be paid at not less than eighty (80) percent of the minimum wage stipulated in paragraph (a) of this Article IV.

(e) Office boys and girls and messengers shall be paid at not less than eighty (80) percent of the minimum wage stipulated in paragraph (b) of this Article IV.

(f) The total number of apprentices, office boys and girls, and messengers shall not exceed five (5) percent of the total number of employees of any one employer, provided, however, that each employer shall be permitted to have at least two office boys or girls or messengers or apprentices:

(g) Where an employee's earnings on piecework, divided by the number of hours worked, produce a result under the minimum wage stipulated in Paragraph (a) of this Article IV, such earnings shall be so adjusted as to conform with the aforesaid minimum wage.

(h) The hourly wage rate, the base rates for piecework, and salary of all employees receiving more than the minimum rate or salary herein provided shall be equitably adjusted if such adjustments have not already been made.

(i) No distinction in rates shall be made between male and female employees where the same class of work is performed, regardless of whether compensation is calculated on an hourly, weekly, monthly, or piecework basis.

(j) No member of the Industry shall reclassify employees or duties of occupations performed by employees so as to defeat the purposes of the Act.

ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under 16 years of age shall be employed in this Industry, and no person under 18 years of age shall be employed in any hazardous operation. The Code Authority shall determine within ninety (90) days after the effective date the hazardous operations in the Industry and report same to the Administrator.

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

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

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

5. Within each State, members of the Industry shall comply with any laws of such State imposing more stringent requirements regulating the age of employees, wages, hours of work, or health, fire or general working conditions, than under this Code.

6. Within ten days after the effective date, each employer shall post and thereafter maintain in conspicuous places, full copies of this Code and any amendments or modifications which may later be authorized.

ARTICLE VI—ADMINISTRATION

1. To further effectuate the policies of the Act, a Code Authority is hereby set up to cooperate with the Administrator in the administration of this Code.

2. The Code Authority shall consist of five members of the Stone Finishing Machinery and Equipment Industry. The Administrator may appoint one or more additional members to serve without vote.

3. Members of the Code Authority shall be elected at a meeting of all members of the Industry, such meeting to be called as soon as reasonably possible after the approval of this Code by the President and before the effective date. The meeting shall be called by the Allied Stone Equipment & Supply Association and notice thereof shall be sent by telegraph or registered mail to every known member of the Industry. The notice shall specifically state that the vote at the meeting may be in person or by proxy.

4. The members of the Code Authority shall be elected by vote of the members of the Industry present in person or by proxy at such meeting, based upon:

(a) One member by a majority vote of members of the Industry present in person or by proxy.

(b) Four members by a 51-percent vote of members of the Industry present in person or by proxy, weighted on the basis of one vote for each \$100,000 or fraction thereof of sales of products of the Industry during the calendar year 1932, as reported to the Secretary of the Allied Stone Equipment & Supply Association; provided, however, that each member of the Industry shall have at least one vote under this Subsection (b).

(c) The result, showing the names of members comprising the Code Authority, together with its officers, shall be furnished to the Administrator prior to the effective date.

5. Members of the Code Authority to fill vacancies due to death or resignations or because a member thereof has ceased to be connected with the Industry, shall be elected at meetings of members of the Industry called by the Code Authority on notice of not less than ten days by mail to all known members of the Industry. At such meetings the vote shall be taken in the manner described in Section 4 (b) of this Article VI.

6. The Code Authority shall have the following duties and powers to the extent permitted by the Act:

(a) To collect from members of the Industry all data, reports, and statistics when and as required by the President and/or the Administrator and/or their agent or agents and/or the Code Authority. Such information shall be confidential. Each member shall send his data to a Neutral Agency designated by the Code Authority, in a plain envelope contained in an envelope addressed to the Neutral Agency. This Neutral Agency shall assemble all such data and present to the Code Authority only the combined totals. Each member shall retain copies of his own data to be sent direct by him to the Administrator, if required by the latter. Reports submitted by the Code Authority to the Administrator shall be in the form prescribed and/or approved by him.

(b) To represent the Industry in conferring with the President or his agents with respect to the administration of this Code and in respect to the Act and any regulation issued thereunder.

(c) To hear and investigate complaints, and attempt to adjust the same in accordance with law.

(d) To coordinate the administration of this Code with such Codes, if any, as may be adopted by any subdivision of this Industry, or any related Industry, with a view to providing joint and harmonious action on all matters of common interest.

(e) To study the trade practice provisions of Article VII hereof and the operation thereof, and make to the Administrator from time to time such recommendations as it deems desirable for modification or addition thereto, which, upon the approval of the President, after such hearing as he may prescribe, shall become part of this Code and have full force and effect as provisions hereof.

(f) To make rules and regulations necessary for the Administration of this Code.

(g) In addition to information required to be submitted to the Code Authority, there shall be furnished to government agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act.

7. (a) Any member of the Industry is eligible for membership in the Association and there shall be no inequitable restrictions on such membership.

(b) Any member of the Industry may participate in the preparation and any revision of and additions or supplements to this Code by assuming his share of the responsibility of administering it and paying his proper pro-rata share of the cost of creating and administering it, either by becoming a member of the Association or by paying his proper share of the costs to the Code Authority. There shall be no initiation fee for members of the Industry who participate only in the Code and do not become members of the Association.

ARTICLE VII—UNFAIR PRACTICES

1. For all purposes of this Code the following acts shall constitute unfair practices and each such act shall be a violation of this Code:

(a) Inducing or attempting to induce by any means any party to a contract with a member of the Industry to violate such contract, with the purpose or effect of unduly hampering, injuring, or embarrassing competitors.

(b) Making false or misleading statements or descriptions, false advertising, or misbranding products.

(c) Disseminating, publishing, or circulating any false or misleading information relative to any product or price for any product of any member of the Industry, or the credit standing or ability of any member thereof to perform any work or manufacture or produce any product, or to the conditions of employment among the employees of any member thereof, having the tendency or capacity to mislead or deceive purchasers or prospective purchasers, or the tendency injuriously to affect the business of competitors.

(d) For the purpose of inducing or influencing a sale, making or promising to any purchaser or prospective purchaser of any product of the Industry, or to any officer, employee, agent, or representative of any such purchaser or prospective purchaser, any bribe, gratuity, gift, or other payment or remuneration, directly or indirectly.

(e) For the purpose of inducing or influencing a sale, direct or indirect, lavish or excessive entertainment of any purchaser or prospective purchaser of the products of the Industry.

(f) Obtaining or endeavoring to obtain business by threats or coercion.

(g) Selling or offering to sell shopworn, obsolete, second-hand, or rebuilt products of the Industry without filing full description, prices, and terms with the Code Authority not less than two weeks before such sale or offer for sale, and stating in writing the facts and reasons for such proposed disposal. The Code Authority shall promptly notify all competitive members of the Industry of the description, prices, and terms of such proposed sale.

(h) Selling or offering to sell any product of the Industry made from any but new material, it being the intention to prohibit the sale or offer of sale of any product of the Industry made from material which has theretofore been in use for any purpose whatsoever, or which has not been purchased by the vendor as new material.

(i) Selling or offering to sell, billing, or charging for any sale on a quantity basis unless the quantity is definitely specified in the order and is to be shipped, billed, and charged within ninety (90) days and paid for in accordance with the established terms of the vendor.

(j) Guaranteeing against advances and declines in prices, discounts or terms of sale of the products of the Industry, and giving notice to customers or prospective customers in advance of the effective date of such changes in prices, discounts, or terms of sale, as filed with the Code Authority as provided in Section 1 of Article VIII.

(k) Allowing price reductions or rebates to any purchaser on the basis of combining separate orders.

(l) Accepting or offering to accept old or used products of the Industry as payment, in whole or in part, for products of the Industry.

(m) Consigning products of the Industry to a consumer.

(n) Improperly dating any invoice.

(o) Changing quotations, except for bona fide changes in specifications or to correct bona fide errors.

(p) Storing products of the Industry on the property of any consumer without making reasonable remuneration for such storage.

(q) Selling or offering to sell below individual's cost. The Code Authority with the approval of the Administrator shall as soon as reasonably convenient determine a uniform method of cost accounting to be used by all members of the Industry in arriving at cost.

(r) Making or offering to make to a purchaser or prospective purchaser a guarantee or warranty more liberal than determined from time to time by the Code Authority and approved by the Administrator.

(s) Making adjustments other than those which are strictly within the guarantee offered at the time of sale, except with the approval of the Code Authority.

ARTICLE VIII—TERMS AND PRICES

1. Since it has been the generally recognized practice of the Industry to sell products on the basis of printed net price lists or price lists with discount sheets, and fixed terms of sale, which are distributed to the trade, each member of the Industry shall within fifteen (15) days after the effective date file with the Code Authority his catalogues or descriptive literature of all his products of the Industry, with a net price list or a price list and discount sheet as the case may be, individually prepared by him, showing his current net prices or prices and discounts, maximum resale discounts and terms of sale. Sufficient copies and revisions thereof of printed net price lists or price lists with discount sheets, and fixed terms of sale shall be furnished to the Code Authority for distribution by it to the members of the Industry affected thereby.

2. Revised net price lists, or price lists with discount sheets, may be filed from time to time thereafter with the Code Authority by any member of the Industry to become effective upon a date specified by such member of the Industry, which date shall be not less than five (5) days after the filing of such revised prices at the office of the Code Authority, and copies thereof, with notice of the effective date specified, shall be immediately sent to all known members of the Industry affected thereby, who may file, if they so desire, revisions of their net price lists or price lists with discounts sheets, which may take effect upon the date when the revised net price lists or price lists with discount sheets first filed shall go into effect.

3. If the Code Authority shall determine that any member of the Industry is not selling his products on the basis of price lists, with or without discount sheets, with fixed terms of sale, and that a system

of selling on net price lists or price lists and discount sheets should be put into effect, the Code Authority shall thereupon notify such member of the Industry and such member of the Industry shall, within ten (10) days after such notice, file with the Code Authority net price lists or price lists with discount sheets containing fixed terms of sale. Such net price lists or price lists with discount sheets and terms of sale may be revised in the manner hereinabove provided.

4. No member of the Industry shall sell or exchange any product of the Industry at prices lower or with discounts greater or on more liberal terms of sale than the schedule of such member on file at the office of the Code Authority as above provided. Each invoice shall show in detail the identity of the product and unit price charged therefor.

5. Each member shall advance, as a matter of record for use of the membership, credit information the lack of which would otherwise jeopardize the best interests of the members with certain customers.

(a) Customers' accounts with individual members requiring legal action for collection and accounts not taken care of for a period of ninety (90) days which are still being carried on the books of individual members, and in which every reasonable effort has been made by the member to collect, shall be recorded with a Neutral Agency designated by the Code Authority and furnished by the Neutral Agency to other members upon their request.

(b) Customers' accounts not settled due to disputed claims shall be so recorded with the Neutral Agency, with full information as to the nature of such dispute.

(c) Any member may request from the Neutral Agency such credit information as he may desire relative to customers in the trade. If no such information is on file with the Neutral Agency, the Neutral Agency shall endeavor to obtain such information from members of the Industry. Upon receiving such credit information from the members, the Neutral Agency shall make it available to the inquiring member and make a record of the data, which record shall be always open to inspection by the Code Authority and the Administrator.

(d) Any member advancing false or misleading credit information to the said Neutral Agency regarding any customer shall be guilty of a violation of this Code.

6. No member of the Industry shall allow more liberal terms than as follows:

(a) A cash discount not exceeding two percent of the amount of the invoice if invoice is paid on or before the tenth day of the month following date of invoice.

(b) The free credit period shall not exceed sixty (60) days from date of invoice. Interest at the rate of six (6) percent shall be charged on all invoices remaining unpaid beyond the free credit period.

ARTICLE IX—GENERAL

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

of the said Act and specifically, but without limitation, to the right of the President to cancel or modify his approval of this Code or any conditions imposed by him upon his approval thereof.

2. Such provisions of this Code as are not required to be included therein by the Act may, with the approval of the President, be modified or eliminated as changes in the circumstances or experience may indicate. It is contemplated that from time to time supplementary provisions to this Code or additional Codes will be submitted for the approval of the President to prevent unfair competition in price and other unfair and destructive competitive practices and to effectuate the other purposes and policies of Title I of the Act consistent with the provisions thereof.

3. No provision in this Code shall be interpreted or applied in such manner as to—

- (a) Promote monopolies or monopolistic practices.
- (b) Permit or encourage unfair competition.
- (c) Eliminate or oppress small enterprises.
- (d) Discriminate against small enterprises.

4. If any member of this Industry is also a member of any other Industry, the provisions of this Code shall apply to and affect only that part of the business and employment of such member of the Industry which is a part of the Industry covered by this Code.

ARTICLE X—EFFECTIVE DATE OF THIS CODE

This Code shall be in effect on the eleventh day after its approval by the President, and shall apply to every person engaged in the Industry either as an employer or on his own behalf.

Approved Code No. 158.
Registry No. 1399-26.



Approved Code No. 159

CODE OF FAIR COMPETITION

FOR THE

**DRY AND POLISHING MOP MANUFACTURING
INDUSTRY**

As Approved on December 15, 1933

BY

FRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Dry and Polishing Mop Manufacturing Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said code of fair competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said code of fair competition complies in all respects with the pertinent provisions of title I of said act and that the requirements of clauses (1) and (2) of subsection (a) of section 3 of the said act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations, and findings of the Administrator, and do order that the said code of fair competition be and it is hereby approved.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 15, 1933.

DECEMBER 4, 1933.

The PRESIDENT,
The White House.

SIR: This is the report on the Code of Fair Competition for the Dry and Polishing Mop Manufacturing Industry, submitted by the National Polish and Mop Manufacturers Association.

The public hearing was conducted in Washington, D.C., on November 23, 1933. Every person who requested an appearance was freely heard in accordance with statutory and regulatory requirements. The code was presented by duly qualified and authorized representatives of the industry, complying with the requirements as representing 60 percent of the number of producers and 75 percent of the volume of the industry.

FAIR TRADE PRACTICES

It was pointed out at the hearing, that it is vital for the industry to include a provision against selling below cost. This provision is aimed at restricting the prevailing practice of offering mops in combination with the products of other industries. In this case the mop is sold at a nominal price, usually fictitious and having no relation to its true worth. Oftentimes the mop is given away as an inducement to buy the other article. The other product usually carries an excessive mark-up, which remains the same even though the consumer may not buy, or even desire, the mop.

Discriminatory trade practices have caused the industry to request a ban on consignment selling because this form of distribution has been used as a weapon to drive competitors out of the market. In the past, certain manufacturers have consigned large quantities of their merchandise and allowed long credit terms to retail outlets, with the agreement that the retailers would discontinue other brands of similar merchandise. To avoid a repetition of this, the industry has requested that the code completely prevent consignment selling.

LABOR PROVISIONS

The provisions having to do with hours of labor are similar to those in the Code of Fair Competition for the Soap and Glycerine Industry, already approved. This was necessary from the practical standpoint, as the great majority of dry mop manufacturers produce polishes and waxes in the same plant. It has already been established that the production of these waxes and polishes are under the Soap and Glycerine Code.

The industry is composed of 25 manufacturers, of which 15 are members of the association. This group employs a total of 536 persons at an average wage of approximately 45 cents per hour. It is estimated that the remaining firms in the industry, who are not

members of the association, employ approximately 100 additional people. No statistics are available showing the wages of this last group.

The industry has been operating under the terms of the President's Recmployment Agreement which has reduced the hours of employees 17% from the 1932 average. The increase in wages since June 1933 averages 25% between employees in the highest paid plants and those in the lowest paid plants. It is estimated that there are now more employees in the industry than there were in 1929, with a wage slightly in excess of that received 4 years ago.

In view of the fact that there is a definite feeling among the institutions for the blind that they wish to act in accordance with the spirit of the National Industrial Recovery Act, the code provides for cooperation between the Code Authority and a committee established to represent the institutions for the blind. This latter committee is to be composed of the Chairman of the Code Committee of the American Association of Workers for the Blind, the President of this Association, or his representative, and a representative from the American Foundation for the Blind. The minimum wage and maximum hour provisions of the Code will not apply to institutions for the blind which comply with the regulations promulgated by this committee in cooperation with the Code Authority and approved by the Administrator.

CONCLUSION

I find that—

The Code complies in all respects with the pertinent provisions of Title I of the National Industrial Recovery Act, including without limitation subsection (a) of Section 7, and subsection (b) of Section 10 thereof.

The National Polish and Mop Manufacturers Association is truly representative of the Dry and Polishing Mop Manufacturing Industry and the bylaws of this association provide no inequitable restriction upon membership.

Accordingly, I recommend the approval of the Code of Fair Competition for the Dry and Polishing Mop Manufacturing Industry.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION

FOR THE

DRY AND POLISHING MOP MANUFACTURING INDUSTRY

ARTICLE I—PURPOSE

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Dry and Polishing Mop Manufacturing Industry, and shall be the standard of fair competition for such industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

The term "industry" as used herein includes the manufacture and sale by manufacturers of dry and polishing mops, hand polish applicators, and dusters, and such branches or subdivisions thereof as may from time to time be included under the provisions of this Code.

The term "employee", as used herein, includes anyone engaged in the industry in any capacity receiving compensation for his services, irrespective of the nature or method of payment of such compensation.

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

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

The term "Association", as used herein, means the National Polish and Mop Manufacturers Association.

The term "southern states", as used herein, includes Virginia, Kentucky, North Carolina, South Carolina, Tennessee, Arkansas, Georgia, Alabama, Mississippi, Louisiana, Texas, and Florida.

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

ARTICLE III—HOURS

A. No employee shall work or be permitted to work in excess of an average of 40 hours per week in any six months' period, but in no case in excess of 48 hours in any one week, except as follows:

1. Technical or professional employees such as chemists engaged in their technical or professional capacity who receive more than \$35 per week but not including skilled operating personnel; employees in a managerial, supervisory, or executive capacity who receive \$35 or more per week; supervisors or highly skilled workers in continuous processes where restriction of hours would unavoidably reduce production, and who receive \$35 or more per week; and outside salesmen.

2. Employees on automotive or horse-drawn passenger, express, delivery or freight service, who shall not work or be permitted to work in excess of an average of 44 hours per week in any six months' period or in excess of 48 hours in any calendar year.

3. Engineers, firemen, water tenders, and oilers, who shall not work or be permitted to work in excess of 48 hours a week.

4. Watchmen, who shall not work or be permitted to work in excess of 56 hours a week.

5. Employees on emergency maintenance and repair work, whose hours may be unlimited when engaged in such emergencies.

B. If any employee, except those specified in paragraphs 1 and 4 of Section A of this Article, works in excess of 8 hours in any 24-hour period, or in excess of 40 hours in any calendar week, the wage paid for excess hours shall not be less than one and one third the regular hourly rate.

C. If any employee works for more than one employer, no such employer or employers shall knowingly permit such employee to work for a total number of hours in excess of the number of hours prescribed, and all employers in the industry shall exercise due diligence to carry out the purpose of this section.

ARTICLE IV—WAGES

A. No employee shall be paid less than 32½¢ per hour, or in southern states less than 30¢ per hour.

1. This Article establishes a minimum rate of pay, regardless of whether an employee is compensated on a time-rate, piecework, or other basis.

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

3. Wage differentials existing prior to June 16, 1933, shall be maintained for all employees receiving more than the minimum herein prescribed, notwithstanding that the hours worked may be hereby reduced. All employers shall report to the Code Authority within one month after the effective date of this Code such readjustment of pay schedules.

ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under sixteen (16) years of age shall be employed in the industry, nor anyone under eighteen (18) years of age at operations or occupations hazardous in nature or detrimental to health. In any State an employer shall be deemed to have complied with this provision if he shall have on file a certificate or permit duly issued by the authority in such State empowered to issue employment or

age certificates or permits, showing that the employee is of the required age.

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

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

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

5. Within each State this Code shall not supersede any laws of such State imposing more stringent requirements on employers regulating the age of employees, wages, hours of work, or health, fire, or general working conditions than under this Code.

6. Employers shall not reclassify employees or duties of occupations performed by employees so as to defeat the purposes of the Act.

7. Each employer shall post in conspicuous places full copies of the labor provisions of this Code.

ARTICLE VI—ADMINISTRATION

To further effectuate the policies of the Act, a Code Authority is hereby constituted to cooperate with the Administrator in the administration of this Code.

1. Organization and constitution of Code Authority.

(a) The Code Authority shall consist of five (5) individuals, or such other number as may be approved from time to time by the Administrator, to be selected as hereinafter set forth. The Administrator, in his discretion, may appoint not more than three additional members without vote to represent the Administrator or such groups or interests as may be agreed upon, without expense to the industry.

(b) Four members of the Code Authority shall be selected by the Association from among its membership by ballot, and one member shall be selected by the nonmembers.

(c) The Association shall: (1) Impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of association, bylaws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

(d) In order that the Code Authority shall at all times be truly representative of the industry and in other respects comply with the provisions of the Act, the Administrator may provide such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an ap-

propriate modification in the method of selection of the Code Authority.

2. The Code Authority shall have the following duties and powers to the extent permitted by the Act, subject to the right of the Administrator on review to disapprove or modify any action taken by the Code Authority.

(a) With a view to informing the President and the Administrator as to the observance of this Code, and as to whether the industry is taking appropriate steps to effectuate the declared policy of the Act, each member of the industry shall furnish duly certified reports in the form and as required by the Code Authority on production, orders, sales, prices, and conditions of employment. The Association is hereby constituted the agency for the collection and receipt of such reports and for the forwarding of such reports to the Administrator; and all such reports shall be held in strict confidence by the Association, except when they shall be required by the Administrator or the Code Authority in connection with a violation of the provisions of this Code.

(b) The Code Authority may from time to time present to the Administrator recommendations based on conditions in the industry as they may develop which will tend to effectuate the operation of the provisions of this Code.

(c) The Code Authority is also set up to cooperate with the Administrator in making investigations as to the functioning and observance of any provisions of this Code, at its own instance or on complaint of any person affected, and to report the same to the Administrator.

(d) Members of the industry shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the selection of the members thereof by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the expenses of its administration. The reasonable share of the expenses shall be determined by the Code Authority, subject to review by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable to be taken into consideration.

3. In addition to the information required to be submitted to the Code Authority, there shall be furnished to government agencies by the Association such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act, providing all such requests are accompanied by the signed approval of the Administrator and an adequate supply of questionnaires to be distributed to the members of the industry by the Association for the collection and compilation of such statistics.

4. The Industry recognizes the humane consideration attached to products of institutions for the blind, and in order to give constructive assistance and to prevent unfair competition, it is the will and purpose of the Industry to cooperate with such institutions. To effectuate such purpose, a committee as hereinafter provided, shall be recognized by the Code Authority for the purpose of conferring with the Code Authority and adjusting all matters arising out of the competition of the products of the blind as they affect this industry. This committee shall secure necessary data from institu-

tions for the blind relative to all matters affecting competition of the blind in this industry. The committee shall be made up as follows: Chairman of the Code Committee of the American Association of Workers for the Blind, President or his representative of the American Association of Workers for the Blind, and a representative from the American Foundation for the Blind. The minimum wages and maximum hours provisions shall not apply to institutions for the blind which comply with the rules and regulations of the above committee, after approval by the Administrator.

ARTICLE VII—TRADE PRACTICES

The following practices constitute unfair methods of competition for members of the industry and are prohibited:

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

2. *Misrepresentation or False or Misleading Advertising.*—The making or causing or knowingly permitting to be made or published any false, materially inaccurate, or deceptive statement by way of advertisement or otherwise, whether concerning the grade, quality, quantity, substance, character, nature, origin, size, finish, or preparation of any product of the industry, or credit terms, values, policies, or services of any member of the industry, or otherwise, having the tendency to mislead or deceive customers or prospective customers.

3. *Commercial Bribery.*—Directly or indirectly to give or permit to be given, or offer to give, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitor's customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase from the makers of such gift or offer, or to influence such employers or principals to refrain from dealing or contracting to deal with competitors.

4. *Interference with Contractual Relations.*—Maliciously inducing or attempting to induce the breach of an existing oral or written contract between a competitor and his customer or source of supply, or interference with or obstructing the performance of any such contractual duties or services.

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

6. *Giving of Prizes, Premiums, or Gifts.*—The offering or giving of prizes, premiums, or gifts in connection with the sale of products, or as an inducement thereto by any scheme which involves lottery, misrepresentation, or fraud.

7. *Defamation.*—The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts,

questionable credit standing, or by other false representations or by false disparagement of the grade or quality of their goods.

8. *Threats of Litigation.*—The publishing or circularizing of threats of suits for infringement of patents or trade marks or of any other legal proceedings not in good faith, with the purpose of harassing competitors or intimidating their customers.

9. *Espionage of Competitors.*—Securing confidential information concerning the business of a competitor by a false or misleading statement or representation, by a false impersonation of one in authority, by bribery, or by any other unfair method.

10. *Sales Below Cost.*—The Code Authority shall formulate or cause to be formulated a uniform accounting system which shall be adaptable to the cost accounting procedure and to the business of the Industry. Such plan shall specify the factors which shall be included in determining the costs of each member of the Industry. Upon approval by the Administrator of such a system of cost accounting for the Industry, complete advice concerning it shall be distributed by the Code Authority to all members of the Industry. Thereafter no member of the Industry shall sell the products of the Industry at such prices or upon such terms and conditions of sale as will result in the purchaser's paying for such product less than the cost thereof to the seller, determined in accordance with the aforesaid system of cost accounting, except (1) to meet competition, not instigated directly or indirectly by the party desiring to meet such competition, and (2) to meet competition in violation of this rule concerning which he has made complaint to the Code Authority or any authorized agency thereof, but only pending action thereon, and (3) to liquidate stocks of distress merchandise under such conditions as may be approved by the Code Authority and the Administrator.

11. *Published Prices.*—Within ten (10) days each member of the Industry shall publish to the trade, and file with the Code Authority, a price list for all products of the Industry sold or offered for sale by him, together with the discounts and transportation allowances, if any, allowed therefrom, and fixed terms of payment; which price lists shall fully and accurately describe each product as to color, treatment and weight of yarn, type of individual packaging, and the finish of the handle, if included. Revised price lists or revised discounts or terms and conditions of sale may be filed and published from time to time thereafter by any member of the Industry, provided, however, that such revision shall be published and filed with the Code Authority at least ten days in advance of the effective date thereof. Copies of revised price lists and discounts with notice of the effective date specified shall be sent immediately by the Code Authority to all known members of the Industry, who thereupon may file, if they so desire, revisions of their price lists and/or discounts, which may become effective upon the date when the revised price lists or discounts first filed shall go into effect.

12. *Sales Below Published Prices.*—No member of the Industry shall sell or offer for sale any products of the Industry at prices lower than the prices noted in his price list or on more favorable terms and conditions of sale than the terms and conditions of sale previously published and filed by such member with the Code Authority in

accordance with the foregoing provisions and in effect at the time of such sale.

13. *False Invoices.*—The making of any false invoice with the intent or with the effect of misleading the Code Authority.

14. *Consignment.*—The sale or offering of any products of the industry on consignment.

15. *Other Practices.*—Nothing in this Code shall limit the effect of any adjudication by the Courts or holding by the Federal Trade Commission on complaint, finding, and order, that any practice or method is unfair, providing that such adjudication or holding is not inconsistent with any provision of the Act or of this Code.

ARTICLE VIII—MODIFICATION

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

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

ARTICLE IX—MONOPOLIES, ETC.

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

ARTICLE X—PRICE INCREASES

Whereas the policy of the Act to increase purchasing power will be made impossible of consummation if prices of goods and services increase as rapidly as wages, it is recognized that price increases should be delayed and that, when made, the same should, so far as reasonable, be limited to actual increases in the seller's costs.

ARTICLE XI—EFFECTIVE DATE

1. The provisions of this Code shall be in effect ten (10) days after its approval by the President.

2. This Code shall terminate when the President or the Congress shall declare the Act has ceased to be effective.

Approved Code No. 159.
Registry No. 1609-05.

Approved Code No. 160

CODE OF FAIR COMPETITION

FOR THE

FUR TRAPPING CONTRACTORS INDUSTRY

As Approved on December 15, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Fur Trapping Contractors Industry, and hearings have been held thereon and the Administrator having rendered his report containing an analysis of the said code of fair competition, together with his recommendations and findings with respect thereto, and the Administrator having found that the said code of fair competition complies in all respects with the pertinent provisions of title I of said Act and that the requirements of clauses (1) and (2) of subsection (a) of section 3 of said act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations, and findings of the Administrator and do order that the said code of fair competition be and is hereby approved.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,

Administrator.

THE WHITE HOUSE,

December 15, 1933.

DECEMBER 13, 1933.

The PRESIDENT,
The White House.

SIR: This is a report of the hearing on the Code of Fair Competition for the Fur Trapping Contractors Industry conducted in Washington on December 8th and 9th, 1933, in accordance with the provisions of the National Industrial Recovery Act.

The minimum wages provided in this code are forty cents (40¢) per hour when the employer furnishes all board, lodging, traps, and other paraphernalia and equipment necessary and generally used in successful trapping operations, or fifty cents (50¢) per hour net. On this basis the employee shall provide himself with all necessary equipment and his own board and lodging. Apprentice and other employees whose primary duty is to prepare and cure pelts shall receive not less than fifteen dollars (\$15.00) per week.

Due to the fact that this industry is purely a seasonal one, operating only three months in the year, and during this period weather conditions may either lengthen or shorten the number of hours worked in any one day, no maximum hour provisions are contained in the Code.

No person under sixteen (16) years of age shall be employed or engaged in this Industry.

This Industry is a comparatively new one. Shortly after the War there was a land boom in the State of Louisiana which encouraged purchasing of swamp lands for the oil and mineral rights. Shortly thereafter it was realized that the trapping of fur animals, primarily the muskrat, had become a genuine source of revenue from these holdings.

The owners of the land, most of whom were nonresidents of the community, then sought a way to control the fur trapping on their property and the system of leasing or licensing land to fur dealing lessees was evolved. Under this system the lessees contracted with fur trappers for the privilege of trapping on these lands.

Due to the lack of organization and the general ignorance of these fur trapping contractors many abuses have resulted. In the past few years the inequitable contracts and abuses thereof have resulted in numerous injunctions against trespassers, misunderstandings, and occasional open warfare between lessees and the fur trappers.

In 1928 approximately 7,500 trappers' licenses were issued in the muskrat breeding section of Louisiana. In 1932 it is estimated approximately 5,000 fur trapping contractors were engaged in the industry. These figures do not include apprentices and helpers, and no accurate figure is available on this number. In the opinion of the Administrator the Code as it now stands by its assurance of a fair contract, will cause the number of fur trapping contractors to reach the 1928 figure. In addition, it will greatly increase the buying power and improve the living standards of those now engaged in the industry.

FINDINGS

The Administrator finds that:

(a) The Code, as recommended, complies in all respects with the pertinent provisions of Title I of the Act, including, without limitation, subsection (a) of Section 7 and subsection (b) of Section 10 thereof; and that

(b) The Trappers Alliance, the applicant group herein, imposes no inequitable restrictions on admission to membership and is truly representative of the Fur Trapping Contractors Industry; and that

(c) The Code, as recommended, is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

This Industry has cooperated in a most satisfactory manner with the Administration in the preparation of this Code. From evidence adduced during this hearing and from recommendations and reports of the various Advisory Boards it is believed that this Code, as now proposed and revised, represents an effective, practical, equitable solution for the problems confronting the Industry and its approval as herewith submitted is recommended.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION

FOR THE

FUR TRAPPING CONTRACTORS' INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions shall constitute the Code of Fair Competition for the Fur Trapping Contractors' Industry, and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

SECTION 1. The term "industry" as used herein is defined to mean the trapping by contractors of fur animals where the primary catch is Southern muskrat and/or preparing the pelts of said animals by said contractors.

SEC. 2. The term "owner" as used herein is defined to mean all those who own lands from which fur animals are captured.

SEC. 3. The term "lessee" as used herein is defined to include all those who lease lands from which fur animals are captured.

SEC. 4. The term "fur trapping contractor" as used herein is defined to include all those who undertake, whether by written or oral contract, to perform substantially in its entirety, either personally or by direct employment on a wage basis, the work of trapping fur animals.

SEC. 5. The term "employer" as used herein is defined to mean any fur trapping contractor as defined herein.

SEC. 6. The term "employee" as used herein is defined to mean any person employed by a fur trapping contractor.

SEC. 7. The terms "President", "Act", and "Administrator" as used herein shall mean respectively the President of the United States, Title I of the National Recovery Act, and the Administrator of said Act.

ARTICLE III—LABOR PROVISIONS

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

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

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

SEC. 2. *Minimum Wages.*—Each employee engaged as a fur trapper shall be engaged on either of the following scales, except as otherwise herein provided:

(a) Forty cents (40¢) per hour and the furnishing by his employer of all board, lodging, traps, and other paraphernalia and equipment necessary and generally used in successful trapping operations; or

(b) Fifty cents (50¢) per hour net. On this basis the employee shall provide himself with all necessary equipment and with his own board and lodging.

(c) Apprentice and other employees whose primary duty is to prepare and cure pelts shall receive not less than fifteen dollars (\$15) per week.

(d) These minimum wages are not required to be paid to a fur-trapping contractor or to individuals employed as fur trappers on a percentage basis.

SEC. 3. *Child Labor.*—(a) No person under 16 years of age shall be employed or engaged in this industry.

(b) No person under 18 years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. The Code Authority shall submit to the Administrator within 30 days after the approval of this Code a list of such occupations or operations.

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

SEC. 5. All employers shall post complete copies of this Code in conspicuous places readily accessible to employees.

ARTICLE IV—ADMINISTRATION

SECTION 1. There shall be constituted a Code Authority to be selected as follows: Five persons to be selected by a representative vote of fur trapping contractors, at least two of whom shall be fur trapping contractors. Not more than three members without vote may be appointed by the Administrator.

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

SEC. 3. In order that the Code Authority shall at all times be truly representative of the Industry and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter if he shall find that

the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, he may require an appropriate modification of the membership thereof and/or of the method of selection of the Code Authority.

SEC. 4. Members of the Industry shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the selection of the members thereof by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the expenses of its administration. Such reasonable share of the expenses of administration shall be determined by the Code Authority, subject to review by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable.

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

SEC. 6. *Powers and Duties.*—The Code Authority shall have the following further powers and duties, the exercise of which shall be reported to the Administrator and shall be subject to his right, on review, to disapprove or modify any action taken by the Code Authority.

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

(b) To adopt bylaws and rules and regulations for its procedure and for the administration and enforcement of this Code.

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

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

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

(f) To secure from members of the Industry an equitable and proportionate payment of the reasonable expenses of maintaining the Code Authority and its activities.

(g) To cooperate with the Administrator in regulating the use of any N.R.A. insignia solely by those members of the Industry who have assented to, and are complying with this Code.

(h) To recommend to the Administrator further fair-trade practice provisions to govern members of the Industry in their relations with each other or with other trades and to recommend to the Administrator measures for industrial planning, including stabilization of employment.

(i) To support and aid in the enforcement of all State and Federal conservation laws.

SEC. 7. Branches or subdivisions of the Industry, including product divisions and/or geographical sections of the Industry, may, when approved by the President or his authorized representative, establish their own planning and fair-practice agencies, which shall be self-governing in respect to conditions or problems relating exclusively to said branches or subdivisions, providing that no action of any such agency shall be inconsistent with the purposes and provisions of this Code or the Act; and provided further that no supplemental agreements, recommendations, or provisions shall be submitted to the President by the Code Authority or planning and fair-practice agency without first having been approved by duly recorded votes of branches or subdivisions concerned. The method in voting in each branch or subdivision shall be fair and equitable and subject to the approval of the Administrator. Members of each branch or subdivision shall bear their proportionate shares of the expenses of maintenance of such branch or subdivision. Application for the establishment of any planning and fair-practice agency, and any recommendations or reports by such agency when established, shall be transmitted promptly to the President or his authorized representative through the Code Authority.

ARTICLE V—FAIR TRADE PRACTICES

SECTION 1. No fur trapping contractor shall enter into any contract involving the work of trapping fur animals on a percentage basis, by or through which, directly or indirectly, he shall receive, or retain, less than 70 percent of his catch. Provided, however, that if the other party to the contract provides without cost to the contractor equipment, lodging, medical treatment, or assistants to aid in the fulfillment of the contract, the fur-trapping contractor may agree to receive less than 70 percent of his catch, but such contract shall be subject to the approval of the Code Authority, which approval or disapproval shall be subject to review by the Administrator.

SEC. 2. No fur-trapping contractor shall enter into any contract involving the work of trapping fur animals which does not provide that the division of said catch shall be made by either of the following methods:

(a) All furs, skins, or pelts trapped by the fur-trapping contractor shall be graded promptly by the fur-trapping contractor, and division shall be made by the proper owner or lessee or agent thereof, or

(b) All furs, skins, or pelts shall be graded by the proper owner or lessee, or agent thereof, and division shall be made by the fur-trapping contractor.

(c) Such division by whomsoever effected shall be made on the same percentage basis for each respective grade.

SEC. 3. No fur-trapping contractor shall enter into any contract involving the work of trapping fur animals which does not contain a provision whereby the contractor retains the right to sell his percentage of the catch in the open market or at public auction or otherwise.

SEC. 4. No fur-trapping contractor shall publish or circulate unjustified or unwarranted threats of legal proceedings which tend to have the effect of harassing or intimidating competitors. Failure to prosecute in due course shall be prima facie evidence that any such threat is unwarranted or unjustified.

SEC. 5. No fur-trapping contractor shall join or participate with another contractor who with such contractors constitute a substantial number of members of the industry, or who together control a substantial percentage of the industry, in any transaction known in law as a blacklist, including any practice or device (such as a whitelist) which accomplishes the purpose of a blacklist.

SEC. 6. No fur-trapping contractor shall enter into any contract by or through which he shall agree to run more than 250 traps per day.

SEC. 7. All contract forms entered into or to be entered into by any member of the fur-trapping industry shall be approved by the Code Authority, subject to review by the Administrator, at the request of any party at interest.

SEC. 8. It shall be the duty of the Code Authority to use its best efforts to provide measures preventing poaching, trespassing, or bootlegging of pelts, and poaching, trespassing, and bootlegging of pelts is hereby declared detrimental and injurious to the fur-trapping industry generally. Furthermore, each contractor assenting to this Code expressly agrees that in so doing he pledges himself directly to aid in every way possible to stamp out from the industry these illegal practices.

SEC. 9. Any fur trapping contractor, who prior to the effective date of this Code, entered into a contract, the provisions of which are not in conformity with the provisions hereof, shall make a bona fide effort to arrive at an equitable adjustment of the terms and conditions fixed by said contract; and in the event such effort fails to result in a mutually satisfactory adjustment, either party to said contract may refer the same for adjustment to the Code Authority of the industry, which said Code Authority with the aid and assistance of the Administrator or his properly designated agent or agents shall endeavor to arrive at an equitable adjustment thereof.

ARTICLE VI—GENERAL

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

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

SEC. 3. No provision of this Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress or discriminate against small enterprises.

ARTICLE VII—EFFECTIVE DATE

This Code shall become effective five days after its approval by the President.

Approved Code No. 160.
Registry No. 917-09.



Approved Code No. 161

CODE OF FAIR COMPETITION

FOR THE

FUR DRESSING AND FUR DYEING INDUSTRY

As Approved on December 18, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Fur Dressing and Fur Dyeing Industry, and hearings having been held thereon, and the Administrator having rendered his report containing an analysis of the said code of fair competition together with his recommendation and findings with respect thereto, and the Administrator having found that the said code of fair competition complies in all respects with the pertinent provisions of title I of said act and that the requirements of clauses (1) and (2) of subsection (a) of section 3 of the said act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations, and findings of the Administrator and do order that the said code of fair competition be and is hereby approved.

FRANKLIN D. ROOSEVELT,

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 18, 1933.

DECEMBER 13, 1933.

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Fur Dressing and Fur Dyeing Industry as revised after the hearing conducted in Washington on November 1, 1933, in accordance with the provisions of the National Industrial Recovery Act.

PROVISIONS OF THE CODE AS TO WAGES AND HOURS

ARTICLE III—HOURS

1. No employee shall be permitted to work in excess of thirty-five hours in any one week or seven hours in any twenty-four hour period except by payment of not less than time and one half for overtime; provided, however, that during any seven weeks of a six months' period (the first period to begin on the effective date of this code) employees may work not more than forty hours per week, but time in excess of eight hours in any twenty-four during such seven weeks' period shall be paid at the rate of time and one half for overtime.

2. From the provisions of paragraph one the following classes shall be excepted:

(a) Watchmen, executives and foremen acting in a purely supervisory capacity, outside salesmen, and chemists.

(b) Engineers, firemen, chauffeurs, and drivers and their helpers, who may not work over forty-four hours in any one week except by payment of not less than time and one third for overtime.

(c) Office employees, receiving and shipping clerks shall not work more than forty hours per week, averaged over a four week's period, except by payment of not less than time and one third for overtime.

3. The maximum hours fixed in the foregoing sections shall not apply to any employee on emergency maintenance or emergency repair work involving breakdowns or protection of life or property, or any emergency situation which may arise whereby the product of the employer may be spoiled or destroyed while in a perishable condition, but in such cases the employer may put such product through the regular processes into a nonperishable condition, and for all such emergency overtime the employee shall be paid at the rate of overtime above prescribed for hours worked in excess of the maximum hours herein provided.

4. No employee shall be permitted to work more than six days in any seven-day period.

5. The available work in each shop shall, so far as practicable, be equally divided amongst all the employees therein.

ARTICLE IV—WAGES

1. The following minimum rates of wage shall be paid all employees other than those engaged in the rabbit dyeing industry:

(a) No male employee nineteen years of age and over shall be paid at less than the rate of 65 cents an hour.

(b) No male employee over sixteen years but under nineteen years of age shall be paid at less than the rate of 45 cents an hour.

(c) No female employee shall be paid at less than the rate of 45 cents an hour.

2. The following minimum rates of wage shall be paid all employees of shops or departments engaged exclusively in the dyeing of rabbit or coney skins:

(a) No male employee nineteen years of age and over shall be paid at less than the rate of 50 cents an hour.

(b) No male employee over sixteen years but under nineteen years of age and no female employee shall be paid at less than the rate of 35 cents an hour.

3. On or before June 1, 1934, the Code Authority Board, hereinafter provided for, shall undertake an investigation of the minimum wage scales contained herein and submit its report and recommendations thereon to the Administrator, who may take such action thereon as he may deem necessary.

4. (a) There shall be no discrimination in wages by reason of sex, and where in any case females do substantially the same work, or perform substantially the same duties as males, they shall receive the same rates of wage.

(b) Male employees between the ages of sixteen and nineteen years, who do substantially the same work or perform substantially the same duties as male employees nineteen years of age and over shall receive the same rates of wage as male employees nineteen years of age and over.

(c) This Article establishes a minimum rate of pay, regardless of whether an employee is compensated on a time rate, piece work, or other basis.

(d) The wages of unskilled labor receiving in excess of the foregoing minimum rates of pay established by this code shall not be reduced.

5. Where employers and employees by collective bargaining have entered into or shall enter into valid employer-employee agreements, the code authority hereinafter constituted shall from time to time require proof of such agreements; and when said agreements shall have been proved and filed with said code authority, full recognition of the contractual obligations under said agreements shall be accorded in the administration of this code, subject to the approval of the Administrator.

6. Any division of the industry through its Divisional Planning Committee hereinafter provided for, and upon five days' notice to each individual member of the Code Authority Board hereinafter provided for, may present to the Administrator a schedule of minimum wages to be paid skilled employees of the division presenting such schedule.

The Administrator within twenty days after said presentment shall grant a hearing to all parties at interest, and shall approve, disapprove, or modify said schedule or any part thereof. If any amendment to this code appears necessary or desirable, the Administrator shall promptly act in accordance with the law and the regulations provided by the President to so amend.

ECONOMIC EFFECT OF THE CODE

Fur dressing and fur dyeing is a service. Raw skins or pelts belonging to others are delivered to dressers and dyers for processing and returned to their owners dressed and dyed and ready to be made into garments and trimming for garments. The dressers and dyers have no ownership whatsoever in the commodity which they service.

Practically all employees in some of the divisions are organized, in others no organization exists, and in others the employees are partially organized. In the organized divisions the hourly wage scale is extremely high and might seem unreasonably so were it not for the fact that the regulation of the business, due to seasonal requirements and the great number of employees available, is such that rarely do pieceworkers have an opportunity to do a full days' work. The fact is that the high hourly wage rate does not in any way result in a high or even satisfactory weekly pay envelop, yet it is generally conceded that the cost of service operations of fur dressers or dyers forms a relatively small part of the price of the finished garment.

It is estimated that the effect of this code due to the restrictions of hours will be sufficient to reemploy all those attached to the industry at the peak of 1929, and the minimum wage scale for unskilled employees will add substantially to the wages received by the employees generally.

I believe that this code will be highly beneficial to the fur dressing and fur dyeing industry generally, and that its administration will, from its inception, accomplish in large and increasing measure the purposes of the National Industrial Recovery Act.

FINDINGS

The Administrator finds that:

(a) The code as recommended complies in all respects with the pertinent provisions of Title I of the Act, including, without limitation, subsection (a) of Section 7 and subsection (b) of Section 10 thereof; and that

(b) The applicant groups impose no inequitable restrictions on admissions to membership therein and are truly representative of the fur dressing and fur dyeing industry; and that

(c) The code as recommended is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

It is recommended, therefore, that this code be adopted.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION
FOR THE
FUR DRESSING AND FUR DYEING INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are adopted as a Code of Fair Competition for the fur-dressing and fur-dyeing industry, and upon approval by the President shall be the standard of fair competition for such industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

1. The terms "fur-dressing and fur-dyeing industry" or "the industry" as used herein shall be taken to mean the business of dressing or dyeing or otherwise processing of all kinds of raw fur skins and such related industries as may from time to time be included under the provisions of this code.

2. The term "employee" as used herein includes anyone engaged in the industry in any capacity receiving compensation for his services, irrespective of the nature or method of payment of such compensation. This definition shall include all persons performing any labor or doing any work in dressing, dyeing, or otherwise processing fur skins, including a member of a copartnership or firm, an officer, director, or stockholder of a corporation doing such work.

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

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

5. The terms "President", "Act", and "Administrator" as used herein shall mean respectively the President of the United States, the National Industrial Recovery Act, and the Administrator of said Act.

6. The term "fancy fur dressers" shall mean all members of the industry engaged in the dressing of all kinds of fur skins *except* rabbit skins and skins which require dressing and dyeing as a combination process, such as Hudson seals, Persian lamb, etc., etc.

7. The term "fancy fur dyers" shall mean all members of the industry engaged in the dyeing of all kinds of fur skins, *except* rabbit skins, and *including* such skins as required dressing and dyeing as a combination process, such as Hudson seals, Persian lamb, etc., etc.

8. The term "dog and long-haired fur dyers" shall mean all members of the industry engaged in the dyeing of dog skins and long-haired fur skins.

9. The term "rabbit-fur dressers" shall mean all members of the industry engaged in the dressing of-rabbit and coney skins.

10. The term "rabbit-fur dyers" shall mean all members of the industry engaged in the dyeing of rabbit and coney skins.

11. The term "metropolitan area" shall include only the states of Connecticut, New York, New Jersey, and Pennsylvania.

ARTICLE III—HOURS

1. No employee shall be permitted to work in excess of thirty-five hours in any one week or seven hours in any twenty-four hour period, except by payment of not less than time and one half for overtime; provided, however, that during any seven weeks of a six months' period (the first period to begin on the effective date of this code) employees may work not more than forty hours per week, but time in excess of eight hours in any twenty-four during such seven weeks' period shall be paid at the rate of time and one half for overtime.

2. From the provisions of paragraph one the following classes shall be excepted:

(a) Watchmen, executives and foremen acting in a purely supervisory capacity, outside salesmen, and chemists.

(b) Engineers, firemen, chauffeurs, and drivers and their helpers, who may not work over forty-four hours in any one week except by payment of not less than time and one third for overtime.

(c) Office employees, receiving and shipping clerks shall not work more than forty hours per week, averaged over a four weeks' period, except by payment of not less than time and one third for overtime.

3. The maximum hours fixed in the foregoing sections shall not apply to any employee on emergency maintenance or emergency repair work involving breakdowns or protection of life or property, or any emergency situation which may arise whereby the product of the employer may be spoiled or destroyed while in a perishable condition, but in such cases the employer may put such product through the regular processes into a nonperishable condition, and for all such emergency overtime the employee shall be paid at the rate of overtime above prescribed for hours worked in excess of the maximum hours herein provided.

4. No employee shall be permitted to work more than six days in any seven-day period.

5. The available work in each shop shall, so far as practicable, be equally divided amongst all the employees therein.

ARTICLE IV—WAGES

1. The following minimum rates of wage shall be paid all employees other than those engaged in the rabbit dyeing industry:

(a) No male employee nineteen years of age and over shall be paid at less than the rate of 65 cents an hour.

(b) No male employee over sixteen years but under nineteen years of age shall be paid at less than the rate of 45 cents an hour.

(c) No female employee shall be paid at less than the rate of 45 cents an hour.

2. The following minimum rates of wage shall be paid all employees of shops or departments engaged exclusively in the dyeing of rabbit or coney skins.

(a) No male employee nineteen years of age and over shall be paid at less than the rate of 50 cents an hour.

(b) No male employee over sixteen years but under nineteen years of age and no female employee shall be paid at less than the rate of 35 cents an hour.

3. On or before June 1, 1934, the Code Authority Board, hereinafter provided for, shall undertake an investigation of the minimum wage scales contained herein and submit its report and recommendations thereon to the Administrator, who may take such action thereon as he may deem necessary.

4. (a) There shall be no discrimination in wages by reason of sex, and where in any case females do substantially the same work, or perform substantially the same duties as males, they shall receive the same rates of wage.

(b) Male employees between the ages of sixteen and nineteen years, who do substantially the same work or perform substantially the same duties as male employees nineteen years of age and over shall receive the same rates of wage as male employees nineteen years of age and over.

(c) This Article establishes a minimum rate of pay, regardless of whether an employee is compensated on a time rate, piecework, or other basis.

(d) The wages of unskilled labor receiving in excess of the foregoing minimum rates of pay established by this code shall not be reduced.

5. Where employers and employees by collective bargaining have entered into or shall enter into valid employer-employee agreements, the code authority hereinafter constituted shall from time to time require proof of such agreements; and when said agreements shall have been proved and filed with said code authority, full recognition of the contractual obligations under said agreements shall be accorded in the administration of this code, subject to the approval of the Administrator.

6. Any division of the industry through its Divisional Planning Committee hereinafter provided for, and upon five days' notice to each individual member of the Code Authority Board hereinafter provided for, may present to the Administrator a schedule of minimum wages to be paid skilled employees of the division presenting such schedule.

The Administrator within twenty days after said presentment shall grant a hearing to all parties at interest, and shall approve, disapprove, or modify said schedule or any part thereof. If any amendment to this code appears necessary or desirable, the Administrator shall promptly act in accordance with the law and the regulations provided by the President to so amend.

ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under sixteen years of age shall be employed in the industry, nor anyone under twenty years of age at operations or occupations hazardous in nature or detrimental to health. The code authority shall submit to the Administrator before January 1, 1934, a list of such occupations. In any State an employee shall be deemed to have complied with this provision if he shall have on file a certificate or permit duly issued by the authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

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

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

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

5. Within each State this code shall not supersede any laws of such State imposing more stringent requirements on employers regulating the age of employees, wages, hours of work, or health, fire, or general working conditions than under this code.

6. Employers shall not reclassify employees or duties of occupations performed by employees so as to defeat the purposes of the Act.

7. Each employer shall post in conspicuous places in his factory full copies of this code.

ARTICLE VI—ADMINISTRATION

1. To further effectuate the policies of the National Industrial Recovery Act, a code authority known as the Code Authority Board of the Fur Dressing and Fur Dyeing Industry shall be established as follows:

2. The fur dressing and fur dyeing industry shall be classified into the following divisions:

1. The Rabbit Fur Dressers Division.
2. The Rabbit Fur Dyers Division.
3. The Fancy Fur Dressers Division.
4. The Fancy Fur Dyers Division.
5. The Dog and Long Haired Fur Dyers Division.

Subject to the approval of the Administrator, additional divisions may be organized or existing divisions consolidated upon recommendation of the planning committees of all the divisions and the Code Authority Board.

3. There shall be elected to the Code Authority Board by members of their respective divisions, according to rules adopted by each division and approved by the Administrator, seventeen members thereof,

as follows: three representatives from each of the above divisions operating factories or plants within the metropolitan area, except the Fancy Fur Dyers Division within said area, which shall elect four representatives; and one representative at large shall be elected by members of the fur dressing and fur dyeing industry operating factories or plants outside the metropolitan area. The President may appoint not more than three members in addition thereto, without vote.

4. The Code Authority Board so organized is hereby constituted the agency for cooperating with the Administration or the Administrator as an administrative agency for the Fur Dressing and Fur Dyeing Industry. Such agency may from time to time present to the Administrator recommendations based on conditions in the industry as they may develop, for the betterment thereof and for the purpose of further effectuating the operation of the provisions of this code and the policy of the National Industrial Recovery Act.

5. The Chairman of the Board shall be elected from its membership by a majority vote of the members of the Code Authority Board, and the selection thus made shall be subject to the approval of the Administrator. When so elected and approved the Chairman of the Code Authority Board shall be the presiding and chief executive officer of said Board.

6. Each division of the fur dressing and fur dyeing industry shall, by a method approved by the Administrator, elect its own separate and distinct divisional planning committee which shall be entitled to make recommendations on matters pertaining to the administration of this code affecting said division. All such recommendations shall be presented in writing by the division's representatives to every member of said Board and if said Board fails to act thereon within ten days thereafter, such recommendations shall be deemed approved by it. If any recommendations by the Divisional Planning Committee involving a modification or amendment of this code are disapproved by the Code Authority Board, then the Divisional Planning Committee presenting such recommendations shall be entitled to present the same direct to the Administrator for his approval in accordance with law. Each division may carry out the approved recommendations of its planning committee subject to supervision by the Code Authority Board, all to the end that each division may be self-governing in all problems relating exclusively to itself including trade terms and trade practices as well as other administrative matters affecting it, but in any event subject to the approval of the Administrator.

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

8. The Code Authority Board shall have the following duties and powers to the extent permitted by the Act, subject to the right of

the Administrator on review to disapprove or modify any action taken by it.

(a) The Code Authority Board shall administer the code and shall maintain all activities pertinent thereto, such as obtaining from employers reports requested by the President or his authorized representative in respect to wages, hours of labor, conditions of employment, number of employees, and other matters necessary for the effectuation of this Code and Title I of the National Industrial Recovery Act.

In addition to the information required to be submitted to the Code Authority Board, there shall be furnished to government agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act.

(b) Members of the industry shall be entitled to participate in and share the benefits of the activities of the Code Authority Board and to participate in the selection of the members thereof by assenting to and complying with the requirements of this code and sustaining their reasonable share of the expenses of its administration. Such reasonable share of the expenses of administration shall be determined by the Code Authority Board subject to review by the Administrator, on the basis of such factors as may be deemed equitable.

(c) No reorganization of the Code Authority Board or reclassification of the divisions in the industry, or modification or amendment of the rules and regulations contained in the code, shall be made over the dissent of any one of the divisional planning committees, except as and where the President may make such reorganization, reclassification, modification, or amendment under the law, without the assent of the parties affected.

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

ARTICLE VII—TRADE PRACTICES

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

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

2. *Misrepresentation or False or Misleading Advertising.*—The making or causing or knowingly permitting to be made or published any false, materially inaccurate, or deceptive statement by way of advertisement or otherwise, whether concerning the grade, quality, quantity, substance, character, nature, origin, size, finish, or preparation of any product of the industry, or the credit terms, values, policies, or services of any member of the industry, or otherwise, having

the tendency or capacity to mislead or deceive customers or prospective customers.

3. *Commercial Bribery.*—Directly or indirectly to give or permit to be given, or offer to give, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers, or prospective customers, as an inducement to influence their employers or principals to purchase or contract to purchase from the makers of such gift or offer, or to influence such employers or principals to refrain from dealing or contracting to deal with competitors.

4. *Interference with Contractual Relations.*—Maliciously inducing or attempting to induce the breach of an existing oral or written contract between a competitor and his customer or source of supply, or interfering with or obstructing the performance of any such contractual duties or services.

5. *Secret Rebates.*—The secret payment or allowance of rebates, refunds, commissions, credits, or unearned discounts, whether in the form of money or otherwise, or the secret extension to certain purchasers of special services or privileges not extended to all purchasers on like terms and conditions. The giving of unfounded or excessive allowances as damages or alleged damages for skins.

6. *Giving of Prizes, Premiums, or Gifts.*—The offering or giving of prizes, premiums, or gifts in connection with the sale of products or rendering of service, or as an inducement thereto, by any scheme which involves lottery, misrepresentation, or fraud.

7. *Defamation.*—The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or by the false disparagement of the grade or quality of their goods.

8. *Threats of Litigation.*—The publishing or circularizing of threats or suits for infringement of patents or trade marks or of any other legal proceedings not in good faith, with the tendency or effect of harassing or intimidating their customers.

9. *Espionage of Competitors.*—Securing confidential information concerning the business of a competitor by a false or misleading statement or representation, by a false impersonation of one in authority, by bribery, or by any other unfair method.

10. *Other Unfair Practices.*—Nothing in this code shall limit the effect of any adjudication by the courts or holding by the Federal Trade Commission on complaint, finding, and order that any practice or method is unfair, providing that such adjudication or holding is not inconsistent with any provision of the Act or of this code.

ARTICLE VIII—SALE BELOW COST AND SERVICE CHARGES

1. No one engaged in this industry shall dress and/or dye or process any fur skins at a price below cost of production, and each employer whether fur dresser or fur dyer, or both, shall submit upon request a statement from a certified public accountant recognized by the Code Authority Board for the industry as qualified to the effect that such manufacturer has a proper accounting system; which statement, however, may not be accepted as final by the Code Authority Board either as to accounting or as to selling below cost.

2. In order to effectuate the purposes of the Act and to assure the maintenance of labor standards, any division of this industry may at any time after the effective date of this code submit to the Administrator, through the Code Authority Board, a schedule of charges applicable to services rendered by members of said division, based upon the lowest reasonable cost of production. If and when such schedule shall be approved by the Administrator and by employers of 65% of the employees engaged in the division affected, the rates set forth therein for the services specified shall be the minimum charge for said services in the industry, and the rendition of services for charges below those appearing in such approved schedule shall be a violation of this code. Subsequent changes in said schedule shall be arrived at in the same manner and shall not be subject to the provisions of Section 8(c) of Article VI.

3. Any group of fur dressers or fur dyers, not otherwise bound by an approved schedule of charges as contemplated by Article VIII, may agree upon a minimum service charge to assure the maintenance of labor standards covering any one type of service or a schedule comprehending more than one type of service, which shall become effective and binding upon the parties to such agreement when approved by the Administrator. Any violation of such agreement after approval thereof shall be deemed a violation of this code. Subsequent changes in said schedule shall be arrived at in the same manner and shall not be subject to the provisions of Section 8(c) of Article VI.

ARTICLE IX—REGISTRATION AND MARKING OF PRODUCTS

The Code Authority Board shall assign to each employer engaged in this industry assenting to and complying with the provisions of this code an N.R.A. insignia and separate registry number; on and after the effective date of this code all fur skins dressed, dyed, or otherwise processed by an employer shall bear a nonremovable stamp, seal, or impression, giving the number assigned to such employer by the Code Authority Board. The Administrator upon recommendation of the Code Authority Board, or upon his own motion after due notice and hearing thereon, may revoke the assignment of any such N.R.A. insignia to any employer in the industry upon satisfactory proof that such employer has violated the terms or provisions of this code.

No firm engaged in the dyeing division shall process any skin which does not bear such N.R.A. registration number unless a stamp indicating the country of origin shall show that it was not dressed in the United States.

ARTICLE X—MODIFICATION

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

President to cancel or modify his approval of this code or any conditions imposed by him upon his approval thereof.

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

ARTICLE XI—MONOPOLIES, ETC.

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

ARTICLE XII—EFFECTIVE DATE

This code shall become effective on the tenth day after its approval by the President.

Approved Code No. 161.
Registry No. 911-28.



Approved Code No. 162

CODE OF FAIR COMPETITION

FOR THE

DOMESTIC FREIGHT FORWARDING INDUSTRY,

As Approved on December 18, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Domestic Freight Forwarding Industry, and hearings having been held thereon, and the Administrator having rendered his report containing an analysis of the said Code of Fair Competition, together with his recommendations and findings with respect thereto, and the Administrator having found that the said code of fair competition complies in all respects with the pertinent provisions of title I of said act, and that the requirements of clauses (1) and (2) of subsection (a) of section 3 of said act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt the findings and approve the report and recommendations of the Administrator and do order that the said code of fair competition be and it is hereby approved.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 18, 1933.

DECEMBER 6, 1933.

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Domestic Freight Forwarding Industry of the United States, on which the hearing was conducted in Washington on the 17th of October 1933, in accordance with the provisions of the National Industrial Recovery Act.

PROVISIONS OF THIS CODE AS TO WAGES AND HOURS

Maximum hours for employees are established as follows: General office clerks—forty (40) hours in any one week. Local station and/or platform clerks or laborers—forty-eight (48) hours per week, averaged over any six (6) weeks' period. No employee is permitted to work more than twelve (12) days in any fourteen (14) day period.

No freight-house laborer to be paid at less than at the rate of forty (40¢) cents per hour. Office boys, messengers, sorting or pulling clerks to be paid at the rate of two dollars (\$2.00) per day of eight (8) hours. Junior Clerks to be paid at the rate of two dollars and fifty cents (\$2.50) per day of eight (8) hours. Senior Clerks to be paid not less than at the rate of three dollars and seventy-five cents (\$3.75) per day of eight (8) hours. All employees who work in excess of ten (10) hours in any one day shall be paid time and one half their normal hourly rate of pay for such excess.

Employment of any person under sixteen (16) years of age and any one under eighteen years (18) of age at occupations hazardous in nature or dangerous to health is prohibited.

ECONOMIC EFFECT OF THE CODE

The Domestic Freight Forwarding Industry represents an exception in the present depression in that it has added to its personnel and expanded steadily from year to year. Its personnel increased about fifty-five (55%) percent from 1929 to July 1933. There was a further increase in personnel of eighteen and four tenths (18.4%) percent and an increase in pay roll of about fourteen and seven tenths (14.7%) percent following compliance with the President's Reemployment Agreement. As a result of this Code, these gains will be consolidated and further improved.

Through the provisions of this Code the Industry has an opportunity to control the uneconomic practices and abuses previously indulged in by the irresponsible units to the disadvantage of the substantial concerns in the Industry. The standardizing and publishing of rates will remove the unfairness to shippers by reason of the past practice of competitors giving more favorable transportation costs through secret bargaining for lower rates.

FINDINGS

The Administrator finds that:

(a) The Code as recommended complies in all respects with the pertinent provisions of Title I of the Act, including, without limitation, subsection (a) of Section 7, and subsection (b) of Section 10 thereof; and that

(b) The applicant group imposes no inequitable restrictions on admission to membership therein, and is truly representative of the Domestic Freight Forwarding Industry; and that

(c) The Code as recommended is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

From evidence adduced during this hearing and from recommendations and reports of the various Advisory Boards, it is believed that this Code as now proposed and revised is satisfactory to this Industry, labor, the public, and this Administration. It is recommended, therefore, that this Code, as herewith submitted, be approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION

FOR THE

DOMESTIC FREIGHT FORWARDING INDUSTRY

ARTICLE I—PURPOSES

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

ARTICLE II—DEFINITIONS

As used herein:

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

(b) The terms "Act" and "Administrator" mean, respectively, the National Industrial Recovery Act and the Administrator of Title I of said Act.

(c) The term "Industry" means and includes the business of consolidating, assembling, and domestic forwarding of freight.

(d) The term "employee" includes any person engaged in the Industry in any capacity receiving compensation for his services irrespective of the nature or method of payment of such compensation.

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

(f) The term "member of the Industry" includes anyone engaged in the Industry either as an employer or on his own behalf.

(g) The term "member of the Code" includes any member of the Industry who shall expressly assent to this Code.

(h) The term "effective date" means the tenth day after this Code shall have been approved by the President of the United States.

(i) Population for the purposes of this Code shall be determined by reference to the 1930 Federal Census.

ARTICLE III—HOURS

1. No local station and/or platform clerk or laborer shall be permitted to work in excess of an average of forty-eight (48) hours per week during any six (6) week period.

2. No general office clerks shall be permitted to work in excess of forty (40) hours in any one week.

3. No employee shall be permitted to work more than twelve (12) days in any fourteen (14) day period.

4. No employer shall knowingly engage any employee for any time which when totaled with that already performed with another employer, or employers, exceeds the maximum permitted herein.

5. Any employer who does the work of an employee subject to the provisions of this Article shall be subject to the provisions of this Code as to hours of labor.

6. The provisions of this Article shall not apply to persons employed as solicitors, or employed in an executive or managerial capacity who earn not less than thirty dollars (\$30.00) per week, in cities of less than 250,000 population, or in cities of 250,000 population or more, not less than thirty-five dollars (\$35.00) per week.

ARTICLE IV—WAGES

1. No freight house laborer shall be paid at less than the rate of forty (40) cents per hour.

2. No office boy, messenger, sorting or pulling clerk shall be paid less than at the rate of two dollars (\$2.00) per day of eight (8) hours.

3. No Junior Clerk shall be paid less than at the rate of two dollars and fifty cents (\$2.50) per day of eight (8) hours.

4. No Senior Clerk shall be paid less than at the rate of three dollars and seventy-five cents (\$3.75) per day of eight (8) hours.

5. All employees who work more than ten (10) hours in any one (1) day shall be paid one and one half (1½) times their normal hourly rate of pay for all time worked in excess of ten (10) hours in any one (1) day.

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

7. Unless an equitable adjustment of all wages above minimum has been made since June 16, 1933, there shall be such an equitable adjustment, and to that end, within thirty (30) days from the approval of this Code, the Code Authority shall submit for the approval of the Administrator a proposal for adjustment in wages above the minimum. Upon approval by the Administrator, after such hearing as he may prescribe, such proposal shall become binding as a part of this Code; provided, however, in no event shall hourly rates of pay be reduced.

8. A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage of not less than 80% of the minimum established by this Code, if the employer obtains from the State Authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Each employer shall file with the Code Authority a list of all such persons employed by him. The number of such employees of any employer shall not exceed 5% of the total employees of any such employer.

ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under sixteen (16) years of age shall be employed in the Industry. No person under eighteen (18) years of age shall be

employed at operations or occupations which are hazardous in nature or dangerous to health. The Code Authority shall submit to the Administrator within thirty (30) days a list of such operations or occupations. In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly issued by the Authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

2. In compliance with Section 7 (a) of the Act it is provided:

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

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

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

3. No employer shall reclassify employees or duties of occupations performed for the purpose of defeating the provisions of the Act or of this Code.

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

5. All employers shall post complete copies of this Code in conspicuous places accessible to employees.

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

ARTICLE VI—ORGANIZATION

CODE AUTHORITY

A Code Authority is hereby constituted to cooperate with the Administrator in the administration of this Code.

1. (a) The Board of Directors of the Domestic Freight Forwarding Association, as a body, shall constitute the Code Authority, but shall not number more than ten (10) voting members to which may be added, if the Administrator so determines, an additional voting representative from the members of the Industry who are not members of the Domestic Freight Forwarding Association, the method of whose selection shall be subject to the approval of the Administrator.

(b) In addition to membership as above provided, there may be not more than three (3) members, without vote, to be appointed by the Administrator. Such members are to be appointed for terms of from six (6) months to one (1) year. The terms of such members shall be so arranged that they do not expire at the same time.

2. The Domestic Freight Forwarding Association and any other association directly or indirectly participating in the selection or activities of the Code Authority shall (a) impose no inequitable restrictions on membership, and (b) submit to the Administrator true copies of articles of association, bylaws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

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

4. Members of the Industry shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the selection of the member or members thereof by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the expenses of its administration. Such reasonable share of the expenses of the administration shall be determined by the Code Authority, subject to review by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable.

5. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Code Authority. Nor shall any member of the Code Authority be liable to anyone for any action or omission to act under the Code, except for his own willful misfeasance or nonfeasance.

6. No decision of the Code Authority shall be made without the favorable vote of seventy percent (70%) of the members of the Code Authority.

POWERS AND DUTIES OF THE CODE AUTHORITY

7. The Code Authority shall have the following powers and duties to the extent permitted by the Act, subject to the right of the Administrator, on review, to disapprove any action taken by the Code Authority.

(a) To adopt bylaws and rules and regulations for its procedure and for the administration and enforcement of the Code, in accordance with the powers herein granted, and to submit the same to the Administrator for his approval, together with true copies of any amendments or additions when made thereto, minutes of meetings when held, and such other information as to its activities as the Administrator may deem necessary to effect the purposes of the Act.

(b) To obtain from members of the Industry reports in respect to wages, hours of labor, conditions of employment, and other matters

pertinent thereto in order that the President may be kept informed with respect to the observance of the Code, and to make such reports available to the Administrator.

(c) To make recommendations to the Administrator for modifications of the Code.

(d) To receive complaints of violations of this Code, make investigations thereof, provide hearings thereon and adjust such complaints, and bring to the attention of the Administrator for prosecution, recommendations, and information relative to unadjusted violations.

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

(f) If the Administrator shall so require, to create as an agency of the Code Authority, a Joint Industrial Relations Board, consisting of an equal number of representatives of employers and employees, and an impartial chairman elected by the members of the Board, to deal with all matters in the Code relating to hours, wages, and general labor provisions. The designated employees' representatives shall be truly representative of the employees of the Industry.

(g) To cooperate with the Administrator in regulating the use of the N.R.A. Insignia solely by those employers who have agreed to, and are complying with, this Code.

(h) To establish or designate an agency on planning and fair practice which shall cooperate with the Code Authority in developing fair inter and intra trade practices, and the stabilization of employment.

(i) The Code Authority shall, as soon as possible after the effective date hereof, appoint three (3) individuals who shall, jointly with three (3) individuals appointed by any other Transportation Code Authority, hear and determine, subject to the approval of the Administrator, any question which may be referred to them by either the Code Authority of this Code or any other Transportation Code Authority for adjudication. In case such joint committee fails or refuses to decide within ten (10) days any question submitted, the matter shall be referred to the Administrator for final disposition.

8. In addition to the information required to be submitted to the Code Authority as set forth in this Article there shall be furnished to Government agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the National Industrial Recovery Act.

ARTICLE VII—RATES AND TARIFFS

1. The Code Authority shall appoint committees on rates, tariffs, charges, and terminal rules and regulations for each freight service movement. Each committee shall have full authority to investigate into and make recommendations to the Code Authority for the par-

ticular freight service movement. Each of such committees shall consist of representatives of each member of the Industry who conducts business in all railroad freight association territories of the United States and of representatives of each other member of the Industry who operates in the particular freight service movement under review.

If the Code Authority shall find that such rates and tariffs are fair and reasonable and in the interest of fair competition and are not more than the rates and tariffs of common carriers, prescribed by or on file with the Interstate Commerce Commission for the same or similar services, then such approved rates and tariffs shall become binding on all members of the Industry on their effective date. Due opportunity for a hearing, however, shall be afforded by the Code Authority to dissenting members of the Code, who, prior to the effective date of the recommended rate, tariff or charge, file protest thereon with the Code Authority.

All decisions and findings of the Code Authority in the matter of rates, tariffs, charges, and terminal rules and regulations relating thereto, shall be subject to the right of the Administrator on his own motion or on complaint filed, to review, suspend or cancel any such decision or finding.

ARTICLE VIII—REGISTRATION

Each member of the Industry shall within thirty (30) days after the approval of this Code register with the Code Authority a list of his officers, places of business, and freight service movements, and submit evidence of compliance with this Code and such other conditions as shall hereafter be approved by the President after such notice and hearing as he shall prescribe. After the said expiration of the said thirty (30) days, the conduct of such domestic freight forwarding business without such registration with the Code Authority, is declared an unfair competitive practice and in violation of this Code.

ARTICLE IX—UNFAIR TRADE PRACTICES

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

(a) Assessing or collecting less than the rates or charges approved under the terms of Article VII of this Code; or granting or allowing any rebate or concession and/or using any subterfuge to defeat such approved tariffs.

(b) Contracting, either in writing or orally, with any customer for the transporting of merchandise, or giving service in relation to the same, for any given period of time.

(c) Willful misrepresentation or defamation of another member's services, methods, personal or financial standing.

(d) Giving, permitting to be given, or offering to give, anything of value for the purpose of influencing or rewarding the action of any

employee or agent of another in relation to the business of the employer of such employee or the principal of such agent without the knowledge of such employer or principal.

(e) Maliciously attempting to induce the breach of an existing contract between a competitor and his employees; or willfully interfering with or obstructing performance of such contractual duties or services.

2. Within ten (10) days from the effective date hereof, the Code Authority shall prepare and submit to the Administrator, a list of specific unfair competitive practices within the Industry. Upon approval thereof by the President after such notice and hearing thereon as the Administrator may specify, such unfair competitive practices so listed shall become parts of this Code.

ARTICLE X—GENERAL

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

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

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

4. This Code shall continue in effect for the period provided in the Act, unless sooner terminated in accordance with the law in such case made and provided. When so terminated all obligations and liabilities under the Code shall cease.

5. This Code shall become effective upon the tenth day after this Code shall have been approved by the President of the United States.

Approved Code No. 162.
Registry No. 1411-25.



Approved Code No. 163

CODE OF FAIR COMPETITION

FOR THE

WHOLESALE AUTOMOTIVE TRADE

As Approved on December 18, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Wholesale Automotive Trade, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said Code of Fair Competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said Code of Fair Competition complies in all respects with the pertinent provisions of Title I of said Act, and that the requirements of clauses (1) and (2) of subsection (a) of Section 3 of the said Act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations, and findings of the Administrator and do order that the said Code of Fair Competition be, and it is hereby, approved.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,

Administrator.

THE WHITE HOUSE,

December 18, 1933.

(185)

DECEMBER 9, 1933.

The PRESIDENT,
The White House.

SIR: The proposed Code of Fair Competition for the Wholesale Automotive Trade was submitted to the Administrator on August 9, 1933, by the Motor and Equipment Wholesalers Association, Incorporated, in cooperation with the National Standard Parts Association, the National Automotive Parts Association, the Automotive Electric Association, the Automotive Engine Rebuilders Association, and the National Wheel and Rim Association, representing approximately 70% of the total volume of sales and members of the Trade.

The Hearing was conducted in Washington on October 21, 1933, and the Code was revised during the recess of this Hearing and is submitted in its present form for approval. Every person who requested an appearance was properly heard in accordance with statutory and regulatory requirements.

The Trade is nation-wide in character and has had a large increase in number of establishments in the past few years as indicated by the figures submitted showing 2,503 wholesale outlets in 1929 compared with more than 5,000 at the present time with a corresponding increase in the number of persons employed from 32,062 in 1929 to 63,500 in 1932. It supplies replacement parts, accessories, service tools, equipment, and products to more than 200,000 outlets for maintaining and servicing the more than 20,000,000 motor vehicles which are now in use.

During the past four years the Trade experienced an indicated decline in sales of between 40% and 50%. Over this same period, according to figures submitted by the Trade, the unit sale dropped from \$16.45 to \$3.69. This has resulted in maintaining the number of employees per establishment in spite of the decline in volume of business.

It is estimated that, giving due consideration to reemployment already effected, the Labor provisions in this Code will result in reemployment of more than 6,000 workers and a proportionate increase in payroll.

ARTICLE I—DEFINITIONS

Accurately defines specific terms used in the Code.

ARTICLE II—WAGES

The minimum wage for all employees, except office, salaried, and handicapped employees and learners and apprentices, is at the rate of 40 cents per hour. The minimum wage for office or salaried employees is \$15.00 per week in cities of over 500,000 population, and \$14.00 in cities of less than 500,000 population or in the immediate

vicinity thereof. Handicapped persons shall be paid not less than 80% of the minimum wage subject to certificate authorized by the United States Department of Labor. Learners and apprentices shall be paid not less than 80% of the minimum wage and they shall not exceed 5% of the total number of employees. The minimum wage is established irrespective of the method of compensation for all classes of employees. Provision is made for equitable adjustments in all pay schedules of employees above the minimum and female employees shall receive the same pay as male employees for similar work.

ARTICLE III—HOURS

Employees, excepting executive, administrative, and supervisory employees receiving not less than \$35.00 per week, and traveling and commissioned sales people, are limited to a maximum of 44 hours per week and 8 hours per day, except that for two weeks in each six months' period for inventory purposes, the maximum shall be 48 hours per week.

ARTICLE IV—CHILD LABOR

Provides that no person under sixteen years of age may be employed and no person under eighteen years of age may be employed in a hazardous occupation.

ARTICLE V—PRICES

Provides for a uniform system of cost accounting subject to variations necessary to meet conditions affecting any individual member of the Trade. Provides further, that no member of the Trade shall sell below his individual cost.

ARTICLE VI

Provides that a committee consisting of representatives of the Code Authority of the Trade, the National Automobile Chamber of Commerce, the Automotive Parts and Equipment Manufacturing Industry, and the Motor Vehicle Retailing Trade shall make a complete study of alleged unfair and discriminatory practices in the Trade. The committee shall report its findings to the Administrator within ninety days from the date of approval of this Code. If, upon the basis of such report, the Administrator shall find that such unfair and discriminatory practices do exist, the provisions for maintenance of resale schedules of branded or trade marked merchandise set forth in this Article shall become effective; provided, however, that the Administrator may make such modification as may be indicated by the facts found and recommendations made.

ARTICLE VII—TRADE PRACTICE RULES

Sets forth Fair Trade Practices for the Trade.

ARTICLE VIII—ORGANIZATION AND PROCEDURE

Establishes a Code Authority consisting of a specified number of representatives of the Associations which submitted this Code and such additional representatives as may be selected to represent interests not members of such Associations. The Administrator may designate not more than three representatives to participate in the conferences of the Code Authority. Provides for obtaining statistics.

ARTICLE IX—AMENDMENTS

Sets forth provisions respecting modification and amendments, provision required in Section 10 (b) of Title I of the National Industrial Recovery Act.

ARTICLE X—GENERAL

Sets forth the mandatory provisions respecting right of employees to organize and bargain collectively and a provision that no member of the Code shall be held to have consented to any modification thereof or to any provision or interpretation of the National Industrial Recovery Act if declared unconstitutional by the Supreme Court of the United States. Defines the effective date.

FINDINGS

The Administrator finds that:

(a) This Code complies in all respects with the pertinent phrases of Title I of the Act including without limitation subsection (a) of Section 7 and subsection (b) of Section 10 thereof, and that;

(b) The Associations which submitted this Code together with those persons who participated in its subsequent revisions are truly representative of the Wholesale Automotive Trade and their Bylaws contain no inequitable restrictions on membership, and that;

(c) The Code is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

It is recommended, therefore, that this Code be approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION
FOR THE
WHOLESALE AUTOMOTIVE TRADE

To effectuate the policy of Title I of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Wholesale Automotive Trade, and shall be binding upon every member thereof.

ARTICLE I—DEFINITIONS

The terms "wholesale automotive trade" and "trade" as herein used shall mean the selling of automotive merchandise to retailers by any person, whether such person purchases or manufactures such merchandise. The terms shall likewise include the machining or secondary processing of automotive merchandise, such as cylinder reboring, piston grinding, piston pin fitting, or the reconditioning, repairing, or installing of any component part or unit of equipment by one who sells as aforesaid.

The term "member of the trade" shall mean anyone engaged in the wholesale automotive trade as hereinabove defined, either as an employer or on his own behalf.

The term "member of the Code" as used herein means any "member of the Trade" who assents to this Code.

The term "wholesaler" shall mean anyone engaged in the wholesale automotive trade as hereinabove defined who purchases the automotive merchandise which he sells.

The term "automotive merchandise" as used herein is defined to include any and all parts, equipment, tools, accessories, and supplies used in the repair and maintenance of motor vehicles (meaning automobiles, including passenger cars, trucks, truck tractors, busses, taxicabs, hearses, ambulances, and other commercial vehicles for use on the highway, excluding motorcycles, fire apparatus, and tractors other than truck tractors) stationary, internal-combustion engines and aeronautical and marine engines, excepting tire and petroleum products and such other products related to the motor vehicle industry as may be specifically covered by any code applying to the wholesale distribution thereof duly approved by the President.

The term "employee" as used herein includes any person engaged in any phase of the trade in any capacity in the nature of employee irrespective of the method of payment of his compensation.

The term "employer" as used herein includes anyone for whose benefit such an employee is so engaged.

The term "National Administrative Committee" as herein used is a committee of the Wholesale Automotive Trade composed of representatives of the following National Trade Associations: The Motor and Equipment Wholesalers Association, 400 West Madison Street, Chicago, Illinois; The National Standard Parts Association, Eaton Tower, Detroit, Michigan; The National Automotive Parts Association, 2211 Woodward Avenue, Detroit, Michigan; The Automotive Electric Association, Cleveland, Ohio; the Automotive Engine

Rebuilders Association, Indianapolis, Indiana; National Wheel & Rim Association, Chicago, Illinois.

The term "President" as used herein means the President of the United States.

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

ARTICLE II—WAGES

The following provisions as to wages are established for wholesalers:

A. (1) Except as provided in Section B of this Article, the minimum rate of pay that shall be paid to any employee shall be forty cents per hour; except that learners and apprentices, with less than three months' experience in the trade may be paid not less than 80% of said minimum rate, but the number of learners and apprentices employed by any wholesaler receiving less than the minimum rate shall not exceed 5% of the total number of employees of such wholesaler; provided, however, the wholesaler may so classify at least one employee.

(2) This section establishes the minimum rate of pay which shall be paid for an hour's work, irrespective of whether an employee is actually compensated on time rate, piece work, or any other basis, except as specified in Section B.

When a piece work employee is required to be on duty a specified time he shall receive, even though not productively engaged for such time, the minimum rate of pay herein specified.

B. The minimum compensation that shall be paid to any office or salaried employee in the wholesale automotive trade shall be at the following rates:

1. In cities over 500,000 population, or in the immediate vicinity thereof, at the rate of fifteen dollars (\$15.00) per week.

2. In cities of less than 500,000 population, or in the immediate vicinity thereof, at the rate of fourteen dollars (\$14.00) per week.

C. Equitable adjustments in all pay schedules of employees above the minimum shall be made within 30 days after effective date of this Code by any employers who have not heretofore made such adjustments, and the first reports of wages required to be filed under this Code shall contain all wage increases made since May 1, 1933.

D. Wages shall be paid weekly or semimonthly in lawful money or by negotiable check.

E. A person whose earning capacity is limited because of age or physical or mental handicap may be employed at light work at a wage not less than 80% of the minimum established by this Code, if the employer obtains from the State authority designated by the United States Department of Labor, a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Each employer shall file with the Code Authority a list of all such persons employed by him.

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

ARTICLE III—HOURS

The following provisions as to hours are established for wholesalers:

(A) Employees, excepting executive, administrative, and supervisory employees receiving not less than \$35.00 per week and traveling and commission sales people shall not work or be permitted to work in excess of forty-four hours in any one week, or for more than eight hours in any twenty-four hour period, except that they may work, or be permitted to work a maximum of forty-eight hours per week for a period of two weeks in each six months for inventory purposes. No executive, employer, or partner in a partnership, when working beyond forty-four hours per week, may perform the work or take the place of any employees subject to the maximum hour limitations of this Code.

(B) The maximum hours herein above provided mark the total number of hours during which any employee may be employed in the trade, whether by one or more employers.

(C) No employee or other person shall be classified in any one of the exempted classes herein above defined, unless he performs functions performed by employees thus classified on June 16, 1933.

(D) Hours shall be worked consecutively with reasonable time out for lunch.

(E) No employee whose normal full-time weekly hours for the four weeks ending July 1, 1933, are reduced by less than 20% shall have his or her full-time earnings reduced. No employee whose normal full-time weekly hours are reduced 20% or more shall have his or her full-time weekly earnings reduced by more than 10%.

ARTICLE IV—CHILD LABOR

No person under sixteen years of age may be employed by any wholesaler. No person under eighteen years of age shall be employed in the trade in occupations which are hazardous in nature or dangerous to health.

ARTICLE V—PRICES

(A) The Code Authority shall establish a uniform system of cost accounting, suitable for and applicable to the wholesale automotive trade. Upon approval thereof by the Administrator, such system of cost accounting shall be used by every member of the trade, with such variations therefrom or exceptions thereto as may be required by the conditions affecting any individual member of the trade and as may be approved by the Code Authority.

(B) No member of the trade shall sell or exchange any automotive merchandise at a price or upon such terms or conditions as will result in the customer paying for the goods received less than the cost to the seller, determined in accordance with the uniform system of cost accounting hereinabove described, except as provided in Section F in Article VII; and further provided that this provision shall not be construed in such manner as to interfere with the sale and/or exchange of merchandise between one member of the trade and another; and further provided this provision shall not apply when manufacturers resale schedules may be less than herein provided.

ARTICLE VI

It has been alleged that certain unfair and discriminatory practices exist in the trade which tend to eliminate or oppress small enterprises and to promote monopolies. Accordingly, it is provided that the Code Authority shall designate a representative or representatives who, in cooperation with such representative or representatives as may be designated by the National Automobile Chamber of Commerce, the Code Authority for the Automotive Parts and Equipment Manufacturing Industry, and the Emergency National Committee for the Motor Vehicle Retailing Trade, shall make a complete study of the aforesaid alleged unfair and discriminatory practices.

The number of such representatives shall be determined by the Administrator, but the respective designating authorities shall be entitled to equal representation. The Administrator shall have the power to designate a chairman for such committee who may or may not be one of such representatives. If the National Automobile Chamber of Commerce, or the Code Authority for the Automotive Parts and Equipment Manufacturing Industry, or the Emergency National Committee for the Motor Vehicle Retailing Trade should refuse or neglect to designate representatives, the study shall nevertheless proceed.

The facts found, together with such recommendations as may be calculated to effectuate the policy of Title I of the National Industrial Recovery Act, shall be reported by such Committee to the Administrator as soon as possible, but in any event within ninety days from the date of approval of this Code. If, upon the basis of such report, the Administrator shall find that such unfair and discriminatory practices do exist and that the execution of the provisions hereinafter set forth will effectuate the purposes of the Act and will not be contrary to the public interest, and shall notify the respective authorities hereinabove described to that effect, the following provisions shall become effective as a part of this Code immediately upon such notification:

(1) The sale by any member of the Trade of any branded or trade-marked merchandise at a price lower or on terms more favorable than the prices and terms in the currently published suggested resale schedules of the manufacturer thereof, is an unfair method of competition.

(2) The sale by any member of the Trade of any article of automotive merchandise known to the Trade to be identical with and to be manufactured by the manufacturer of some branded or trade-marked article at a price lower or on terms more favorable than the prices and terms in the currently published suggested resale schedules of said manufacturer for said branded or trade-marked article, is an unfair method of competition.

(3) The sale by any member of the Trade of any article of automotive merchandise in such manner as to indicate to the purchaser thereof that such article is identical with and manufactured by the manufacturer of some branded or trade-marked article at a price lower or on terms more favorable than the prices and terms in the currently published suggested resale schedules of said manufacturer

for said branded or trade-marked article, is an unfair method of competition.

Provided, however, that the Administrator, in connection with such notification to the respective authorities aforesaid, may make such modification of the aforesaid provisions as may be indicated by the facts found and recommendations made.

ARTICLE VII—TRADE PRACTICE RULES

The following are unfair methods of competition and if engaged in by any member of the trade shall constitute a violation of this Code:

(A) Marking, branding, or failure to brand, or the describing of merchandise in catalogues or circulars for the purpose or with the effect of misleading or deceiving purchasers or prospective purchasers in any material particular is an unfair method of competition.

(B) The making of statements by advertisement or otherwise and selling or offering to sell any automotive merchandise with intent to deceive purchasers or prospective purchasers is an unfair method of competition.

(C) To prevent unfair methods of competition, the Code Authority shall, subject to the disapproval of the Administrator, establish a fair and equitable classification of accounts, and such classification shall be adhered to by all members of the Trade. No member of the Trade shall sell merchandise to any customer at prices lower than are offered to all other customers of the same class for the same quantity, grade, quality, or style. Provided, however, that due allowance may be made for differences in transportation costs, it being understood that transportation costs may be equalized by any individual member of the trade acting independently as between recognized wholesaling centers.

If any application of the foregoing classification should work unjust hardship upon any member of the Trade or any customer, such members of the Trade or customer may appeal to the Code Authority, which shall have power to make such reclassification as justice requires. If the Code Authority should refuse relief or should fail to take action upon any appeal within fifteen (15) days, such member or customer may appeal to the Administrator, who shall have power to grant relief.

(D) No cash discount of greater than 2% shall be allowed by any member of the Trade. No cash discount shall be allowed where payment of an invoice is made by warrant, note, or trade acceptance, or where there is an unpaid balance due, unless such balance is due to and confined to items in dispute.

The Code Authority may recommend to the Administrator such other provisions in regard to uniform credit terms, as shall seem necessary to help stabilize the trade. Upon approval thereof by the Administrator, after such hearing as may be prescribed, such provisions shall become part of this Code.

(E) Accepting an order for a large quantity of merchandise at a large quantity price with the intention of making delivery of less than the quantity ordered is unfair method of competition.

(F) When a member of the Trade deems it necessary to liquidate surplus, slow-moving stock of merchandise, dropped lines, seconds,

or inventories which must be converted into cash to meet emergency needs, such merchandise may be disposed of in such manner and on such terms and conditions as the Code Authority may approve and as are necessary to move such merchandise into buyers' hands, provided that all invoices covering sales of merchandise so sold shall plainly display the following wording: "Special Close-out Prices." Failure to observe this rule or increasing such stock during liquidation at the special prices is an unfair method of competition. If the Code Authority should deny approval as aforesaid, or should fail to notify the member of the trade affected of its decision within 10 days after application for approval, such member of the trade may appeal to the Administrator, who may grant approval.

It is recommended with reference to the above rule that any wholesaler finding himself in this position should first offer the surplus of merchandise to the manufacturer or seller thereof, and, failing disposal of such merchandise by this method, should offer same to his competitors in the district or local group.

(G) The consignment of goods is an unfair trade practice unless the consignor obtains the approval of the Code Authority. If the Code Authority refuses approval or should fail to notify the member of the trade affected of its decision within 10 days after application for approval such member of the trade may appeal to the Administrator, who may grant approval. Consignment as used herein shall include, but without limitations, the carrying of floating ledger balances.

(H) To give, directly or indirectly, or to permit to be given, or to offer money or anything of value to customers, prospective customers, employees, or representatives of customers or prospective customers, as an inducement to influence sales or to influence such customers or employees to refrain from dealing or contracting to deal with competitors, is an unfair method of competition. This rule includes the giving or permitting to be given, or holding oneself as giving so-called "Free Deals" and "free" mechanical service except as provided by the manufacturers' warranty and/or sales policy in connection with the sale of merchandise or mechanical service by automotive wholesalers.

(I) The practice of coercion in the wholesale distribution of automotive products in any form whatsoever or through the instrumentality of any devices whatsoever is unfair competition.

(J) Willfully inducing or attempting to induce the breach of existing contracts between competitors and their customers by any false or deceptive means whatsoever, or interfering with, or obstructing the performance of any such contractual duties or services by any such means, is unfair trade practice.

(K) The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade or quality of their goods, is unfair trade practice.

(L) Willfully withholding from or inserting in the invoice statements which make the invoice a false record, wholly or in part, of the transaction represented on the face thereof, is an unfair trade practice.

(M) The minimum hours of any store or service operation in the Wholesale Automotive Trade shall be fifty-two hours in any one week unless such hours were less than 52 hours per week before July 1, 1933, in which case such hours less than 52 may apply.

No member of the trade shall perform any store or service operation on Sundays and/or holidays as are generally observed in any given district as applying to that district.

Emergency sales or service may be performed in hours not specified in this section under such conditions as the Code Authority may prescribe, subject to the disapproval of the Administrator.

ARTICLE VIII—ORGANIZATION AND PROCEDURE

(A) There is hereby constituted a Code Authority for the purpose of assisting the Administrator in administering, supervising, and promoting the performance of the provisions of this Code by the members of the Wholesale Automotive Trade.

(B) The Code Authority shall consist of twenty-two (22) members of the trade selected in a manner herein provided for from among the memberships of the associations specifically named in designating the National Administrative Committee (defined in Article I of this Code) in the following proportions:

Five representatives of the Motor and Equipment Wholesalers Association;

Five representatives of the National Standard Parts Association;

Three representatives of the Automotive Electric Association;

Three representatives of the National Wheel & Rim Association;

Three representatives of the National Automotive Parts Association;

Three representatives of the Automotive Engine Rebuilders Association.

Additional members of the Code Authority may be selected from members of the Trade to provide representation of interests not in the membership of any of the herein named associations in such manner and under such conditions as the Administrator may prescribe.

The members of the Code Authority selected from the memberships of the herein named associations shall be chosen as follows: The board of directors or corresponding authority of each association shall appoint a nominating committee not later than fifteen (15) days from the date of approval of this code by the President. Each said committee shall within twenty (20) days from the date of its appointment submit to the secretary of its association names of nominees to the Code Authority, numbering not less than twice the number of representatives from said association. The secretary of each association shall immediately transmit the names of such nominees to the membership of his respective association.

Additional nominations may be made by the members of each association by petition signed by not less than ten members, provided that said petition is filed with the secretary of the association addressed to the headquarters of the association not later than twenty (20) days after the date of notification by the secretary of nominees by the nominating committee.

The secretary shall immediately transmit to the members a ballot containing the names of all nominees, said ballot to be returned in a self-addressed envelope directed to the Board of Directors or other corresponding authority, care of headquarters of the association not later than twenty (20) days from the date of its transmittal to members. The Board of Directors or a duly authorized board of canvassers shall immediately canvas the result and certify same to the national administrative committee, who shall immediately certify said result to the Administrator.

Participation in the selection of members of the Code Authority chosen from the memberships of the associations shall be limited to duly accredited representatives in the associations of members thereof who are members of the trade. Only such duly accredited representatives shall be eligible for election to the Code Authority as representatives of such associations.

The National Administrative Committee as constituted on the date of approval of this Code shall be the Code Authority until procedure governing election as herein above provided shall have been complied with.

The Code Authority as constituted on the date of approval of this Code and as determined in accordance with procedure herein provided shall have the power to delegate its authority as it may determine subject to the disapproval of the Administrator, provided, however, that no such delegation shall relieve it of its duties and responsibilities under this Code.

Vacancies in the membership of the Code Authority may be filled by the Code Authority in such manner as it may prescribe subject to the disapproval of the Administrator, provided that the person or persons selected to fill such vacancy or vacancies be selected from the membership of the association in which it or they occur.

The Code Authority as elected in the manner herein provided shall serve until the date of the expiration of the Act, or sooner if the President shall have declared the emergency under which the Act was created to have ended.

(C) No inequitable restrictions upon membership in any of the associations which designated the National Administrative Committee or in any other association, national or local, which participates in the administration of this code, shall at any time be imposed.

(D) The Code Authority shall have the powers and duties prescribed in this Code, subject to the right of the Administrator, upon review, to disapprove any action taken by the Code Authority.

With a view to keeping the Administrator informed as to the observance or nonobservance of this code and as to whether appropriate steps are being taken to effectuate the purposes of the Act, each member of this trade shall furnish certified reports to the Code Authority when and in such form as it shall, subject to the disapproval of the Administrator, prescribe. Each member of the Code shall permit a disinterested agency, designated by the Code Authority, with the approval of the Administrator, to make such examination of the relevant records of each member of this trade as may, subject to the approval of the Administrator, be necessary for the purpose of verifying the accuracy of such reports.

(E) The Administrator may designate not more than three representatives to participate in the conferences of the Code Authority with respect to the application of this Code and such representatives shall have access to all data and statistics collected by the Code Authority as hereinabove provided. The Code Authority shall hold itself in readiness to assist the Administrator and to meet with the Administrator's representatives from time to time as required, to consider and study any suggestions or proposals presented upon behalf of the Administrator or any member of the trade regarding the operation, observance, or administration of this Code. Such representatives shall receive such notice of meetings of the Code Authority as is given to members of the Code Authority.

(F) Any and all information with respect to sales volume, costs, and other details of operations as may be furnished by the members of the trade to the Code Authority shall be considered confidential and shall not be supplied or made available to others except to the duly appointed and constituted representative of the President.

(G) In addition to information required to be submitted under this Code there shall be furnished to government agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act.

(H) Each member of the Code shall bear his proportionate share toward the cost of preparation and administration of the Code, including the cost of assembly and analysis of such reports and data as may be required under the Code and the cost of the maintenance of the Administrative agency and its activities. Said proportionate share shall be determined by the Code Authority with the approval of the Administrator. Only members of the Code may participate in the activities of the Code Authority.

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

ARTICLE IX—AMENDMENTS

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

(B) Such of the provisions of this Code as are not required to be included therein by the National Industrial Recovery Act may, with the approval of the President, be modified or eliminated as changes in circumstances or experience may indicate, upon application of the Code Authority and approval by the President after such hearings as may be prescribed. It is contemplated that from time to time

supplementary provisions or supplementary codes to this Code will be submitted for the approval of the President to prevent unfair competition in price and other unfair and destructive competitive practices and to effectuate the other purposes and policies of Title I of the National Industrial Recovery Act consistent with the provisions hereof.

ARTICLE X—GENERAL

(A) No provision in this Code shall be interpreted or applied in such manner as to promote monopolies, permit or encourage unfair competition, eliminate or oppress or discriminate against small enterprises.

(B) If any employer of labor in the wholesale automotive industry is also an employer of labor in any other industry, the provisions of this Code shall apply to and affect only that part of his business which is included in the wholesale automotive industry.

(C) (1) Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection; (2) no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing; and (3) employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

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

(E) No member of this Code shall be held to have consented to any modification thereof or to any provision or interpretation of the National Industrial Recovery Act if declared unconstitutional by the Supreme Court of the United States.

(F) All employers shall post the labor provisions of this Code in conspicuous places accessible to employees.

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

(H) The effective date of this Code shall be the 10th day after the date of its approval by the President of the United States.

Approved Code No. 164

CODE OF FAIR COMPETITION

FOR THE

KNITTED OUTERWEAR INDUSTRY

As Approved on December 18, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Knitted Outerwear Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said code of fair competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said code of fair competition complies in all respects with the pertinent provisions of title I of said act and that the requirements of clauses (1) and (2) of subsection (a) of section 3 of the said act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations, and findings of the Administrator and do order that the said code of fair competition be and it is hereby approved, subject to the following condition:

That all manufacturers of knitted outerwear for infants and children, sized from infancy to and including age fifteen, be granted a stay from the provisions of this code, until determination by the Administrator, after such hearing as he may deem necessary, as to whether or not they are to be included in this code.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 18, 1933.

DECEMBER 5, 1933.

The PRESIDENT,
The White House.

SIR: I have the honor to submit and recommend for your approval the Code of Fair Competition for the Knitted Outerwear Industry. This Code was proposed by the National Knitted Outerwear Association, No. 1 Madison Ave., New York City.

The National Knitted Outerwear Association was founded in 1918 and represents 55% of the total number of plants in the United States and 72% of the total volume. This association is organized on a regional basis, with five separate local associations serving regions in all parts of the United States. The association imposes no inequitable restrictions on membership.

The hearing was conducted in the Willard Room of the Willard Hotel in Washington on October 16 and 17, 1933. Every person who filed a request for an appearance was fully heard in accordance with statutory and regulatory requirements.

EVIDENCE SUBMITTED

The Industry comprises approximately 750 plants with an invested capital of approximately \$50,000,000. The annual sales for the year 1931 were approximately \$112,000,000 as compared to the sales in 1929 of \$147,000,000.

The Industry, since August 1, 1933, has been operating under the same wage and hour provisions as contained in the Code and provided under a substitute agreement to the President's Reemployment Agreement. The application of these wages and hours increased the average weekly wage from \$13.59 in June and July 1933 to \$15.93 in August 1933, an increase of 17%.

PROVISIONS OF THE CODE

The Code provides for a minimum wage of 35¢ per hour in the Northern section of the Industry and 32½¢ per hour in the Southern section.

Productive machinery may be operated for two 40-hour shifts per week with the provision that any employer may elect to operate one shift per week and have the privilege of operating 48 hours per week for two periods of 4 consecutive weeks each per year.

Employees may work not more than 40 hours per week nor more than 8 hours per day, except that when an employer elects to operate one shift only, the employees may work not more than 48 hours per week nor more than 9 hours per day.

Office employees may work an average of 40 hours per week over a period of any 12 weeks, but may not work more than 48 hours in any one week.

Overtime above 40 hours per week is to be paid for at the rate of time and one third. Provision is made for the maintenance of differentials between wages above the minimum. Provisions are made for guaranteeing sufficient pay to contractors to cover their wages plus a reasonable allowance for the contractor's overhead.

HOME WORK

Home work is a major problem in this Industry, due to the wide variety of work done and the wide geographical distribution of the workers. Workers are located in both the Metropolitan centers and in country districts in all sections of the United States.

It is necessary to consider also the conflicting aspects of the problem, as represented by the possibility of low wages, long hours, child labor, and unsanitary working conditions on the one hand, and the crippled, needy, widowed mothers and difficulty of obtaining trained workers on the other hand.

From the evidence submitted and from independent investigations it was evident that more time should be allowed for study of the problem. Accordingly a home-work committee has been provided for in the Code to set equitable piece rates and to study the practicability of elimination of home work, insofar as possible.

INFANT'S AND CHILDREN'S WEAR

The Infant's and Children's Wear Industry have submitted a Code of Fair Competition in which they seek to include Infant's and Children's knitted outerwear. As the Knitted Outerwear Code also includes Infant's and Children's Knitted Outerwear, a stay is recommended for all manufacturers of Infant's and Children's Knitted Outerwear until a final determination can be made.

FINDINGS

I find that—

(a) This Code complies in all respects with the pertinent provisions of Title I of the National Industrial Recovery Act, including without limitation subsection (a) of Section 7 and subsection (b) of Section 10 thereof.

(b) The National Knitted Outerwear Association is truly representative of the Knitted Outerwear Industry and the Bylaws of this Association provide no inequitable restrictions to membership.

(c) The Code is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

I recommend that the Code be approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION
FOR THE
KNITTED OUTERWEAR INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policies of title I of the National Industrial Recovery Act, the following provisions are submitted as a Code of Fair Competition for the Knitted Outerwear Industry, and upon approval by the President shall be the standard of fair competition for such Industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

(a) The term "Knitted Outerwear Industry" as used herein is defined to mean the manufacture of knitted outerwear apparel for men, women, and children, including infants, and/or the manufacture of knitted fabrics for outerwear purposes, but shall not include the products of the hosiery and/or underwear industries and/or the manufacture of knitted woolen goods in self-contained woolen mills of the wool textile industry as defined in the respective codes of these industries and shall not include the manufacture of garments made of purchased knitted fabrics.

(b) The term "employee" as used herein includes any person engaged in any phase of the Knitted Outerwear Industry in any capacity in the nature of employee irrespective of the method of payment of compensation.

(c) The term "employer" as used herein includes anyone by whom any such employee is compensated or employed.

(d) The term "productive machinery" as used herein is defined to mean all knitting, winding, pressing (not including the pressing of dresses, suits, and coats) and fabric finishing machinery used in the Knitted Outerwear Industry.

(e) The term "contractor" as used herein shall include anyone who manufactures any of the products of the industry as above defined, in whole or in part, for others who provide the necessary raw materials.

(f) The term "Act" as used herein refers to the National Industrial Recovery Act.

(g) The term "Code Authority" as used herein shall refer to the Knitted Outerwear Industry Code Authority set up in Article IX of this Code.

(h) The term "Administrator" means the Administrator duly appointed under the National Industrial Recovery Act.

(i) The term "member of the Industry" as used herein is defined to mean every employer, as defined herein, and all firms who use contractors or submanufacturers referred to in Article VII hereof, and firms in any other related groups as may from time to time be included in the Industry by the Administrator upon application of the Code Authority.

(j) The term "cleaner" as used herein means and includes anyone who does janitor service or one who cleans floors, buildings, or machinery and does nothing else but clean.

(k) The term "learner" as used herein means and includes anyone who has worked less than eight (8) weeks in the industry.

ARTICLE III—HOURS

(a) No employee in the Knitted Outerwear Industry, except repair-shop crews, engineers, electricians, firemen, supervisors, shipping, watching and outside crews, cleaners, and office employees receiving less than \$35.00 per week shall be permitted to work in excess of forty (40) hours per week, and the hours in each week during which any employee shall have worked in other plants and/or in other industries shall be included in such forty (40) hours.

(b) Office employees receiving less than thirty-five dollars (\$35) per week shall not be permitted to work more than four hundred and eighty (480) hours in any twelve-week period, an average of forty (40) hours per week, and not more than forty-eight (48) hours in any one week.

(c) On or before February 1, 1934, the Code Authority shall prepare and submit to the Administrator suggestions for a schedule of maximum hours to apply to those employees excepted under section (a) of this Article.

(d) Employers in the Knitted Outerwear Industry shall not operate productive machinery in the Knitted Outerwear Industry for more than two (2) shifts of forty (40) hours each in any week, and no other machinery used in the Knitted Outerwear Industry shall be operated for more than one (1) shift of forty (40) hours during any week; except that any employer may elect by notifying the Code Authority to operate all machinery for one (1) shift only, and such employer may operate all machinery on a schedule of hours of labor for his employees of not more than forty (40) hours per week except that for two (2) periods of four (4) consecutive weeks each, per year, such employer may operate not more than forty-eight (48) hours in any one week.

(e) No employee shall work more than eight (8) hours in any one day when on a forty (40) hour weekly shift nor more than nine (9) hours in any one day when on a forty-eight (48) hour weekly shift.

(f) All overtime above forty (40) hours per week shall be paid for at the rate of time and one third.

ARTICLE IV—WAGES

(a) The minimum wages that shall be paid by employers in the Knitted Outerwear Industry to any of their employees, except learners, shall be at the rate of thirty-five cents (35¢) per hour

when employed in the Northern section of the industry and thirty-two and one half cents ($32\frac{1}{2}$) per hour when employed in the Southern section.

(b) The States of Virginia, Tennessee, Kentucky, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Texas, Louisiana, and Oklahoma shall constitute the Southern section of the Industry. Other states and the District of Columbia shall constitute the Northern section.

(c) The rate of pay for learners shall not be less than seventy-five (75%) percent of the minimum rate and no employer shall include within the category of learners more than one such employee for every twenty (20) employees or fraction thereof.

(d) The weekly compensation for employment now in excess of the minimum wages herein provided shall not be reduced, notwithstanding that the hours of work in any such employment may be hereby reduced, and piece rates shall be so adjusted that earnings at the shorter hours provided in this Code shall be at least equivalent to those obtaining under the longer hours heretofore prevailing.

(e) The provisions for a minimum wage in this Code shall establish a guaranteed minimum rate of pay per hour of employment, regardless of whether the employees' compensation is based on a time rate or piecework rate or any other basis.

(f) Employers shall not reclassify employees or duties of occupations performed by employees so as to defeat the purposes of the Act and of this Code.

(g) A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a rate of pay not less than 75% of the minimum rate, provided that not more than one (1) employee for every twenty (20) employees or a fraction thereof may be placed within this classification, and the names and addresses of all such handicapped employees shall be reported to the Code Authority.

ARTICLE V—CHILD LABOR

No person under sixteen (16) years of age shall be employed in the Knitted Outerwear Industry, nor anyone under eighteen (18) years of age at operations or occupations hazardous in nature or detrimental to health.

ARTICLE VI—HOME WORK

(a) No Knitted Outerwear products shall be manufactured at home for sale or other commercial purpose, except that for the period of one year after the effective date of this Code hand knitting (which shall include hand crocheting, hand embroidering, and hand sewing together of machine-made parts of garments), will be permitted when performed in accordance with regulations and/or piece rates which may be established as herein provided.

(b) Anything contained in Article IV of this Code to the contrary notwithstanding, the Administrator may fix, on or before January 15, 1934, after notice to the Code Authority, and may

change from time to time after like notice, minimum piecework rates for any of the operations described in paragraph (a) of this Article.

(c) The Administrator shall appoint a Hand-Knitted Division Committee of seven, three of whom shall be fairly representative of the hand-knit manufacturers, three fairly representative of the machine manufacturers and recommended by the Code Authority, and one representing the Administrator. This Committee shall report to the Administrator within thirty (30) days after the effective date of this Code or within such further time as may subsequently be allowed by the Administrator or his Deputy, with respect to proper minimum piecework rates and shall make a study of and report within six months from the effective date of this Code, upon the practicability of discontinuing home work in the Industry or setting up a system of control for home workers.

ARTICLE VII—CONTRACTING

All members of the Knitted Outerwear Industry who use contractors or submanufacturers for knitting or fabricating garments, or any part thereof, shall pay such rates to the contractor or submanufacturer as will enable the contractor or submanufacturer to pay his employees at least the wages provided for in this Code, together with a reasonable allowance for the contractor's overhead. The Code Authority shall formulate additional regulations, with the approval of the Administrator, to carry into effect the purpose and intent of this provision.

ARTICLE VIII—GENERAL LABOR PROVISIONS

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

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

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

(d) Within each State this Code shall not supersede any laws of such State imposing more stringent requirements on employers regulating the age of employees, wages, hours of work, or health, fire, or general working conditions than under this Code.

(e) Each employer shall post in conspicuous places on his premises full copies of this Code, in the form prescribed by the Code Authority.

ARTICLE IX—ADMINISTRATION

(a) To effectuate further the policies of the Act, a Knitted Outerwear Industry Code Authority is hereby designated to act as the

representative body from the Industry in the administration and enforcement of this Code and shall have, in addition to the specific powers herein conferred, all general powers necessary to assist the Administrator in such administration and enforcement.

(b) This Code Authority shall consist of eight (8) representatives of the Knitted Outerwear Industry elected by a fair method of selection, to be approved by the Administrator, and not more than three (3) members without vote and without cost to the Industry, appointed by the Administrator. Such agency may from time to time present to the Administrator recommendations based on conditions in this industry as they may develop which will tend to effectuate the operation of the provisions of this Code and the policy of the Act. Such recommendations, when approved by the Administrator, shall have the same force and effect as any other provisions of this Code.

(c) Such agency is also set up to cooperate with the Administrator in making investigations as to the functioning and observance of any provision of this Code, at its own instance or on complaint of any person affected, and to report same to the Administrator.

(d) In addition to the information required to be submitted to the Code Authority there shall be furnished to Government Agencies such statistical information as the Administrator may deem necessary for the purpose stated in section 3 (a) of the Act.

(e) Members of the Industry who manufacture Infants' and Children's wear up to and including sizes for 15-year-old children may elect to form a separate group within the industry and shall have full rights to autonomy in regard to trade practices. This group may either approve the trade practices applying to other members of the Industry or separate and distinct trade practices may be promulgated and adopted as provided in this Code.

(f) Members of the Industry shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the selection of the members thereof by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the expense of its administration. The reasonable share of the expenses of administration shall be determined by the Code Authority, subject to review by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable to be taken into consideration.

(g) The Code Authority will cooperate with the Administrator in the establishment of an Advisory Council for all or any group of textile industries, for the purpose of considering and advising with the Administrator on matters concerning two or more of such industries operating under separate Codes of Fair Competition, and upon request and with the approval of the Administrator, appoint to such Advisory Council one or more representatives of the Knitted Outerwear Industry.

ARTICLE X—TRADE PRACTICES

To accomplish the purposes contemplated by the Act the following practices are hereby declared to be unfair methods of competition and in violation of this Code.

(a) *Selling Below Cost.*—No member of the Industry shall sell any product or service below cost based upon principles of costing formulated by the Code Authority and approved by the Administrator, except when necessary to meet competition, to dispose of distress merchandise or under other circumstances to be defined by the Code Authority.

(b) *Consignment.*—No member of the industry shall ship goods on consignment except under circumstances to be defined by the Code Authority, where peculiar circumstances of the Knitted Outerwear Industry require the practice.

(c) *Misbranding.*—No member of the Industry shall falsely mark and/or brand knitted outerwear products for the purpose or with the effect of misleading or deceiving purchasers with respect to the origin, trade marking, quality, yarn content, or construction of such products.

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

(e) *Terms of Sale.*—(1) No member of the Industry shall sell or offer to sell knitted outerwear products upon terms other than a maximum discount of three (3) percent to the wholesale trade for payment on the 10th day of the month following the designated shipping date, or equivalent discount for longer periods. (2) No member of the Industry shall sell or offer to sell knitted outerwear products to the retail trade upon terms other than a maximum discount of eight (8) percent for payment on the 10th day of the month following that of shipment. For the purpose of these provisions, the 25th calendar day shall be considered the end of the month.

(f) *Returns.*—No member of the Industry shall accept the return of garments that have been worn, or merchandise not worn but which has been accepted by a customer, except under circumstances to be defined by the Code Authority.

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

(h) *Delivery Charges.*—All knitted outerwear products shall be sold F.O.B. shipping point, except for deliveries within metropolitan areas local to the shipper, subject to exceptions approved by the Code Authority.

ARTICLE XI—STANDARDS

(a) All standards already formulated in cooperation with the Bureau of Standards of the United States Department of Commerce

and approved by the industry, or standards which shall be so formulated and approved, shall become the standards of the industry. The Knitted Outerwear Code Authority shall notify all members of the industry and all known interested persons in the industry of each new standard adopted, and the effective date thereof. All merchandise manufactured after the effective date shall be plainly and visibly marked by a firmly sewed label, "Substandard", where such merchandise comes below the minimum standards. Every manufacturer shall plainly mark with a stamp or a firmly sewed label the size or measurement of his product thereon.

(b) All garments manufactured or distributed shall bear an N.R.A. label, which shall remain attached to such garments. Such label shall be in such form as may be prescribed by the Code Authority. The Code Authority shall have the exclusive right in this industry to issue and furnish said labels to the members thereof. The privilege of using such label shall be granted and such label shall be issued to any employer from time to time engaged in the industry, upon application therefor to the Code Authority accompanied by a statement of compliance with the standards of operation prescribed by and the provisions of this Code. The privilege of using such labels and the issuance thereof may be withdrawn and cease or may be suspended in respect to any such manufacturer whose operations, after appropriate hearing by the Code Authority and review by the Administrator, shall be found to be in substantial violation of such standards and provisions. Employers shall be entitled to obtain and use such labels if they comply with the provisions of this Code. The Code Authority may establish appropriate machinery and regulations for the issuance of such labels, inspection, examination, and supervision of employers engaged in the industry, in accordance with the foregoing provisions.

ARTICLE XII—MODIFICATION

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

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

ARTICLE XIII—MONOPOLIES

The provisions of this Code shall not be interpreted or applied to promote monopolies or monopolistic practices or to eliminate or oppress small enterprises or to discriminate against them.

ARTICLE XIV—EFFECTIVE DATE

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

Approved Code No. 164.
Registry No. 243-1-02.



Approved Code No. 165

CODE OF FAIR COMPETITION
FOR THE
NON-FERROUS FOUNDRY INDUSTRY

As Approved on December 18, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Non-Ferrous Foundry Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said code of fair competition, together with his recommendations and findings with respect thereto, and the Administrator having found that the said code of fair competition complies in all respects with the pertinent provisions of title I of said act and that the requirements of clauses (1) and (2) of subsection (a) of section 3 of the said act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations, and findings of the Administrator, and do order that the said code of fair competition be and it is hereby approved.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 18, 1933.

DECEMBER 8, 1933.

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition proposed for the Non-Ferrous Foundry Industry in the United States, and supplementary codes submitted by the Miscellaneous Sand Castings division, the Aluminum Permanent Mold Castings division, the Steel and Rolling Mill Castings division, and the Blast Furnace Castings division of the Industry, and on the hearing conducted thereon in Washington, D.C., on October 27, 1933, in accordance with the provisions of the National Industrial Recovery Act.

RÉSUMÉ OF CODE AS TO WAGES AND HOURS

The Basic Code provides a 40-hour week for all employees, except those performing executive or technical work, and members of their staffs individually receiving pay at the rate of at least \$35.00 per week. Peak period employment is allowed not to exceed 48 hours per week for not more than 4 weeks in any 6 months' period with a 6-day week. The peculiarities of foundry production make it impossible on infrequent occasions to complete foundry processes within an exact 8-hour day, but the principle of the 8-hour day is recognized by a statement in the Code.

Melters, engineers, and firemen may be employed not more than 10% longer hours than other factory employees, but the number shall not exceed 3% of the total number of employees.

Repair employees may be employed 10% longer than regular hours in case of emergency.

Watchmen may be employed 56 hours per week.

Child labor is prohibited, and no person under 18 years of age may be employed in any dangerous or hazardous occupations.

Minimum rates of pay are 32¢ per hour in the southern district for males and 27¢ per hour for females; and 40¢ per hour in the northern district for males and 35¢ for females, with not less than 80% for learners (for a period of not exceeding 90 days) apprentices (for a period of not exceeding one year) and superannuated and maimed employees. Not more than 5% of the total number of employees may be included in the classifications receiving less than the minimum rates of pay. Equitable adjustment is provided for all wages above the minima.

GENERAL STATEMENT

This Industry consists of establishments engaged in the manufacture of aluminum, antimony, bismuth, cadmium, cobalt, copper, lead magnesium, nickel, tin, zinc, and alloy castings, with certain definitely stated exceptions. It consists of approximately 1,500 plants most of which are small units employing only a few workers.

The Association presents the following figures:

Invested Capital.....	\$40,000,000
Present Sales Volume.....	\$ 3,300,000
Production Capacity.....	60,000,000
Production Rate at Present.....	do 21,700,000
Present Number of Employees.....	14,000

Statistical information is exceedingly meagre, and has been gathered only by the Industry, which has compiled some basic figures beginning in 1928.

These statistics indicate that in 1928 and 1929 approximately 97% of the concerns in the Industry were operating on a schedule of hours greater than 40 hours per week, and that during the first portion of 1933 approximately 67% of the concerns were operating under such a schedule. Setting a maximum of 40 hours per week, therefore, will materially increase the number of employees.

Pertinent figures relative to labor and wages since 1928 are as follows:

Year	Estimated number of employees	Average minimum weekly wage	Estimated weekly pay rol
1928.....	17,000	\$12.25	\$450,000.00
1929.....	18,500	12.25	515,000.00
1st quarter 1933.....	12,000	9.00	265,000.00
July to September 1933.....	14,000	11.75	334,000.00
Estimated under code.....	15,800	{ ¹ 16.00 ² 12.80}	398,000.00

¹ North.

² South.

The present volume of business in pounds production is estimated at 50% to 60% of 1929, whereas the value of said business in dollars is only 35% to 40% of the 1929 levels. With an improvement in general business conditions and an increase in the business of this Industry to a normal of approximately 75% of 1928 to 1929 tonnages, the Industry working under the Code will employ approximately 22,000 persons and will have an average weekly pay roll of approximately \$550,000.00, or an increase in the pay roll of about \$7,500,000.00 per year. It is evident, therefore, that the anticipated business expansion will result in greater employment within this Industry than the 1929 peak.

Provision is made that three representatives of the Administration, without vote, shall serve with the Code Authority.

The supplementary codes submitted define certain subdivisions of the Industry, and outline fair trade practices for each of these subdivisions. Provision is made for the submission of additional supplements by any other subdivisions of the Industry which may wish to file them.

I believe that the Code and supplements are fair to Industry, to Labor and to the Consumer, and in accordance with the intent and purpose of the National Industrial Recovery Act.

FINDINGS

The Deputy Administrator finds that:

(a) The Code and supplements as recommended comply in all respects with the pertinent provisions of Title I of the Act, including, without limitation, subsection (a) of Section 7 and subsection (b) of Section 10 thereof; and that

(b) The applicant group imposes no inequitable restrictions on admission to membership therein and is truly representative of the Non-Ferrous Foundry Industry; and that

(c) The Code and supplements as recommended are not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

Accordingly, I hereby recommend the approval of this proposed Code of Fair Competition for the Non-Ferrous Foundry Industry, and of the Supplemental Codes for the Miscellaneous Sand Castings division, the Aluminum Permanent Mold Castings division, the Steel and Rolling Mill Castings division, and the Blast Furnace Castings division of the Industry.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION
FOR THE
NON-FERROUS FOUNDRY INDUSTRY

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Non-Ferrous Foundry Industry and shall be binding upon every member thereof.

ARTICLE I—DEFINITION OF TERMS

The terms used in this Code are defined as follows:

(a) The term "the Industry" means and includes the business of producing nonferrous castings as hereinafter defined, and such equipment therefor as is regularly manufactured in plants of members of the industry, and selling such castings in the United States except as produced and/or sold as a part of the products, including finished and semifinished parts thereof, of an owning or an affiliated company, but not sold in the open market as castings in competition with similar castings produced by other members of the Industry, provided, however, that such term does not include the production of Railroad car and locomotive journal bearings and castings, nor semifinished or finished Street Railway castings, and provided further that such term does not include the production of die castings and the production of aluminum alloy piston castings.

The term "affiliated company" means a company whose relations to another company are such that either one has directly or indirectly, a 51% or more voting stock interest in the other, or that a third company has, directly or indirectly, a 51% or more voting stock interest in both.

The industry embraces two main groups of castings which are "Miscellaneous Non-Ferrous Castings" and "Specialty Non-Ferrous Castings."

(b) The term "Member of the Industry" includes anyone engaged in the industry as above defined, either as an employer or on his own behalf; Provided, however, that organizations or groups of members of the industry representing a substantial part of any branch or division of the industry may be exempted by the Administrator from the provisions of this Code as provided for herein.

(c) The term "Non-Ferrous Castings" means castings made in the Industry from aluminum, antimony, bismuth, cadmium, cobalt, copper, lead, magnesium, nickel (except nickel chromium alloys containing more than 5% of chromium), tin, zinc, and their alloys containing less than fifty per centum (50%) of iron, produced by any process.

(d) The term "Miscellaneous Non-Ferrous Castings" means that group of non-ferrous castings produced in the rough or partially machined or finished by a member of the industry to the order of the buyer from the buyer's designs and specifications. (e) The term "Specialty Non-Ferrous Castings" means that group of cast non-ferrous products in the rough or partially machined or finished, designed and engineered by members of the industry producing them, produced from patterns and/or other production equipment belonging to the producer.

(f) The term "the Association" means Non-Ferrous Foundry Association for Industrial Recovery.

(g) The term "the Board of Directors" means the Board of Directors of the "Association."

(h) The term "employee" as used herein includes anyone engaged in the industry in any capacity receiving compensation for his services, irrespective of the nature or method of payment of such compensation.

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

(j) The term "President" means the President of the United States.

(k) Population for the purposes of this Code shall be determined by reference to the 1930 Federal Census.

ARTICLE II—GENERAL REGULATIONS

Members of the Industry will comply with the following specific provisions:

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

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

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

(d) Members of the Industry shall not reclassify employees or duties of occupations performed by employees so as to defeat the purposes of the Act.

(e) Each member of the Industry shall post in conspicuous places, easily accessible to employees, copies of Articles II, III, IV, and V of this Code.

ARTICLE III—REGULATIONS OF HOURS OF WORK

(a) No member of the Industry shall cause or permit any employee to work in excess of forty (40) hours per week, subject to the following exceptions:

(1) In peak periods of production employees may be employed not to exceed forty-eight (48) hours per week for a period of not more than four (4) weeks in any six (6) months and not more than six (6) days in any one week.

(2) Melters, engineers, and firemen, the number (in no case less than one) of whom employed by any member of the Industry shall not exceed 3% of the total number of its employees, may be employed not more than 10% longer hours than other factory employees.

(3) Repair-work employees to the extent required by an emergency, may be employed not more than 10% longer hours than other factory employees.

(4) Watchmen may be employed not more than fifty-six (56) hours per week.

(5) All executives employed primarily in directing or supervisory capacities or in technical work, and members of their respective staffs, individually receiving pay at the rate of \$35.00 or more per week.

(6) Outside salesmen and outside service men.

(7) In emergencies where the safety of the men or the protection or preservation of the property necessitates longer hours.

(8) Whenever sufficient employees qualified for any type of work are not available to any member of the Industry in a particular locality such hours of labor may be increased to the extent required by such member of the Industry to perform such work, but compensation for such increased hours shall be at the rate of one and one half times the regular hourly rates.

(b) The Industry recognizes the desirability of and accepts the principle of the eight (8) hour working day for labor and insofar as it reasonably can, the Industry will endeavor to employ its labor on that basis.

(c) After the date of the employment by any member of the Industry of any employee such member shall not permit such employee who shall also have performed work for one or more other employers to work for such member such number of hours as would result in a violation of the Code had all such work been performed for such member.

ARTICLE IV—MINIMUM WAGE RATES

Inasmuch as living conditions differ between sections of the Country and for the purpose of providing for wage differentials the United States is divided into two districts hereinafter designated "North" and "South". The "North" comprises all that part of the United States except the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Arkansas, Mississippi, Louisiana, Oklahoma, and Texas. The "South" comprises all of the above-named States.

(a) The minimum rate of pay per hour which shall be paid by members of the Industry for male plant labor not including learners (for a period of not exceeding 90 days) bona fide apprentices (identified under a year's system or course of training), superannuated and maimed employees in its employ in the Industry in the "North"

shall not be less than 40¢ per hour, and in the "South" shall not be less than 32¢ per hour.

(b) The minimum rate of pay per hour which shall be paid by members of the Industry for female labor in the "North" shall not be less than 35¢ per hour, and in the "South" not less than 27¢ per hour. Where women perform substantially the same kind and amount of work as men, they shall receive the same wages.

(c) The minimum rate of pay per hour which shall be paid by members of the Industry for learners, bona fide apprentices, superannuated and maimed employees shall not be less than 80% of the minimum rate of pay as hereinbefore specified in paragraphs (a) and (b) of this Article.

(d) The number of learners, bona fide apprentices, superannuated and maimed employees employed by any member of the Industry shall not exceed 5% of the total number of its employees. Each employer shall file with the Code Authority within sixty days after the effective date and always keep up to date a record of all bona fide apprentices in his employ.

(e) In the case of employees performing work for which they are paid for piecework performed, the minimum rates of pay which each member of the Industry shall pay for such work shall produce over any pay period an amount equal to the amount receivable over that pay period at the minimum rates of pay per hour provided in paragraphs (a), (b), and (c), of this Article.

(f) On and after the effective date the minimum wage that shall be paid by any member of the Industry to all office and clerical employees, except commission sales people, shall be not less than \$15.00 per week in any city of over 500,000 population, or in the immediate trade area of such city; nor less than \$14.50 per week in any city of between 250,000 and 500,000 population, or in the immediate trade area of such city; nor less than \$14.00 per week in any city of between 2,500 and 250,000 population, or in the immediate trade area of such city; and in towns of less than 2,500 population, not less than \$12.00 per week. Office boys and girls shall be exempt from the provisions of this section, provided they are paid at a rate of not less than 80% of the above minimum wage, and provided further, that the number of such office boys and girls shall not exceed one to every ten persons employed in any office of any member of the industry (in no case less than one).

(g) Where a State law provides a higher minimum wage than is provided in this Code, no person employed within that State shall be paid a wage below that required by such State law.

(h) No member of the Industry shall reduce the rates of compensation for employment now in excess of the minimum wages hereby agreed to and shall make an equitable adjustment of the wages of employees now receiving more than the minimum wage as provided in this Code. Such equitable adjustment shall mean that differentials existing prior to the formulation of this Code shall be maintained for all workers. The first reports of wages required to be filed under this Code shall contain all wage increases made since May 1, 1933.

ARTICLE V—PROHIBITION OF CHILD LABOR

No member of the Industry shall employ any person under the age of sixteen (16) years; provided, however, that when a State Law specifies a higher minimum age, no person below the age so specified by such law shall be employed within that State. No member of this Industry shall employ any person below the age of eighteen (18) years in any dangerous or hazardous occupation.

ARTICLE VI—GENERAL PROVISIONS

(a) This Code is intended to be a Basic Code and to cover the entire Industry. It is understood that Divisions consisting of Trade Associations, groups of Manufacturers representing a substantial part of any specific branch of the Industry, and/or Trade Groups, may formulate supplementary Codes of Fair Competition, defining specifically their Division and covering such additional regulations as are considered advisable by them. These regulations, however, shall conform to the principles of the Basic Code. Such Codes when approved by the President of the United States shall have the same force and effect as this Basic Code.

(b) Articles VI, VII, and VIII of this Code shall not be applicable with respect to the products of the Industry sold for use outside of the continental United States, which shall be deemed to exclude Alaska and the Canal Zone.

(c) No provision in this Code shall be interpreted or applied in such manner as to—

1. Promote monopolies
2. Eliminate or oppress small enterprises; or
3. Discriminate against small enterprises.

(d) This Code and all the provisions thereof are expressly made subject to the right of the President of the United States in accordance with the provisions of Section 10 (b) of the National Industrial Recovery Act, from time to time to cancel or modify any order, approval, license, rule, or regulation, issued under Title I of said Act, and specifically to the right of the President of the United States to cancel or modify his approval of this Code or any condition imposed by him upon his approval thereof.

(e) Such of the provisions of this Code as are not required to be included therein by the National Industrial Recovery Act may, with the approval of the President of the United States be modified or eliminated as changes in the circumstances or experience may indicate.

ARTICLE VII—ADMINISTRATION

(a) The administration of the Code shall be under the direction of a Code Authority consisting of one representative elected by each of the several Divisions of the Industry submitting supplemental Codes approved by the President of the United States, and may have in addition thereto one representative who may be elected to represent the members of the Industry not members of the Association nor of a Division submitting a supplemental Code. The President and Vice President of the Association shall be members ex officio. Each of

the above members shall have one vote. The Executive Secretary of the Association, not a member of the Industry, shall be the Executive Secretary of the Code Authority, but shall have no vote on the Code Authority.

(b) The Administrator may appoint from one to three representatives to attend all meetings of the Code Authority in order that the Administrator may be fully advised regarding the operation and administration of the Code. Such representatives shall be without vote and shall serve without expense to the Industry. Due notice shall be given to such representatives of all meetings of the Code Authority.

(c) Any member of the Industry subject to the jurisdiction of this Code and receiving the benefits of the Code and/or the benefits of the activities of the Code Authority shall pay to the Code Authority his equitable proportionate share of the expense of formulating and putting into effect and administering this Code, and any other costs which may be incurred in the preparation and/or administration of the Code by said Code Authority. The part of such expenses which shall be assessed against such members of the Industry shall be assessed by the Code Authority, which Authority in making such assessment shall take into account the number of employees, the volume and class of business and an equitable consideration of any and all matters which should be taken into account in determining the proper assessment.

Failure of the member of the Industry to pay any such assessment for a period of thirty days after the date on which it shall become payable shall entitle the Code Authority to deprive such member of his participation in the administration of the Code as therein or herein provided, and such member shall continue to be liable for his proportionate share of all due and unpaid assessments.

(d) The Code Authority shall hold itself in readiness to assist and keep the Administrator fully advised, and to meet with the Administrator's representative or representatives from time to time as requested, to consider and study any suggestions or proposals presented upon behalf of the Administrator or any member of the Industry regarding the operation, observance, or administration of this Code. Such Code Authority may from time to time present to the Administrator recommendations based on conditions in the Industry as they may develop and request modifications or additional provisions to this Code.

(e) Any action taken by the Code Authority for the purpose of making effective the provisions of this Code may be submitted to the Administrator for approval, and shall in any case be subject to the disapproval of the Administrator.

(f) The administration of provisions of supplementary Codes may, with the approval of the Administrator, be through administrative agencies of the Divisions, coming under such supplementary Codes.

(g) Each member of the Industry shall furnish to the Code Authority duly certified reports at such time and in such forms as may be required by it in order to administer this Code.

(h) A Division having a Supplementary Code of Fair Competition applying to it, and approved by the President of the United

States, may collect such statistics as referred to in the preceding paragraph and send them in compiled form to the Code Authority.

(i) All statistical data filed shall be confidential and the data of one member of the Industry shall not be revealed to any other member of the Industry except in compiled form.

(j) The Executive Secretary of the Code Authority, or his duly authorized representatives, not members of the Industry, shall have access to any and all statistical data that may be furnished but only for the purpose of administering or enforcing the provisions of this Code.

(k) In addition to information required to be submitted to the Code Authority, there shall be furnished to government agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the National Industrial Recovery Act.

(l) The provisions of this Code and the jurisdiction of the Code Authority and of the Administrator under this Code over any member of the Industry are applicable only to that portion of the business and employment of the member of the Industry which is within the Industry.

ARTICLE VIII—SUPPLEMENTS AND AMENDMENTS TO SUPPLEMENTS TO CODE

(a) Supplements and amendments to supplements to this Code dealing with fair and unfair methods of competition affecting the several Divisions of this Industry may be submitted by the Code Authority for said Divisions and when approved by the President of the United States shall become a part of this Code; provided, however, that no changes which affect a particular Division shall be submitted without the approval of the administrative agency of such Division where such an agency exists.

ARTICLE IX—EFFECTIVE DATE

This Code shall become effective on the first Monday after its approval of the President of the United States.

ARTICLE X—TERMINATION

All provisions of this Code and any modifications thereof shall cease to be in effect after June 16, 1935, or sooner if the President shall by proclamation, or the Congress shall by joint resolution, declare that the emergency recognized by Section I of the Act has ended.

SUPPLEMENT TO CODE OF NON-FERROUS FOUNDRY INDUSTRY SUBMITTED
BY THE MISCELLANEOUS SAND CASTINGS DIVISION OF THE NON-
FERROUS FOUNDRY INDUSTRY

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a supplemental Code of Fair Competition for the Miscellaneous Non-Ferrous Sand Castings Division of the Non-Ferrous Foundry Industry.

1. Definitions of Terms.

(a) The term "Miscellaneous Non-Ferrous Sand Castings Industry" means and includes that division of the Non-Ferrous Foundry Industry, as defined, engaged in the business of producing miscellaneous nonferrous castings cast in sand to the order of the buyer from the buyer's designs and specifications, except railroad car and locomotive journal bearings and castings, and semifinished or finished Street Railway Castings.

(b) The term "Member of the Miscellaneous Non-Ferrous Sand Castings Division" means and includes, but without limitation, every individual, firm, partnership, association, corporation, or other entity engaged in business in the Miscellaneous Non-Ferrous Sand Castings Industry as above defined.

2. Adoption of Code Submitted by Non-Ferrous Foundry Association for Industrial Recovery.

The members of the Miscellaneous Non-Ferrous Sand Castings Division of the Non-Ferrous Foundry Industry hereby adopt and submit as a part of this supplemental Code, the Code submitted for the Non-Ferrous Foundry Industry by the Non-Ferrous Foundry Association for Industrial Recovery.

3. Unfair Methods of Competition.

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

(a) To violate any of the provisions of this Code or amendments thereto.

(b) To give, or permit to be given, to agents, to employees, or representatives of customers, or agents, employees, or representatives of competitors or of prospective customers, money, or anything of value, to induce them to influence their employers, or principals, to purchase, or contract to purchase products of this Industry, or to influence such employers, or principals, to refrain from contracting with competitors. This provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

(c) To undertake to do work or furnish castings on terms other than those set forth in the contract between the parties.

(d) To withhold from, or insert in any invoice, words or figures which make or tend to make such invoice a false record, wholly or in part, of the transaction represented on the face thereof; the payment or allowance of secret rebates, refunds, credits, unearned discounts, whether in the form of money or otherwise; or the extension to certain purchasers of prices, services, or privileges not extended to all purchasers under like conditions.

(e) To purchase from customers goods, scrap, borings, and/or services at prices higher than the market for the purpose of influencing or inducing the purchase of nonferrous castings.

(f) To absorb all or any part of the machining cost of castings sold as machined castings.

(g) To enter into quantity contracts with buyers without obligation on their part to take delivery of the quantities specified in the contract or on the quotation, for the purpose of giving special unwarranted prices.

(h) To accept requirements contracts without a specific minimum which shall not be less than 75% of the maximum and without specifying a time limit, except where such contracts permit *of a price adjustment at least once* monthly to conform with metal-market advances and/or declines.

(i) To defame or disparage a competitor directly or indirectly, by words or acts, which untruthfully impugn his business integrity, his ability to keep his contracts, his credit standing, or the quality of his products; or marking, branding, labeling products, and making statements regarding products, the purpose or effect of which may be misleading or tend to deceive purchasers as to the quantity, quality, grade, or substance of the goods purchased.

(j) To cancel in whole or in part or voluntarily permit the cancellation in whole or in part of any contract of sale of any product, except for a fair consideration which consideration shall include any expense incurred prior to acceptance of cancellation and any difference due to a decline in metal market prices between date of order and date cancellation is requested.

(k) To make any sale or contract of sale of any product of any description guaranteeing against a metal market decline.

(l) To make any sale or contract of sale for any castings below seller's cost as determined by a system of cost accounting which conforms to the principles of and is at least as detailed and complete as a uniform and standard method of cost accounting to be formulated and adopted by this Division and approved by the Administrator.

(m) To guarantee the life or service of a nonferrous casting.

(n) To quote a flat price per pound for a variety of castings of widely varying weight and/or intricacy.

(o) To absorb the cost of patterns, pattern alterations, tools, gauges, core drivers, chemical analyses and/or physical tests specified by the customer, or any special equipment in the cast price and/or charge for such equipment at less than its cost as determined as provided in paragraph (l) hereof.

(p) No provision of this supplemental Code shall be so construed as to hinder the development of new uses.

SUPPLEMENT TO CODE OF NON-FERROUS FOUNDRY INDUSTRY SUBMITTED
BY THE ALUMINUM PERMANENT MOLD CASTINGS DIVISION OF THE
NON-FERROUS FOUNDRY INDUSTRY

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a supplemental Code of Fair Competition for the Aluminum Permanent Mold Castings Division of the Non-Ferrous Foundry Industry.

1. Definitions of Terms.

(a) The term "aluminum permanent mold casting industry" means and includes that Division of the Non-Ferrous Foundry Industry, as defined, engaged in the business of producing aluminum and aluminum alloy castings made with permanent or semi-permanent molds and such equipment therefor as is regularly manufactured in plants of members of the Division, provided, however, that such term does not include the production of aluminum and aluminum alloy die castings and aluminum piston castings.

(b) The term "members of the Aluminum Permanent Mold Castings Division" means and includes, but without limitation, every individual firm, partnership, association, corporation, or other entity engaged in business in the Aluminum Permanent Mold Castings Industry as above defined.

2. Adoption of Code Submitted By The Non-Ferrous Foundry Association for Industrial Recovery.

The members of the Aluminum Permanent Mold Castings Division of the Non-Ferrous Foundry Industry hereby adopt and submit as a part of this supplemental Code, the Code submitted for the Non-Ferrous Foundry Industry by the Non-Ferrous Foundry Association for Industrial Recovery.

3. Unfair Methods of Competition.

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

(a) To violate any of the provisions of this Code or amendments thereto.

(b) To give, or permit to be given, to agents or employees or representatives of customers, or agents, employees, or representatives of competitors or of prospective customers, money or anything of value, to induce them to influence their employers or principals to purchase or contract to purchase products of this Industry, or to influence such employers or principals to refrain from contracting with competitors. This provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

(c) To undertake to do work or furnish castings on terms other than those set forth in the contract between the parties.

(d) To withhold from, or insert in any invoice, words or figures which make or tend to make such invoice a false record, wholly or in part, of the transaction represented on the face thereof; the payment or allowance of secret rebates, refunds, credits, unearned discounts, whether in the form of money or otherwise; or the extension to certain purchasers of services or privileges not extended to all purchasers under like conditions.

(e) To purchase from customers goods, scrap, borings, and/or services at prices higher than the market for the purpose of influencing or inducing the purchase of non-ferrous castings.

(f) To absorb all or any part of the machining cost of castings sold as machined castings.

(g) To enter into quantity contracts with buyers without obligation on their part to take delivery of the quantities specified in the contract or on the quotation, for the purpose of giving special unwarranted prices.

(h) To accept requirements contracts without a specific minimum which shall not be less than 75% of the maximum and without specifying a time limit, except where such contracts permit of a price adjustment on date of release of quantities under the contract.

(i) To defame or disparage a competitor directly or indirectly, by words or acts, which untruthfully impugn his business integrity, his ability to keep his contracts, his credit standing, or the quality of his products; or marking, branding, labelling products, and making statements regarding products, the purpose or effect of which may be misleading or tend to deceive purchasers as to the quantity, quality, grade, or substance of the goods purchased.

(j) To cancel in whole or in part or voluntarily permit the cancellation in whole or in part of any contract of sale of any product, except for a fair consideration, which consideration shall include any expense incurred prior to acceptance of cancellation and any difference due to a decline in metal market prices between date of order and date cancellation is requested.

(k) To make any sale or contract of sale of any product of any description protecting against a metal market decline.

(l) To make any sale or contract of sale for any castings below seller's cost as determined by a system of cost accounting which conforms to the principles of and is at least as complete and detailed as the system of cost accounting adopted by this Division and approved by the Administrator, provided, however, no provision of this paragraph shall be so construed as to hinder the development of this Industry.

(m) To guarantee the life or service of an aluminum permanent mold casting, provided, however, that nothing in this paragraph is to be so construed as to hinder the development of new uses.

(n) To quote a flat price per pound for a variety of castings of widely varying weight and/or intricacy.

(o) To absorb the cost of patterns, dies, permanent molds, tools, gauges, core driers, chemical analyses and/or physical tests specified by the purchaser, or any special equipment in the casting price and/or charge for such equipment at less than its actual cost in-

cluding direct labor, full overhead, materials, and supplies; provided, however, in the case of development of new uses and/or new processes the cost of the development or the excess cost of molds over their cost of reproduction may not be charged to the customer.

(p) To accept permanent mold equipment made by another permanent-mold manufacturer in this group and supplying production castings from such equipment.

(q) To quote or accept orders for molds, dies, or any special equipment necessary to the manufacture of a particular casting without including in the quotation or order an amount separate and apart from the cost of the casting sufficient to cover the cost of such molds, dies, or other special equipment, or to extend terms for the sale of such molds, dies, or special equipment other than net cash on approval of samples or than the payment therefor in equal monthly installments covering a period of not to exceed six (6) months. In the event that installment terms as herein provided are granted, there should be added a carrying charge at the rate of two percent (2%) per month for such period of time as such terms are granted.

(r) To make any additional mold equipment to meet a customer's production requirements, without charging for same at not less than cost.

(s) To give any cash discounts on billing or to extend terms of payment for the purchase of the products of the industry for more than thirty (30) days.

(t) To accept orders which do not specify a definite quantity or which extend the time of delivery beyond one hundred and twenty (120) days from date of order for new castings or ninety (90) days from date of order on reorders of castings previously furnished.

(u) To cancel or renew the unfilled balance of any order at a lower price without a charge equivalent to any loss occasioned by a decline in the value of the metal as determined by the average price at date of order and date of cancellation average price of metal to be determined as in the system of cost accounting as defined in paragraph (1) above.

(v) To renew the unfilled balance of any order except that such renewal be subject to the provision of (1) above.

4. The Following Shall Be Deemed Fair Methods of Competition for the Industry:

(a) Where a member of the Aluminum Permanent Mold Castings Industry produces more than one product, each separate product shall be considered as a separate unit for the purpose of ascertaining costs and in determining such costs, fair and proper allocation of general expenses shall be allocated to the several units.

(b) All quotations, orders, or contracts covering molds, to be used for supplying production castings, shall contain a provision reading as follows:

"The above-described molds will remain in our possession and control, and when, for three consecutive years, no orders are received, the molds will be considered as obsolete and may be destroyed by us after giving 30 days' notice thereof to the customer. The process of construction and operating these molds will not be disclosed to anyone except employees of our company."

(c) All quotations, orders, or contracts covering castings shall contain a provision reading as follows:

“The molds from which the above-described castings will be made, will remain in our possession and control, and when, for three consecutive years, no orders are received, these molds will be considered obsolete and may be destroyed by us after giving 30 days' notice thereof to the customer. The process of construction and operating these molds will not be disclosed to anyone except employees of our company.”

SUPPLEMENT TO CODE OF NON-FERROUS FOUNDRY INDUSTRY SUBMITTED
BY THE STEEL AND ROLLING MILL CASTINGS DIVISION OF THE NON-
FERROUS FOUNDRY INDUSTRY

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a supplemental Code of Fair Competition for the Steel and Rolling Mill Castings Division of the Non-Ferrous Foundry Industry.

1. Definition of Terms.

(a) The term "Steel and Rolling Mill Castings Industry" means and includes that division of the Non-Ferrous Industry as defined, engaged in the business of producing nonferrous castings for steel plants and rolling mills except Blast Furnace Castings.

(b) The term "Member of the Steel and Rolling Mill Castings Division" means and includes, but without limitation, every individual, firm, partnership, association, corporation, or other entity engaged in business in the Steel and Rolling Mill Castings Industry as above defined.

2. Adoption of Code Submitted by Non-Ferrous Foundry Association for Industrial Recovery.

The members of the Steel and Rolling Mill Castings Division of the Non-Ferrous Foundry Industry hereby adopt and submit as a part of this supplemental Code, the Code submitted for the Non-Ferrous Foundry Industry by the Non-Ferrous Foundry Association for Industrial Recovery.

3. Unfair Methods of Competition.

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

(a) To violate any of the provisions of this Code or amendments thereto.

(b) To give, or permit to be given, to agents or employees or representatives of customers, or agents, employees, or representatives of competitors or of prospective customers, money, or anything of value, to induce them to influence their employers, or principals, to purchase, or contract to purchase products of this Industry, or to influence such employers, or principals, to refrain from contracting with competitors.

This provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as herein above defined.

(c) To undertake to do work or furnish castings on terms other than those set forth in the contract between the parties.

(d) To withhold from, or insert in any invoice, words or figures which make or tend to make such invoice a false record, wholly or in part, of the transaction represented on the face thereof; the payment or allowance of secret rebates, refunds, credits, unearned discounts, whether in the form of money or otherwise; or the extension to certain purchasers of prices, services, or privileges not extended to all purchasers under like conditions.

(e) To purchase from customers goods, scrap, borings, and/or services at prices higher than the market for the purpose of influencing or inducing the purchase of nonferrous castings.

(f) To absorb all or any part of the machining cost of castings sold as machined castings except specialty castings.

(g) To enter into quantity contracts with buyers without obligation on their part to take delivery of the quantities specified in the contract or on the quotation, for the purpose of giving special unwarranted prices.

(h) To accept requirements contracts without specifying a time limit, except where such contracts permit of price adjustments to conform with metal market advances and/or declines at least once monthly.

(i) To defame or disparage a competitor, directly or indirectly, by words or acts, which untruthfully impugn his business integrity, his ability to keep his contracts, his credit standing, or the quality of his products; or marking, branding, labelling products, and making statements regarding products, the purpose or effect of which may be misleading or tend to deceive purchasers as to the quantity, quality, grade, or substance of the goods purchased.

(j) To cancel in whole or in part or voluntarily permit the cancellation in whole or in part of any contract of sale of any product, except for a fair consideration, which consideration shall include any expense incurred prior to acceptance of cancellation and any difference due to a decline in metal market prices between date of order and date of cancellation is requested.

(k) To make any sale or contract of sale of any product of any description guaranteeing against a metal market decline.

(l) To make any sale or contract for sale of any castings below seller's costs as determined by a system of cost accounting which conforms to the principles of, and is at least as detailed and complete as a standard method of cost accounting formulated and adopted by this Division and approved by the Administrator.

(m) To guarantee the life or service of a nonferrous casting.

(n) To quote a flat price per pound for a variety of castings of widely varying weight and/or intricacy.

(o) To absorb the cost of patterns, dies, permanent molds, tools, gauges, core driers, chemical analyses, and/or physical tests specified by the purchaser or any special equipment in the casting price and/or charge for such equipment at less than its actual cost including direct labor, full overhead, materials, and supplies except specialty castings.

(p) To accept any contract or order on a consignment basis.

SUPPLEMENT TO CODE OF NON-FERROUS FOUNDRY INDUSTRY SUBMITTED
BY THE BLAST FURNACE CASTINGS DIVISION OF THE NON-FERROUS
FOUNDRY INDUSTRY

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a supplemental Code of Fair Competition for the Blast Furnace Castings Division of the Non-Ferrous Foundry Industry.

1. Definition of Terms.

(a) The term "Blast Furnace Castings Industry" means and includes that Division of the Non-Ferrous Foundry Industry, as defined, engaged in the business of producing non-ferrous castings for Blast Furnaces, such as Tuyeres, Cinder Notches, Coolers, Bosh Mantle and Inwall Plates, Hot Blast Valves, and Valve Seats.

(b) The term "Member of the Blast Furnace Castings Division" means and includes, but without limitation, every individual, firm, partnership, association, corporation, or other entity engaged in business in the Blast Furnace Castings Industry as above defined.

2. Adoption of Code Submitted by Non-Ferrous Foundry Association for Industrial Recovery.

The members of The Blast Furnace Castings Division of the Non-Ferrous Foundry Industry hereby adopt and submit as a part of this supplemental Code, the Code submitted for the Non-Ferrous Foundry Industry by the Non-Ferrous Foundry Association for Industrial Recovery.

3. Unfair Methods of Competition.

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

(a) To violate any of the provisions of this Code or amendments thereto.

(b) To make or promise to any purchaser or prospective purchaser, or to any officer, employee, agent, or representative of any such purchaser or prospective purchaser, any bribe, commission, or split commission, gratuity, gift, or other payment or remuneration directly or indirectly.

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

(c) To withhold from or insert in any invoice words or figures which make or tend to make such invoice a false record, wholly or in part, of the transaction represented on the face thereof, the payment or allowance of secret rebates, refunds, credits, unearned dis-

counts, whether in the form of money or otherwise; or the extension to certain purchasers of services or privileges not extended to all purchasers under like conditions.

(d) To extend to any purchaser special concessions in the nature of free machining not standard as of July 1, 1933, and defined as follows:

Tuyeres—Drill and Tap Holes.

Machine Seat for Blow Pipe.

Cinder notches—Tuyere Coolers.

Notch (or intermediate) Coolers.

Bosh Plates, Mantle (Inwall) Plates.

Drill and Tap Holes.

Hot blast valves and hot blast valve seats—Follow blueprint furnished by purchaser. To remachine a valve or seat after it has been shipped to a purchaser (except to correct an error) constitutes an unfair method of competition.

To machine outside surface of tuyere fit or inside surface of cooler fit without charging purchaser full cost of such extra machining in addition to per-pound price constitutes an unfair method of competition. However, filing or grinding smooth where necessary is allowable without extra charge.

(e) To enter into quantity or period contract with any purchaser without obligation on purchaser's part to take specified minimum poundage which shall not be less than 75% of the maximum, except where such contracts permit of price adjustments to conform with metal market advances and/or declines at least once monthly.

(f) In case of change or cancellation of order in process, purchaser shall be charged full amount of expense incurred prior to acceptance of cancellation and any difference due to a decline in metal-market prices between date of order and date of cancellation is requested.

(g) To make any sale or contract of sale guaranteeing against a metal-market decline.

(h) To make any sale or contract of sale for any castings below cost as determined by a system of cost accounting adopted by this division and approved by the Administrator.

(i) To guarantee the life of a Blast Furnace Casting.

(j) To requote a price lower than a competitor's price after being advised what that competitor's price is.

(k) To accept any contract or order on a consignment basis, or with the understanding that shipment is to be held back pending customer's specification, or on any other delivery basis than that of shipping when ready, and invoicing as of date of shipment and on terms specified in paragraph (1).

(l) Terms of payment shall be: Net 30 days from date of shipment. A discount of $\frac{1}{2}$ of 1% may be allowed for earlier payment.

(m) All shipments shall be invoiced in cents per pound for the actual shipping weight.

Approved Code No. 166

CODE OF FAIR COMPETITION

FOR THE

WAXED PAPER INDUSTRY

As Approved on December 18, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Waxed Paper Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said code of fair competition, together with his recommendations and findings with respect thereto, and the Administrator having found that the said code of fair competition complies in all respects with the pertinent provisions of title I of said act and that the requirements of clauses (1) and (2) of subsection (a) of section 3 of the said act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations, and findings of the Administrator and do order that the said code of fair competition be and it is hereby approved.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 18, 1933.

DECEMBER 12, 1933.

THE PRESIDENT,
The White House.

SIR: This is a report of the hearing on the Code of Fair Competition for the Waxed Paper Industry, conducted in Washington on October 21, 1933, in accordance with the provisions of Title I of the National Industrial Recovery Act.

HOURS AND WAGES

The Code provides for a standard forty-hour week with provision for averaging to meet peak demands and for overtime for hours worked in excess of eight per day. The usual exceptions are made in relation to incidental nonproducing employees.

The minimum wage rate is 40¢ per hour in the North and 35¢ per hour in the South with a female differential of 5¢ in both cases. Women doing the same work as men must receive the same pay. The minimum for office employees is \$16.00 per week in cities of 25,000 or more and \$15.00 in smaller places.

OTHER PROVISIONS

The Code contains the usual provisions for filing reports and an open price selling plan.

ECONOMIC EFFECT OF THE CODE

The business of this industry is the manufacture of waxed paper. The use of this material for food wrapping purposes has been steadily growing. Consequently there is no unemployment in the industry. There were about 1,900 employees in 1929, and this number will be increased to about 2,900 under the Code.

Total pay rolls have or will be increased by about one quarter million dollars.

FINDINGS

The Administrator finds that—

(a) The Code as recommended complies in all respects with the pertinent provisions of Title I of the Act, including without limitation, subsection (a) of Section 7 and subsection (b) of Section 10 thereof; and that

(b) The applicant group imposes no inequitable restrictions on admission to membership therein and is truly representative of the Waxed Paper Industry; and that

(c) The Code as recommended is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

It is recommended, therefore, that this Code be approved.

Respectfully submitted.

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION

FOR THE

WAXED PAPER INDUSTRY

To effectuate the policies of Title I of the National Industrial Recovery Act, the following is hereby established as a Code of Fair Competition for the above-named Industry and shall be binding on every member thereof.

ARTICLE I—DEFINITIONS

The following words are used in this Code with the meanings herein set forth.

“Industry”—Coating and/or impregnating paper (but not paper-board) with paraffin or mineral oil, but excluding the processing of paper for use as fruit wrappers and the processing of oiled-shredded paper for fruit packing.

“Member”—A natural person, partnership, corporation, association, trust, trustee, trustee in bankruptcy or receiver engaged in such Industry.

“Act”—Title I of the National Industrial Recovery Act.

“Administrator”—The National Industrial Recovery Administrator.

ARTICLE II—ORGANIZATION AND ADMINISTRATION

1. The members of the Executive Committee of the American Waxed Paper Association, together with such other person or persons as the Administrator may designate are hereby constituted the Code Authority of the Industry. The members of the Code Authority designated by the Administrator shall act in an advisory capacity and shall have no vote.

2. The said Association shall file with the Administrator certified copies of any amendments of its Bylaws relating to eligibility or admission to membership in such Association, or relating to the method of selection of the members of such Executive Committee, which such Association may hereafter adopt.

3. The Administrator may at any time prescribe a different method for selecting the Industry members of the Code Authority, and thereafter, such members shall be chosen in the manner so prescribed.

4. The Code Authority is charged generally with the duty of administering this Code under the sanction and with the approval of the Administrator. All acts of the Code Authority shall be subject to review by the Administrator and to suspension, modification, or cancellation by him in any case in which he shall determine that such act violates the purpose of the National Industrial Recovery Act.

5. The expenses of administering this Code shall be borne pro rata, in accordance with a formula to be adopted by the Code Authority, by all members of such Industry who accept the benefit of the services of the Code Authority or otherwise assent to this Code.

6. The Code Authority shall have power to investigate alleged violations of this Code and acts or courses of conduct by any member which are or appear to be contrary to the policy of the Act or which tend or may tend to render ineffective this Code and to report the same with recommendations to the Administrator.

ARTICLE III—HOURS OF LABOR

1. Employees in the Industry shall not be required or permitted to work hours in excess of the limits prescribed in the following schedule:

SCHEDULE OF WORKING HOURS

(a) Watchmen: Eight (8) hours in any one day and fifty-six (56) hours in any one week.

(b) Chauffeurs, truckmen, engineers, and firemen: One hundred sixty-eight (168) hours in any period of four (4) consecutive weeks, provided, however, that time worked in excess of nine (9) hours in one day shall be paid for as not less than time and one third.

(c) All other laborers, mechanical workers, or artisans employed in any plant, mill, or factory or on work connected with the operation of such plant, mill, or factory: An average of forty (40) hours per week in any period of twenty-six (26) consecutive weeks, but not more than forty-eight (48) hours in any one week, provided, however, that time worked in excess of eight (8) hours in any one day shall be paid for as not less than time and one third.

(d) Executives and their personal secretaries and other employees engaged in a supervisory capacity and chemists receiving \$35 or more per week and outside salesmen: No limitation.

(e) All other employees: An average of forty (40) hours per week in any period of thirteen (13) consecutive weeks, but not more than forty-eight (48) hours in any one week.

2. No limitation contained in said Schedule shall apply to employees of any class when engaged in emergency repairs or emergency maintenance work occasioned by break-downs or involving protection of life or property; provided, however, that time worked under this section in excess of eight (8) hours in any one day and forty (40) hours in any one week shall be paid for as not less than time and one third.

3. No employee shall be permitted to work for two or more members of the industry an aggregate number of hours in excess of the number prescribed in said Schedule.

4. No member shall operate his plant in excess of 144 hours per week.

ARTICLE IV—WAGES

1. The minimum rate of wage of any laborer, mechanical worker, or artisan employed in any plant, mill, or factory or on work con-

nected with the operation of any such plant, mill, or factory shall be as follows:

(a) Northern Zone, which shall consist of all of the territory of the United States except the States named in subdivision (b):

Male labor, 40 cents per hour

Female labor, 35 cents per hour

(b) Southern Zone, which shall consist of the States of Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, and Texas:

Male labor, 35 cents per hour

Female labor, 30 cents per hour

2. Pieceworkers shall be paid at rates which will yield a worker for an hour's work not less than the minimum rate above prescribed.

3. The minimum rates of wages for all other employees except commission salesmen shall be as follows: Sixteen dollars (\$16) per week in any city of 25,000 population or over, and fifteen dollars (\$15) per week in any city or town of less than 25,000 population.

4. Female employees performing substantially the same work under the same conditions as male employees shall receive the same rate of pay as male employees. The Code Authority shall within 90 days after the effective date of this Code file with the Administrator a description of all occupations in the Industry in which both men and women are employed.

5. The wage rates of all employees receiving more than the minimum rates herein prescribed shall be reviewed and such adjustments, if any, made therein as are equitable in the light of all the circumstances, and within sixty (60) days after the effective date hereof, the Code Authority shall report to the Administrator the action taken by all members of the Industry under this Section.

6. A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage of not less than 80% of the minimum prescribed by this Code, provided the State Authority designated by the United States Department of Labor shall have issued a certificate authorizing his employment on such basis. Each member shall file with the Code Authority a list of all such persons employed by him. The provision of this Section requiring a certificate of authority shall not become effective until sixty days after the effective date of this Code.

7. Office boys and girls under 18 years of age may be employed at a wage of not less than 80% of the minimum prescribed by Section 3 hereof, provided that not more than 5% of the employees of such class may be paid as office boys and girls.

ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under sixteen (16) years of age shall be employed in the Industry. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. The Code Authority shall submit to the Administrator within sixty (60) days after the effective date of this Code a list of such operations or occupations. In any State an employer shall be deemed to have complied with this provision

as to age if he shall have on file a certificate or permit duly signed by the authority in such State empowered to issue employment or age certificates or permits, showing that the employee is of the required age.

2. Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection. No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing. Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

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

4. No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge for the purpose of defeating the purposes or provisions of the Act or of this Code.

5. All employers shall post copies of Articles III, IV, and V of this Code in conspicuous places accessible to employees.

6. Every employer shall make reasonable provisions for the safety and health of his employees at the place and during the hours of their employment. Standards for safety and health shall be submitted by the Code Authority to the Administrator within six (6) months after the effective date of this Code.

7. No provision in this Code shall supersede provisions as to hours, wages, and conditions of employment which are established for specific projects by competent governmental authority acting in accordance with law, or to terms of employment which are established by labor agreements now in force, where either the wages are higher or the hours of labor are shorter, or both than are those set forth in this Code.

8. The Code Authority shall make a study of conditions in the industry to determine the feasibility of the adoption of a shorter working week and shall, within three (3) months after the effective date of this Code, make a report of its findings to the Administrator. The Code Authority shall also submit to the Administrator within six (6) months after the effective date of this Code, a plan for the stabilization and regularization of employment.

ARTICLE VI—ACCOUNTING—SELLING

1. The Code Authority shall, as soon as practicable, formulate a standard method of accounting and costing for the industry and submit the same to the Administrator. Any such method shall provide means for determining the price at which paper shall be charged to the converting division of a combined paper manufacturing and

converting plant. When such method shall have been approved by the Administrator, every member shall use an accounting and costing system which conforms to the principles of, and is at least as detailed and complete as, such standard method.

2. Each member shall, on or before 30 days after the effective date of this Code, file with the Code Authority complete schedules in such form as the Code Authority shall prescribe of prices and terms and conditions of sale for domestic consumption (including all differentials, discounts, trade allowances, and special charges), of all products offered for sale by such member, and shall so file all subsequent changes therein or revisions thereof at least five days prior to the effective time of any such changes or revisions. When any member shall file any such schedule or any revision thereof, any other member may also file a revision of his own schedule to become effective as of the same time as such first mentioned schedule. The Code Authority shall, upon request, furnish any person concerned, whether or not a member of the Industry, a copy of all such schedules and of all changes and revisions thereof.

3. No such schedule of prices and terms and conditions of sale filed by any member, or in effect, at any time shall be such as to permit the sale of any product at less than the lower of the following:

(a) The cost of such product to such member, which cost shall be determined pursuant to the method of accounting and costing prescribed by the Code Authority under this Article as soon as that method is prescribed and theretofore pursuant to the method employed by such member subject to such preliminary rules as the Code Authority shall from time to time prescribe.

(b) The lowest price scheduled for such product under the provisions of this Article by any other member and then in effect.

Each schedule filed under this Article shall state whether the prices, terms, and conditions therein specified are justified under subdivision (a) or under subdivision (b) of this Section, and in the case of justification under subdivision (b) shall identify the schedule or schedules of the other member or members of the industry justifying such prices, terms, and conditions. A schedule justified upon the basis of the schedule or schedules of another member or members shall become void forthwith upon the cancellation or revision upward of such justifying schedule or schedules.

4. The Code Authority shall have power on its own initiative, or on the complaint of any member, to investigate any price for any product shown in any Schedule filed hereunder, and for such purpose to require the member who filed such Schedule to furnish such information concerning the cost of manufacturing such product as the Code Authority shall deem necessary or proper for such purpose. If the Code Authority, after such investigation shall determine that such price violates the provisions hereof, the Code Authority shall so notify such member, and thereupon such price shall become void and of no effect. All such decisions by the Code Authority shall be filed with the Administrator.

5. Except in fulfillment of bona fide contracts existing on the effective date of this Code, no member shall sell any products of the Industry for domestic consumption at a price or prices lower than or upon terms or conditions more favorable than stated in his price

schedules then on file, provided, however, that discontinued lines or damaged goods or seconds or distress merchandise required to be sold to liquidate a defunct business, may be disposed of in such manner and on such terms and conditions as the Code Authority may approve.

6. The Code Authority may suspend for any period of time, and from time to time, all or any of the provisions of Sections 2, 3, 4, and 5 hereof as to any specified product or products of the Industry.

7. Selling of waxed paper on consignment is prohibited.

ARTICLE VII—REPORTS AND STATISTICS

1. Each member shall prepare and file with an impartial agent designated by the Code Authority at such times and in such manner as it may prescribe such statistics, data, and information relating to plant capacity, volume of production, volume of sales in units and dollars, orders received, unfilled orders, stocks on hand, inventory, both raw and finished, number of employees, wage rates, employee earnings, hours of work, and other matters as the Code Authority or the Administrator may from time to time require. Any or all information so furnished by any member shall be subject to checking for the purpose of verification by an examination of the books and accounts and records of such member by any disinterested accountant or accountants or other qualified person or persons designated by the Code Authority.

2. Except as otherwise provided in the Act, or in this Code, all statistics, data, and information filed or required in accordance with the provisions of this Code shall be confidential and the statistics, data, and information of one member shall not be revealed to another member. No such data or information shall be published except in combination with other similar data and in such a manner as to avoid the disclosure of confidential information. The Code Authority shall arrange in such manner as it may determine for the publication currently to members totals of orders received, unfilled orders, shipments, stocks of finished goods on hand, and production.

3. The Code Authority shall make such reports to the Administrator as he may from time to time require.

4. In addition to information required to be submitted to the Code Authority there shall be furnished to Government Agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act.

ARTICLE VIII—RECOMMENDATIONS

1. The Code Authority may from time to time present to the Administrator recommendations based on conditions in the Industry which will tend to effectuate the operation of this Code and the policy of the Act, and in particular along the following lines:

(a) For the establishment of rules of fair trade practice for the Industry and for the codification of its trade customs and the enforcement thereof.

(b) For restrictions on the creation of new facilities for the manufacture of any product of the industry or on the acquisition by any member of new equipment for such manufacture.

Such recommendations, when approved by the Administrator, shall have the same force and effect as the provisions of this Code.

ARTICLE IX—GENERAL PROVISIONS

1. If any member is also a member of another industry, the provisions of this Code shall apply to and affect only that part of his business which is included in this industry.

2. Any work or process incidental to and carried on by a member at his plant as a part of the manufacture of any product of the industry shall be regarded as a part of this industry.

3. Such of the provisions of this Code as are not required to be included therein by the Act may, with the approval of the President of the United States, be modified or eliminated as changes in circumstances or experience may indicate.

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

5. This Code shall become effective on the second Monday after the date upon which it shall be approved by the President of the United States.

Approved Code. No. 166.
Registry No. 411-01.



Approved Code No. 167

CODE OF FAIR COMPETITION

FOR THE

SET UP PAPER BOX MANUFACTURING INDUSTRY,

As Approved on December 18, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Set Up Paper Box Manufacturing Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said code of fair competition, together with his recommendations and findings with respect thereto, and the Administrator having found that the said code of fair competition complies in all respects with the pertinent provisions of title I of said act and that the requirements of clauses (1) and (2) of subsection (a) of section 3 of the said act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations and findings of the Administrator and do order that the said code of fair competition be and it is hereby approved.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 18, 1933.

DECEMBER 15, 1933.

THE PRESIDENT,
The White House.

SIR: This is a report of the hearing on the Code of Fair Competition for the Set Up Paper Box Manufacturing Industry, conducted in Washington on October 3, 1933, in accordance with the provisions of Title I of the National Industrial Recovery Act.

HOURS AND WAGES

The maximum hours for factory workers prescribed by this Code are forty per week, with an annual tolerance of seven and one half percent, but not more than forty-eight hours in any one week. Members of the industry may adopt a standard work day for factory employees of either eight or ten hours, overtime to be paid for all hours worked in excess of forty per week or in excess of the standard work day. Office employees are to be restricted to forty hours per week averaged over a period of thirteen weeks, but not more than forty-eight hours in any one week. Chauffeurs and truckmen are limited to an average of forty hours per week in any period of four consecutive weeks; engineers and firemen to forty-two hours in the same period, with overtime provided for time worked in excess of nine hours per day, and watchmen to fifty-six hours per week. Home work and the employment of women between 10:00 P.M. and 6:00 A.M. are prohibited.

The Code provides minimum wage rates of $37\frac{1}{2}\text{¢}$ per hour for factory workers in the North, with a 5¢ differential for women, and $32\frac{1}{2}\text{¢}$ in the South, with a $2\frac{1}{2}\text{¢}$ female differential. It is provided that women doing the same work as men shall receive the same pay. These rates represent a great increase over the minimum wages now being paid, particularly for female workers, who comprise about sixty percent of the total force of this industry. The average rate for women in May 1933 was 31¢ an hour, the minimum wage in 1932-33 being as low as 10¢ per hour. For this same period, for both men and women, $67\frac{1}{2}\%$ of the factory jobs paid minimum rates of less than 25¢ per hour.

ECONOMIC EFFECT OF THIS CODE

This industry produces paperboard boxes used for packaging and display purposes. These boxes are distinguished from other paperboard containers in that they are delivered to the user "set up" in rigid form and ready for use. It is this distinction which differentiates the set-up box from the folding box, one of the chief competitive items. There are at present about 800 firms engaged in the industry, employing about 35,000 workers.

In recent years set-up boxes have been replaced to a large extent by other containers, such as folding boxes and transparent cellulose bags.

There were about 40,000 employees in the Industry in 1929. This fell off to about 29,000 in 1932 and increased, as a result of the PRA, to about 35,000 in August 1933. It is estimated that under the Code the number will increase somewhat further, but because of the decline of the Industry it is improbable that the 1929 figure will be reached. The wage rates proposed by the Code will increase the total pay roll of the industry by about 20%.

The Administrator finds that—

(a) The Code as recommended complies in all respects with the pertinent provisions of Title I of the Act, including, without limitation, subsection (a) of Section 7 and subsection (b) of Section 10 thereof; and that

(b) The applicant group imposes no inequitable restrictions on admission to membership therein and is truly representative of the Set-Up Box Industry; and that

(c) The Code as recommended is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

It is recommended, therefore, that this Code be approved.

Respectfully submitted.

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION
FOR THE
SET UP PAPER BOX MANUFACTURING INDUSTRY

To effectuate the policies of Title I of the National Industrial Recovery Act, the following is hereby established as a Code of Fair Competition for the above-named Industry and shall be binding on every member thereof.

ARTICLE I—DEFINITIONS

The following words are used in this Code with the meanings herein set forth.

“Industry”—The manufacture of boxes made from paperboard and other accessory materials, which, in ordinary and regular practice are delivered to the customer fully erected and fabricated, including boxes manufactured by a member for his own use, and including jewelry boxes, cases, and displays, whether made of paperboard or not.

“Member”—A natural person, partnership, corporation, association, trust, trustee in bankruptcy, or receiver engaged in such industry.

“Act”—Title I of the National Industrial Recovery Act.

“Administrator”—The National Industrial Recovery Administrator.

ARTICLE II—ORGANIZATION AND ADMINISTRATION

1. The members of the Executive Committee of the National Paper Box Manufacturers Association, together with such other person or persons as the Administrator may designate are hereby constituted the Code Authority of the Industry. The members of the Code Authority designated by the Administrator shall act in an advisory capacity and shall have no vote.

2. The said Association shall file with the Administrator certified copies of any amendments of its Bylaws relating to eligibility or admission to membership in such Association, or relating to the method of selection of the members of such Executive Committee, which such Association may hereafter adopt.

3. The Administrator may at any time prescribe a different method for selecting the Industry members of the Code Authority, and thereafter such members shall be chosen in the manner so prescribed.

4. The Code Authority is charged generally with the duty of administering this Code under the sanction and with the approval of the Administrator. All acts of the Code Authority shall be subject

to review by the Administrator, and to suspension, modification, or cancellation by him, in any case in which he shall determine that any such act violates the purposes of the National Industrial Recovery Act.

5. The expenses of administering this Code shall be borne pro rata, in accordance with a formula to be adopted by the Code Authority, by all members of such Industry who accept the benefit of the services of the Code Authority or otherwise assent to this Code.

6. The Code Authority shall have power to investigate alleged violations of this Code and acts or courses of conduct by any member which are or appear to be contrary to the policy of the Act or which tend or may tend to render ineffective this Code and to report the same with recommendations to the Administrator.

ARTICLE III—HOURS OF LABOR

1. Employees in the Industry shall not be required or permitted to work hours in excess of the limits prescribed in the following schedule:

SCHEDULE OF WORKING HOURS

(a) Watchmen: Fifty-six (56) hours in any one week, but no such employee shall be worked more than six (6) days in any seven (7) day period.

(b) Chauffeurs and truckmen: An average of forty (40) hours per week in any period of four (4) consecutive weeks.

(c) Engineers and firemen: An average of forty-two (42) hours per week in any period of four (4) consecutive weeks. All time worked in excess of nine (9) hours in any one day shall be paid for at not less than time and one third.

(d) All other laborers, mechanical workers, or artisans employed in any plant, mill, or factory, or on work connected with the operation of such plant, mill, or factory: Forty (40) hours per week with an annual tolerance of seven and one half percent (7½%), but not more than forty-eight (48) hours in any one week. The standard work day shall be eight (8) hours, provided, however, that any member may elect to adopt a standard work day of ten (10) hours. All time worked in excess of forty (40) hours in any one week or in excess of the individual member's standard work day, or on the fifth or following day in any calendar week, when the member has elected the ten hour day, shall be paid for as not less than time and one third. Any member who elects to adopt the standard work day of ten (10) hours shall file notice of such election with the Code Authority and may not revert to a standard eight (8) hour day for a period of at least one year thereafter, and on so doing, shall give notice thereof to the Code Authority.

(e) Executives and their personal secretaries and other employees engaged in a supervisory capacity receiving \$35.00 or more per week and outside salesmen: No limitation.

(f) All other employees: An average of forty (40) hours per week in any period of thirteen (13) consecutive weeks, but not more than forty-eight (48) hours in any one week.

2. No limitation contained in said Schedule shall apply to employees of any class when engaged in emergency repairs or emergency maintenance work occasioned by break-downs or involving protection of life or property. All hours worked under this section in excess of the limitations prescribed in this Article shall be paid for as not less than time and one third.

3. No employee shall be permitted to work for two or more members of the Industry an aggregate number of hours in excess of the number prescribed in said Schedule.

4. Female employees shall not be permitted to work between the hours of 10:00 P.M. and 6:00 A.M.

5. All time worked on Sunday shall be paid for as not less than time and one third, provided, however, that watchmen shall be exempt from this provision.

ARTICLE IV—WAGES

1. The minimum rate of wage of any laborer, mechanical worker or artisan employed in any plant, mill, or factory, or on work connected with the operation of any such plant, mill, or factory, shall be as follows:

(a) Northern zone, which shall comprise all States except those listed in subsection (b):

Male: 37½¢ per hour.

Female: 32½¢ per hour.

(b) Southern zone, which shall comprise the States of Virginia, Kentucky, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Louisiana, Mississippi, Arkansas, Texas, and Oklahoma:

Male 32½¢ per hour.

Female: 30¢ per hour.

2. Pieceworkers shall be paid at rates which will yield a worker for an hour's work not less than the minimum rate above prescribed.

3. The minimum rate of wages for all other employees except commission salesmen shall be as follows: Fourteen dollars (\$14) per week.

4. Female employees performing substantially the same work under the same conditions as male employees shall receive the same rate of pay as male employees. The Code Authority shall within 90 days after the effective date of this Code file with the Administrator a description of all occupations in the Industry in which both men and women are employed.

5. The wage rates of all employees receiving more than the minimum rates herein prescribed shall be reviewed and such adjustments, if any, made therein as are equitable in the light of all the circumstances, and within forty-five (45) days after the effective date hereof, the Code Authority shall report to the Administrator the action taken by all members of the Industry under this Section.

6. A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage of not less than 80% of the minimum prescribed by this Code, provided the State Authority designated by the United States Department of Labor shall have issued a certificate authorizing

his employment on such basis. Each member shall file with the Code Authority a list of all such persons employed by him. The provision of this Section requiring a certificate of authority shall not become effective until sixty days after the effective date of this Code.

ARTICLE V—GENERAL LABOR PROVISIONS

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

2. Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection. No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing. Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

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

4. After January 1, 1934, the manufacture or partial manufacture of any product of this Industry in the home of a worker shall be prohibited.

5. No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge for the purpose of defeating the purposes or provisions of the Act or of this Code.

6. All employers shall post copies of Articles III, IV, and V of this Code in conspicuous places accessible to employees.

7. Every employer shall make reasonable provisions for the safety and health of his employees at the place and during the hours of their employment. Standards for safety and health shall be submitted by the Code Authority to the Administrator within six (6) months after the effective date of this Code.

8. No provision in this Code shall supersede provisions as to hours, wages, and conditions of employment which are established for specific projects by competent governmental authority acting in accordance with law, or to terms of employment which are established by labor agreements now in force, where either the wages are

higher or the hours of labor are shorter, or both, than are those set forth in this Code.

9. The Code Authority shall make a study of conditions in the Industry to determine the feasibility of the adoption of a shorter working week and shall, within three (3) months after the effective date of this Code, make a report of its findings to the Administrator. The Code Authority shall also submit to the Administrator within six (6) months after the effective date of this Code, a plan for the stabilization and regularization of employment.

ARTICLE VI—ACCOUNTING—SELLING

1. The Code Authority shall, as soon as practicable, formulate a standard method of accounting and costing for the Industry and submit the same to the Administrator. When it shall have been approved by the Administrator, every member shall use an accounting and costing system which conforms to the principles of, and is at least as detailed and complete as, such standard method.

2. Each member shall, on or before 30 days after the effective date of this Code, file with the Code Authority complete schedules in such form and with respect to such items as the Code Authority shall prescribe, of prices, terms, and conditions of sale for domestic consumption (including all differentials, discounts, trade allowances, special charges, and practice regarding samples) of all products offered for sale by such member, and shall so file all subsequent changes therein or revisions thereof at least 24 hours prior to the effective time of any such changes or revisions. The Code Authority shall, upon request, furnish any person concerned, whether or not a member of the Industry, a copy of all such schedules and of all changes and revisions thereof.

3. Except in fulfillment of bona fide contracts existing on the effective date of this Code, no member shall sell any products of the Industry for domestic consumption at a price or prices lower than or upon terms or conditions more favorable than stated in his price schedules then on file, provided, however, that discontinued lines or damaged goods or seconds or distress merchandise required to be sold to liquidate a defunct business, may be disposed of in such manner and on such terms and conditions as the Code Authority may approve.

4. No member shall sell any product of the industry at less than the cost thereof to such member, which cost shall be determined pursuant to the method of accounting and costing prescribed by Section 1 of this Article as soon as such method is prescribed and theretofore pursuant to the method employed by such member subject to such preliminary rules as the Code Authority shall from time to time prescribe, provided, however, that a member may sell at a lower price when necessary to meet competition but at not less than the lowest price not in violation of this Code offered by any competitor.

5. Contracts for future delivery shall provide that final delivery completing such contracts shall be made either within a period of six months from the date of such contracts or before the end of the calendar year, but not both.

6. The Code Authority may prepare and submit to the Administrator for his approval a standard order, invoice, or acknowledgment form that shall embody all the terms and conditions of sale, including price, description, discount and discount period, arbitration, packing and delivery charges, delivery date, a statement of the tolerance for overruns or underruns, and such other conditions as the Code Authority may adopt protecting fairly and equitably the relations between the seller and the buyer, and the same when so approved shall be used by all members of the Industry.

7. When the standard form provided for in Section 6 of this Article shall have been approved by the Administrator the Code Authority may from time to time require that any or all members of the Industry shall file with the Executive Secretary of the Code Authority, within twenty-four (24) hours after the mailing thereof to customers, duplicates of all invoices covering shipments made by such members.

ARTICLE VII—REPORTS AND STATISTICS

1. Each member shall prepare and file with the Executive Secretary of the Code Authority at such times and in such manner as it may prescribe, such statistics, data, and information relating to plant capacity, volume of production, volume of sales in units and dollars, orders received, unfilled orders, stocks on hand, inventory both raw and finished, number of employees, wage rates, employee earnings, hours of work, and other matters, as the Code Authority or the Administrator may from time to time require. Any or all information so furnished by any member shall be subject to checking for the purpose of verification by an examination of the books and accounts and records of such member by any disinterested accountant or accountants or other qualified person or persons designated by the Code Authority.

2. Except as otherwise provided in the Act, or in this Code, all statistics, data, and information filed or required in accordance with the provisions of this Code shall be confidential and the statistics, data, and information of one member shall not be revealed to another member. No such data or information shall be published except in combination with other similar data and in such a manner as to avoid the disclosure of confidential information. The Code Authority shall arrange, in such manner as it may determine, for the publication currently to members totals of orders received, unfilled orders, shipments, stocks of finished goods on hand, production and labor statistics.

3. The Code Authority shall make such reports to the Administrator as he may from time to time require.

4. In addition to information required to be submitted to the Code Authority there shall be furnished to Government Agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act.

ARTICLE VIII—TRADE PRACTICES

1. *False Billing.*—No member shall withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any material particular.

2. *Interference with contracts.*—No member shall attempt to induce the breach of an existing contract between a competitor and his employee or customer or source of supply; nor shall such member interfere with or obstruct the performance of such contractual duties or services.

3. *Commercial Bribery.*—No member shall attempt to secure orders or business by the giving or offering of gifts of money or anything of value to customers, their employees, or anyone acting in their behalf. The free distribution of articles commonly used for advertising, provided that such articles are given to the trade generally, is not hereby prohibited.

4. *Misrepresentation.*—No member shall misrepresent his products or the materials of which they are made, or substitute inferior materials without the knowledge of the purchaser, or describe such products in a manner which tends to deceive customers.

5. *Piracy of Design.*—No member shall reproduce or copy without the written consent of the originator, an original package or design, which shall have been filed with the Executive Secretary of the Code Authority in accordance with such regulations as the Code Authority may prescribe. Protection of such origination shall be limited to two years from the date of filing.

6. *Claiming Code Participation.*—No member shall represent that he is a participant in this Code unless he shall have participated in the expense of administration thereof.

7. *False Information to Code Authority.*—Furnishing false information to the Code Authority, or to the Executive Secretary thereof, shall be a violation of this Code.

ARTICLE IX—RECOMMENDATIONS

1. The Code Authority may, from time to time, present to the Administrator recommendations based on conditions in the Industry which will tend to effectuate the operation of this Code and the policy of the Act, and in particular along the following lines:

(a) For the establishment of additional rules of fair trade practice for the Industry and for the codification of its trade customs, and the enforcement thereof.

(b) For the establishment of plans to bring about a reasonable balance between the production and consumption of the products of the Industry.

Such recommendations when approved by the Administrator shall have the same force and effect as the provisions of this Code.

ARTICLE X—GENERAL PROVISIONS

1. If any member is also a member of another Industry, the provisions of this Code shall apply to and affect only that part of his business which is included in this Industry.

2. Any work or process incidental to, and carried on by a member at his plant as a part of the manufacture of any product of the Industry, shall be regarded as a part of this Industry.

3. Such of the provisions of this Code as are not required to be included therein by the Act, may, with the approval of the President of the United States, be modified or eliminated as changes in circumstances or experience may indicate.

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

5. This Code shall become effective on the second Monday after the date upon which it shall be approved by the President of the United States.

Approved Code No. 167.

Registry No. 406-03.



Approved Code No. 168

CODE OF FAIR COMPETITION

FOR THE

REFRATORIES INDUSTRY

As Approved on December 18, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Refractories Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said Code of Fair Competition, together with his recommendations and findings with respect thereto, and the Administrator having found that the said Code of Fair Competition complies in all respects with the pertinent provisions of Title I of said Act and that the requirements of Clauses (1) and (2) of subsection (a) of Section 3 of the said Act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report and recommendations and findings of the Administrator, and do order that the said Code of Fair Competition be, and it is hereby, approved.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 18, 1933.

DECEMBER 5, 1933.

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Refractories Industry, the hearing having been held in Washington on the 25th day of October in accordance with the provisions of the National Industrial Recovery Act.

PROVISIONS AS TO HOURS AND WAGES

Employment is limited to eight hours per day and forty hours per week to be averaged over a thirty-day period with the exception of those employees engaged on emergency maintenance and/or repair work or in cases where the reduction of hours of highly skilled workers and those whose hours of labor in out-of-door operations are affected by inclement weather, would unavoidably reduce or delay employment of others or cause damage to equipment or products. These exceptions are limited to ten percent of the total number of employees of any one plant. Exemptions are made for executives and employees in a managerial, advisory, or technical capacity receiving more than thirty-five dollars per week; and watchmen; provided, that watchmen shall not work more than six days nor more than fifty-six hours per week.

Minimum rates of wages of from 40 to 32 cents per hour are established for the various industrial districts of the North with a minimum of 25 cents in the South. Rates below 32 cents will be raised by the Industrial Relations Board if the Codes of other comparable basic natural resource industries later provide higher rates.

No differentiation is made between female and male employees; no one under eighteen years shall work underground and no one under sixteen years shall be employed.

The minimum weekly salary of \$15.00 per week is established in cities of 500,000 population or over; \$14.50 per week in cities of over 250,000 and not exceeding 500,000, and \$14.00 per week in cities of less than 250,000.

ECONOMIC EFFECT OF THE CODE

Previous to the adoption of the President's Reemployment Agreement this Industry, which includes approximately 350 firms, employed about 15,000 employees which was increased in August 1933 to approximately 20,000. During the year 1932 the Industry was operating at only 15 percent of capacity, which has increased at this time to about 20 percent of capacity. Fully 50 percent of the products of the Industry are sold to the iron and steel industry, and the prosperity of the Industry depends upon general manufacturing conditions. The invested capital of the Industry is about \$150,000,000, and the value of its products averaged \$45,000,000 during the past five years.

While the number of employees in the Industry has increased 80 percent since March 1933 the pay-roll increase has been 150 percent. The schedule of hours represents a drop from an average maximum of 60 in 1932 to a maximum of 40 under the Code, which should provide for a large increase in employment with any upturn of business. Labor costs comprise approximately 70 percent of the total cost of production.

FINDINGS

The Administrator finds that:

(a) The Code as recommended complies in all respects with the pertinent provisions of Title I of the Act, including, without limitation, subsection (a) of Section 7 and subsection (b) of Section 10 thereof; and that

(b) The applicant group imposes no inequitable restrictions on admission to membership therein and is truly representative of the Refractories Industry; and that

(c) The Code as recommended is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

It is recommended, therefore, that this Code be approved.

Respectfully,

HUGH S. JOHNSON, *Administrator.*

CODE OF FAIR COMPETITION

FOR THE

REFRACTORIES INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Refractories Industry and shall be binding on every member thereof.

ARTICLE II—DEFINITIONS

1. The term "Refractories Industry" as used herein includes the mining and/or producing and/or manufacturing and/or processing of refractories and the selling by miners and/or producers and/or manufacturers and/or processors and/or sales agencies other than dealers of refractories as herein defined. The products of the Industry are as shown in Schedule I hereto attached.

2. The term "Employee" as used herein includes any person engaged in any phase of the Industry in any capacity in the nature of employee irrespective of the nature or method of payment of his compensation.

3. The term "Employer" as used herein includes anyone for whose benefit such an employee is so engaged.

4. The term "Member of the Industry" includes any producer, manufacturer, processor, or employer of labor in the Industry who shall be subject to this Code.

5. The term "Member of the Code" includes any member of this Industry who shall signify assent to this Code.

6. The term "Effective date" as used herein means the date this Code shall become effective after it shall be approved by the President of the United States.

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

8. The term "Base Prices" as used herein means the prices for those standard products developed and established by custom in the industry and/or the divisions thereof.

ARTICLE III—PARTICIPATION

All members of the Refractories Industry may participate in this Code and any subsequent addition or revision of the code by accept-

ing and paying their proportionate share of the cost and responsibility as well as the benefit of such participation by becoming a Member of the American Refractories Institute or by paying to the American Refractories Institute their proportionate share of the expenses of administering this Code on the same basis as paid by members of the Institute, with the exception of the expenses of the technical and research work conducted by the Institute at the Mellon Institute of Industrial Research at Pittsburgh. All other activities of the American Refractories Institute shall be in administering this Code of Fair Competition. At each meeting of the Members of the Code, or if a vote on any question shall be taken by mail, each Member thereof shall have as many votes as shall equal the quotient obtained by dividing by 100,000 the aggregate amount in dollars of the invoiced value of the products sold and delivered by such Member during the preceding calendar year. Fractions in such quotient shall be disregarded; provided, however, that each Member of the Code shall have at least one vote. All questions as to the number of votes which each Member of the Code shall be entitled to cast shall be determined by the Emergency National Committee hereinafter defined. Any person or firm that is a Member of the Code may, and an association or corporation which is a Member of the Code shall, vote at meetings of the Members of the Code by proxy in writing duly executed by such Member and filed with the Secretary. Any such proxy may be for a specified meeting or may be a general proxy for any or all meetings that may be held until such proxy shall have been revoked by an instrument in writing duly executed by the Member of the Code which gave such proxy and filed with the Secretary. No initiation or entrance fees shall be charged, but the Emergency National Committee (hereinafter described) shall assess such subscription fees or dues as shall be necessary to defray the expenses of the American Refractories Institute in administering the provisions of this Code and in assisting the National Recovery Administration in effectuating in the Refractories Industry the purposes and requirements of the National Industrial Recovery Act.

It shall be the duty of the Emergency National Committee as hereinafter described or any of its duly qualified agents to take such legal steps as they may deem necessary to collect from any Member of the Code any assessment or dues not paid for a period of thirty (30) days after the date on which such assessments or dues became payable.

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

A. GENERAL

1. Pursuant to subsection (a) of Section 7 of the Act and so long as the Code shall be in effect, employers shall comply with said subsection (a) of Section 7, as follows:

“(a) That employees shall have the right to organize and bargain collectively thru representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of

labor, or their agents, in the designation of such representatives or in self-organization, or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection;

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

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

2. No person under sixteen (16) years of age shall be employed in the Industry; providing, however, that where a state law provides a higher minimum age no person below the age specified by such state law shall be employed within the state. No person under eighteen (18) years of age shall be employed in any underground mining operations of the Industry.

3. No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge for the purpose of defeating the purposes or provisions of the Act or of this Code.

4. Within each state this Code shall not supersede any laws of such state imposing more stringent requirements on employers regulating the age of employees, wages, hours of work, or health, fire, or general working conditions than under this Code.

5. Every employer shall make reasonable provisions for the safety and health of his employees at the place and during the hours of their employment.

6. Each employer shall post in conspicuous places, fully accessible, full copies of this Article IV of this Code except that employers may post only the wage rates applicable in the district where such posting is done.

7. There shall be established by the Administrator an Industrial Relations Board for the Industry consisting of an equal number of representatives of employers and employees to deal with all matters in the Code relating to labor. Where a majority agreement cannot be reached, the Board shall select an impartial chairman to render a decision. The creating and functioning of these Boards, including the selection of these representatives of employees, shall be in accordance with Section 7 of the Act. If no truly representative labor organization exists, the employee members of such Board shall be chosen by the Labor Advisory Board of the N.R.A., and must be either an employee in the Industry or some one intimately familiar with the Industry. The employer representatives shall be chosen by the Emergency National Committee hereinafter defined. The Industrial Relations Board may establish such subsidiary agencies constituted in like manner as it finds necessary.

B. HOURS OF LABOR

Many of the basic processes in the Industry are of a continuous character and the mining of the raw materials, in many instances, is subject to interruption due to inclement weather. Consequently

the strict limitation of hours of labor for each week is impractical, but can be averaged over a thirty (30) day period.

Accordingly, no employer in the Industry shall cause or permit any employee to work at an average of more than forty (40) hours per week in any thirty (30) day period, nor more than eight (8) hours in any one (1) day.

These maximum hours of labor shall not apply in the case of executives, salesmen, or those employed in supervisory capacities and in technical work and their respective staffs, providing such classes of employees earn not less than thirty-five (\$35.00) dollars per week, nor in the case of watchmen, provided that watchmen shall not work more than fifty-six (56) hours in any one (1) week nor more than six (6) days in any seven (7) day period.

These maximum hours of labor shall also not apply in the case of those employed in emergency maintenance or emergency repair work involving break-downs or protection of life or property.

Recognizing that the occasion for emergency maintenance or emergency repair work is limited to break-downs and protection of life or property and in order that it may be properly advised as to the extent of the use of this provision as to such classes of work, each Member of the Industry shall report monthly to the Emergency National Committee the number of hours worked by employees engaged in emergency maintenance and/or emergency repair work in excess of the hours stipulated above with the number of employees so engaged and the reason for such work.

The Emergency National Committee shall at all times keep the Administrator and the Industrial Relations Board, as set up in Article IV, Section A, Paragraph 7, fully advised as to the extent of use of this provision, as to emergency maintenance and/or emergency repair work.

Nor shall these maximum hours of labor apply to the following:

1. Employees whose labor requires their presence prior to or after the regular hours of operations.
2. Employees whose labor is dependent upon climatic conditions.
3. Employees engaged in continuous processes.
4. Employees engaged in work where limitation of hours of work per day may operate unfairly against the employee or may limit production and thereby deprive other employees of labor.

Those employees enumerated in items one to four, inclusive, of this paragraph shall be limited to an average week of forty-eight (48) hours in any thirty (30) day period, and their number shall not exceed 10% of the total employees in any operating individual plant.

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

C. WAGES

For the purpose of this Article IV the wage districts and minimum rates for common labor described below have been established:

Rate per hour

	<i>Cents</i>
District No. 1: Maryland, New Jersey, New York, and New England States, and Pennsylvania with the exception of Pittsburgh and Salina_____	35
District No. 2: Pittsburgh and Salina, Pa. and Niles, Ohio_____	40
District No. 3: West Virginia, Ohio, and Kentucky, with exception of Niles, Cincinnati, and Portsmouth, Ohio, and Ashland and Louisville, Ky_____	32
District No. 4: Cities of Cincinnati and Portsmouth, Ohio, and Ashland and Louisville, Ky_____	35
District No. 5: Alabama, Georgia, Tennessee, South Carolina, North Carolina, Florida, Louisiana, and Mississippi_____	25
District No. 6: East Chicago, Indiana, and Joliet, Ill_____	37
District No. 7: Indiana and Illinois, except the cities of East Chicago, Indiana, and Joliet, Ill_____	35
District No. 8:	
Missouri District, other than St. Louis and St. Louis County_____	32
St. Louis and St. Louis County_____	35
District No. 9: Texas and Arkansas_____	25
District No. 10: Colorado, Utah, Montana and Wyoming_____	35
District No. 11: California, Washington and Idaho_____	35
Any other State or States not specifically covered_____	35

Minimum wage rates in Districts Numbers 5 and 9 will be increased by the Industrial Relations Board for the industry as described in Article IV, Section A, Paragraph 7, if the Codes for other comparable basic natural resource industries later provide higher rates than those herein provided for Districts Numbers 5 and 9, such increases to become effective upon approval by the President after such notice and hearing as he may require.

It is agreed that these wage rates shall establish a guaranteed minimum rate of pay regardless of whether the employee is compensated on the basis of time rate or a piecework performance.

Until changed by amendment of the Code the minimum rates of pay per hour which shall be paid by Members of the Code for common labor in the Industry in the respective wage districts described above shall be the rates set forth opposite each district shown above.

None of the Members of the Code shall pay common laborers in its employ in the Industry in any such district any rate of pay less than the rate specified for such district in the schedule shown above. Such rates of pay shall not, however, be understood to be the maximum rates of pay for their respective districts.

No person employed in clerical or office work shall be paid less than at the rate of fifteen (\$15.00) dollars per week in any city of over 500,000 population, or in the immediate trade area of such city; nor less than fourteen dollars and fifty cents (\$14.50) per week in

any city between 250,000 and 500,000 population, or in the immediate trade area of such city; nor less than fourteen (\$14.00) dollars per week in any city of less than 250,000 population.

Wage rates for occupations other than those receiving a minimum wage herein described, shall at least maintain the difference in earnings for those occupations existing as of June 1, 1933. To the extent practicable, no employer shall reduce the compensation for employment in excess of the minimum wages hereby agreed to, notwithstanding that the hours worked in such employment may be reduced.

Factory wages shall be paid at least twice a month in lawful currency or by negotiable check. These wages shall be exempt from any deductions other than those voluntarily agreed to by the employee or authorized by law. No employee shall be required, as a condition of employment, to trade at a store specified by the employer.

ARTICLE V—DIVISIONS OF THE INDUSTRY

SECTION A. *Powers.*—For the purposes of administration of this Code, the Refractories Industry shall be divided into Divisions as set forth below and as shown on the accompanying organization chart, as shown in Exhibit A and made a part of this Code. Each Division shall designate or establish its own administrative agency or agencies. Each such Division shall be independent and self-governing in respect to all conditions and problems relating exclusively to the said Division with the exception of such powers as are hereinafter delegated to the Emergency National Committee of the Refractories Industry (hereinafter described).

Proposals in respect to matters affecting more than one Division, other than amendments to this Code, may be initiated by any Division and shall be submitted for consideration to the said Emergency National Committee and its determination shall be binding upon said Division and all other Divisions affected thereby.

The method of selection of any divisional administrative agency or agencies may be subject to review and disapproval or modification by the Administrator. The Administrator may appoint one member to any Divisional Administrative Agency who shall not have voting power, who shall represent the government on such Agency.

SECTION B. *Names of Divisions.*—Divisions are hereby established as follows:

- Fire Clay Refractories
- Silica Refractories
- Basic Refractories
- High Temperature Bonding Mortars
- Plastic Refractories
- Special Refractories
- Locomotive Arch Refractories
- Suspended Walls and Arches
- Glass House Refractories
- Ladle and Hot Top Refractories
- Sleeve, Nozzle, and Runner Brick and Tuyeres
- Fire Clay Producers

Other divisions of refractories and of manufacturers or producers of Refractories Products may be established upon application of any

such group to the Emergency National Committee and subject to the approval of the Emergency National Committee (hereinafter described), such Divisions to have representation on the Emergency National Committee of the Refractories Industry.

SECTION C. *Executive Committee.*—In order to cooperate with the Administrator to effectuate the policies of the National Industrial Recovery Act, each of the above Divisions and any others which may subsequently be formed within the Refractories Industry shall set up an Executive Committee for the purpose of administering the provisions of the Code, to secure adherence thereto, to hear and adjust complaints, to consider proposals for amendments and exceptions thereto and otherwise to carry out within the Division the purposes of the National Industrial Recovery Act as set forth in this Code. Any action taken under this paragraph may be reviewed and disapproved by the Administrator.

The Emergency National Committee (hereinafter described), in order to secure adherence to the policies of the National Industrial Recovery Act in cooperation with the Administrator, shall require each Division to adopt fair trade practice rules relating to the practices peculiar to that Division. If a Division as named above does not adopt such fair trade practice rules or if at any time thereafter a Division fails to perform its obligations as provided hereunder, the Emergency National Committee of the Refractories Industry hereinafter described, subject to the approval of the Administrator, is hereby empowered to adopt rules of fair Trade Practice for the Division and may provide for the administration of the Code as if said Emergency National Committee were the Executive of the Division concerned. Such fair trade practice rules upon approval by the President after such notice and hearing as he may require shall become a part of this Code and fully effective as such.

ARTICLE VI—EMERGENCY NATIONAL COMMITTEE

SECTION A. *Representation.*—There shall be an Emergency National Committee of the Refractories Industry of twenty-five or more members, to consist of a representative of each Division, selected by the said Division, by some fair method, which may be reviewed by the Administrator; a representative of the Industry at large, who will be the President of the American Refractories Institute; and a special representative to be selected by the Industry at large for each of the following subjects: Labor, Code of Ethics, Statistical and Cost Accounting Data, two (2) Executive Vice-Presidents and seven (7) representatives at large. The above Committee will, therefore, consist of the following representatives:

- Fire Clay Refractories.
- Silica Refractories.
- Basic Refractories.
- High Temperature Bonding Mortars.
- Plastic Refractories.
- Special Refractories.
- Locomotive Arch Refractories.
- Suspended Walls and Arches.
- Glass House Refractories.

Ladle and Hot Top Refractories.

Sleeve, Nozzle, and Runner Brick and Tuyeres.

Fire Clay Producers.

Labor.

Code of Ethics.

Statistical and Cost Accounting Data.

President of the American Refractories Institute and

Two (2) Vice-Presidents,

Seven (7) representatives at large.

At any meeting of the Emergency National Committee, and Member unable to attend such meeting may send a duly accredited alternate to represent him. The alternate must file notice of such authority with the Secretary of the meeting before taking part in its deliberations. Each member of the Emergency National Committee shall have one vote.

The Administrator may at his own option appoint not more than three additional members of the Emergency National Committee who shall not have voting power, who shall represent the Government on the Emergency National Committee.

Such member or members of the Industry shall be appointed for six months and if more than one is appointed, their terms are to be so arranged that they do not expire at the same time.

Each trade or industrial association directly or indirectly participating in the selection or activities of the Emergency National Committee and Executive Committee shall: (1) Impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of association, bylaws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purpose of the Act.

In order that the Emergency National Committee and Executive Committees shall at all times be truly representative of the industry and in other respects comply with the provisions of the Act, the Administrator may provide such hearings as he may deem proper; and thereafter if he shall find that the Emergency National Committee and the Executive Committees are not truly representative or do not in other respects comply with the provisions of the Act, he may require an appropriate modification in the method of selection of such committees.

SECTION B. Powers.—The Emergency National Committee shall be the general planning and coordinating agency for the Industry in cooperation with the Administrator. Its Members, selected by established Divisions, shall be empowered by the said Divisions to act for them conclusively in respect to all matters before the Committee for consideration and within its jurisdiction. The Committee shall have powers and duties as provided herein; and in addition thereto, it shall, subject to review and disapproval by the Administrator:

(1) from time to time require such reports and information as to labor, statistical or cost-accounting data, or any general information from divisions and/or all members thereof as in its judgment may be necessary to advise it adequately of the administration and enforcement of the provisions of this Code; this information to be collected

by such confidential agency as the Emergency National Committee may select, and distributed only in summary except that it shall be available in full to the Emergency National Committee and the Administrator.

(2) upon complaint of interested parties, or upon its own initiative, make such inquiry and investigation into the operation of the Code as may be necessary; and

(3) make rules and regulations necessary for the administration and enforcement of this Code. The Committee may delegate any of its authority to the National Control Committee hereinafter provided, and may designate such agents as it may require to carry out its functions.

(4) Wilful failure of any Member of this Code to comply within thirty (30) days with any request of the Emergency National Committee or any of its duly qualified agents for any pertinent information as to labor, statistical or cost accounting data, or any general information necessary for the proper administration of this Code under the National Industrial Recovery Act shall be considered a violation of this Code.

In addition to information required to be submitted to the Emergency National Committee, there shall be furnished to government agencies such statistical information as the Administrator may deem necessary for the purpose recited in Section 3 (a) of the Act.

SECTION C. *Concerning Prices.*—(1) Each Member of the industry, shall within ten days after the effective date of the Code, unless this ten-day period is extended by the Emergency National Committee, which is hereby authorized to make such extension of this period as it may deem necessary, file with the American Refractories Institute a list showing the minimum base prices for all of its products, and from and after the expiration of such ten days or extension thereof such Member shall at all times maintain on file with the American Refractories Institute a list showing the minimum base prices for all its products and shall not make any change in such minimum base prices except as provided in this Section.

Each such list shall become effective ten days after the date of filing such list with the American Refractories Institute, provided, however that the first list of minimum base prices filed by any Member of the Industry, as above provided, shall take effect on the date of filing thereof. None of the minimum base prices shown in any list filed by any Member of the Industry as herein provided shall be changed except by the filing by such Member with the American Refractories Institute, of a new list of its minimum base prices, which shall not become effective until ten days after the date on which such new price lists shall have been so filed, and not later than 10 days.

The Emergency National Committee shall present to the Administrator for his approval after such notice and hearing as he may require—

(a) A system of cost finding capable of application by all members of the industry.

(b) A definition of the term "representative member" of the industry based on investigations by the Emergency National Committee as to the costs, determined by such system, of the members

of the Industry. In no event shall the term "representative member" be construed in such a manner as to exclude from such classification more than ten percent of the total manufacturers of any particular product in any competitive district.

After the determination of individual costs in this manner, the Emergency National Committee shall advise the members of the industry in each competitive district, and as related to each product in the industry, the cost of the lowest cost representative member in each such district and as related to each product in the Industry and no members of the Industry shall sell his products at a price which will result in the purchaser paying therefor less than the cost of the lowest cost representative member as determined aforesaid.

The Emergency National Committee shall have power on its own initiative, or on the complaint of any Member of the Industry, to investigate any minimum base price for any product shown in any list filed with the American Refractories Institute by any member of the Industry, and for the purpose of the Investigation thereof to require such member to furnish such information concerning the cost of manufacturing such product as the Emergency National Committee shall deem necessary or proper for such purpose.

If the Emergency National Committee, after such investigation, shall determine that such base price for such product is below the cost of the lowest cost representative member manufacturing such product in the competitive district of the manufacturer under such investigation, and that the maintenance of such base price may result in unfair competition in the Industry, the Emergency National Committee shall notify the member under such investigation. If such member, within ten days after such notice, shall not file a new list showing a price at least equal to such lowest representative member's cost (which price shall become effective immediately upon filing) the Emergency National Committee shall report the results of its investigation to the proper authority or authorities for action.

A notice of all decisions of the Emergency National Committee under this Section, together with the reasons therefor, shall be filed with the Administrator. Any member of the Industry affected by action of the Committee under this paragraph may appeal to the Administrator, who, after such notice and hearing as may be required, may review and disapprove the action of the Emergency National Committee hereunder.

(2) The Emergency National Committee shall issue to the Members of this Industry from time to time a schedule of classification of Extras to be added to the base prices listed in accordance with the provisions of Section (1). The use of such classification shall be mandatory under the Members of the Industry.

(3) The Emergency National Committee may make such exceptions to the provisions under subheadings (1) and (2) of Section C, Article VI, to the extent deemed necessary by them to prevent unfair operation of the foregoing provisions in exceptional cases. No person subject to the jurisdiction of this Code shall sell, or offer for sale Refractories and/or Refractories Products at prices less than those so filed. Any violation of this provision shall be deemed an unfair practice and a violation of this Code.

(4) Contracts entered into prior to the passage of the National Industrial Recovery Act are not affected by the provisions of this Section C of Article VI.

ARTICLE VII

TERMS, DISCOUNTS, AND CREDITS

Terms of sale shall be determined by each division of the industry for its respective division and included in its divisional code.

In soliciting business, no manufacturer shall agree to accept as payment securities such as mortgages, bonds, stocks, tax bills, certificates, or any other security except at current marketable cash value.

REBATES

The secret payment or allowances of rebates, refunds, commissions, or unearned discount, whether in the form of money or otherwise, or secretly extending to certain purchasers special prices, services, or privileges not extended to all purchasers under like terms and conditions is an unfair trade practice.

Except in the Special Refractories Division, providing any kind of free service, such as free truck delivery to depot or from depot to customer's plant, shipping from warehouse at carload prices, crating or packing without adequate charge, furnishing unusual engineering services gratis is an unfair trade practice.

Shipping material in excess of that for which proper charge is made or giving away material as samples (or otherwise) in such quantity or manner, or making special allowances under the guise of advertising expense as to have the effect of rebating, is an unfair trade practice.

Unwarranted allowances for rejection or shortage claims by connivance or otherwise, between seller and purchaser is an unfair trade practice. No allowance shall be made for the return of used sacks or other containers used for the shipment of refractories.

Directly or indirectly to give or permit to be given, or to offer to give money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitor's customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase from the makers of such gift or offer, or to influence such employers or principals to refrain from dealing or contracting to deal with competitors is an unfair trade practice. The above provisions shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

Substitution of quality in any any manner or specifically invoicing lower quality or cull material and shipping higher grade with the intent of influencing the placing of business is an unfair trade practice.

MISBRANDING

Except in the divisions of Special Refractories, High Temperature Bonding Mortars, Plastic Refractories, and Fire Clay Producers, quality of brands and materials shall be clearly defined and expressed by the seller. No recognized grade shall be misbranded or misrepresented to include it in any lower price classification when in so doing the seller creates discrimination. Where a manufacturer is producing a refractory for resale by a dealer under the dealer's trade names, the brands so sold must be identified by the manufacturer in the correct quality class.

Except in the Special Refractories Division, making any sale of any product under any description which does not fully describe such product in terms customarily used in the Industry shall be an unfair trade practice. Each manufacturer shall file with the American Refractories Institute a list of his brands classified as to quality. Upon complaint of any member as to misrepresentation of quality of any brand so as to classify any brand at lower quality than it should properly be, the Emergency National Committee may investigate such brand through the Mellon Institute, and if the brand in question is found to be misrepresented as to quality, the Emergency National Committee may require the manufacturer to properly classify such brand. The classification of the American Society of Testing Materials shall be used.

BRANDS AND TRADE MARKS

The imitation of the exclusive trade marks, trade names, slogans, or other individual marks of identification of competitors, having the tendency to mislead or deceive purchasers or prospective purchasers, is an unfair trade practice.

SERVICE GUARANTEES

(a) Except in the divisions of Special Refractories and Basic Refractories, inasmuch as the manufacturer of refractories has no control over the use of his product, guarantees as to the length of service of materials shall constitute an unfair trade practice. Nothing in this section shall apply to the introduction of a new product during a period of one year from its introduction.

TYPE AND VALIDITY OF CONTRACT

(a) The Emergency National Committee shall develop and the industry shall adopt, in cooperation with buyers, a form of contract which will avoid ambiguity, prevent misunderstanding, and protect the rights of both buyer and seller, such form of contract to be subject to the approval of the Administrator.

(b) Contracts are business obligations which should be performed in both letter and spirit. It shall be an unfair trade practice for sellers to permit the repudiation of contracts by buyers without just cause.

(c) Contracts shall cover the bona fide shipment of material over a given fixed period. It shall be an unfair trade practice for seller

to knowingly enter into a contract which represents such sharp practice on the part of the buyer as either overestimation of requirements in a single contract or pyramiding or duplication of contracts or any other means of misrepresentation.

(d) Maliciously inducing or attempting to induce a buyer to violate a contract with a competitor shall be an unfair trade practice.

None of the members of the Code shall make any contract of sale of any product by the terms of which the shipment of such product is not required to be completed before the end of the calendar quarter-year, ending March 31, June 30, September 30, and December 31, ending not more than four months after the date of the making of such contract.

This paragraph shall not apply in the case of Special Refractories, Glass House Refractories, Fire Clay Producers, and Locomotive Arch Divisions.

The post- or pre-dating of any proposal, order, contract, invoice, or instrument which has a bearing upon the terms and conditions of purchase shall be deemed an unfair trade practice.

PROPOSALS

Recognizing that many irregular trade practices are the result of oversight as often as intent, a standard proposal or quotation form to include the following is recommended:

Date of shipment.

Terms.

F.O.B. point.

Schedule of overages as per classification.

Method of handling damage claims.

Limit of time of acceptance of proposal to ten days.

Seller not responsible for failure or delay in delivery due to causes beyond his control, acts of God, etc.

Any special clause regarding taxes or legislation.

COMMISSIONS

Except in the Special Refractories and Suspended Arches and Walls Divisions no commission or discount, direct or indirect, shall be paid to an engineer, contractor, boiler setter, furnace builder, or any one directly or indirectly connected with any consumer or any consumer's organization.

Except in the Suspended Arches and Walls Division, no commissions should be paid to an Agent (or Dealer) who is controlled in whole or in part by any consumer organization, nor to any fictitious Agent (or Dealer) created for the purpose of passing to the consumer, or to the consumer's friends, all or any part of a commission.

Except in the Suspended Arches and Walls Division, commissions or discounts shall be paid only to regular bona fide Agents (or Dealers) hereinafter defined on purchases and/or shipments in such Dealer's territory.

DEALERS

Except in the Fire Clay Producers Division, a Dealer in the Industry is one who has an established place of business where he is regularly engaged in selling refractories, and who may or may not sell other materials to the public, with adequate refractories stocks and facilities to serve the retail trade in a given territory and able and willing to perform all functions devolving upon him in securing, executing, and delivering orders for such refractories.

A Dealer may also be an agent of the same manufacturer.

(a) Discounts to dealers shall be determined by Divisional Codes.

(b) Except in the Fire Clay Producers Division, no shipments shall be made to dealers on consignment, nor shall terms be made which will in effect constitute or approximate shipment on consignment.

(c) Terms of payment to Dealers shall be the same as to consumers.

AGENTS

Except in the Fire Clay Producers Division, an Agent in the Industry is one who is engaged in selling refractories products (and who may or may not sell other material) to Dealers and/or Consumers in a certain prescribed territory.

An Agent may also be a Dealer of the same manufacturer.

(a) An Agent may operate on a salary or commission basis, or both.

(b) Nothing in the above shall be considered as preventing a manufacturer from establishing his own warehouse stocks for retail distribution by his own employees, such employees to be paid either by direct salary or commission. No such warehouse shall be established on a consumer's property.

(c) Except in the High Temperature Bonding Mortar and Plastic Refractories Divisions, terms to Agents shall be the same as to Consumers.

GENERAL PRACTICES

Except in the Special Refractories Division, gauging or grinding of products to closer than standard tolerances without adequate charge or accepting business under specifications calling for closer than the allowable Industry standard tolerances without adequate additional charges is an unfair trade practice.

Furnishing special containers or special individual formulas without adequate charge is an unfair trade practice.

Misrepresentation of raw materials or of the source of raw materials is an unfair trade practice.

Except in Glass House Refractories, Locomotive Arch Refractories, and Fire Clay Producers Divisions, consignment shipments shall not be made.

The purchase of materials not for the purchaser's own use to influence a purchase or an allowance for used materials to influence a purchase is an unfair trade practice.

Except in the case of the Special Refractories Division, any request by a purchaser for specifications of standard refractory prod-

ucts other than standard American Society for Testing Materials requirements shall be referred to the Mellon Institute for advice before writing such specifications. The existence of illogical or unfair specifications should be reported to the Refractories' Fellowship at the Mellon Institute so that proper steps may be taken to have them modified.

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

SPECIAL ALLOWANCES

Except in the Special Refractories Division, on orders for special shapes manufactured but not shipped and which customer desires to cancel, and which cannot be sold to another customer, invoice shall be rendered customer at full invoice price, less value of bats at a price no higher than 50% of the current price of dobies.

ORDERS FOR SPECIALS

On orders for specials which are manufactured in accordance with customer's instructions—but order held up after material is in process of manufacture—customer shall be invoiced for 100% of full invoice price of material manufactured if order is not shipped within 90 days after date of order, material to be held by manufacturer for customer's account.

DEFAMATION OF COMPETITOR OR DISPARAGEMENT OF HIS GOODS

The defamation of a competitor in any manner, either by imputing to him dishonorable conduct, inability to perform contracts, or questionable credit standing or false disparagement of the grade or quality of his goods is an unfair trade practice.

Deliberately misleading promise of delivery that cannot reasonably be fulfilled is an unfair trade practice.

ENTICEMENT OF EMPLOYEES

Enticement of employees of competitors with the purpose and effect of interfering with their business is an unfair trade practice. We recommend that manufacturers deal frankly and openly in instances where employees seek to change from the service of one employer to another or where the employer wishes to negotiate for the services of another manufacturer's employee.

EXCEPTIONS

The Emergency National Committee may make whatever exceptions it deems necessary to the provisions of this Article VII to prevent its unfair application in special cases. In the event any member of the Code petitions the Emergency National Committee

for exceptions under any of the provisions of this Article VII the Emergency National Committee, or any of its duly qualified agents, may suspend such provisions as pertain to such member until the Emergency National Committee acts on such petition and notifies the member of its decision. The decision of the Emergency National Committee on any such decision shall be subject to review, modification, or disapproval by the Administrator.

ARTICLE VIII—NATIONAL CONTROL COMMITTEE

The Emergency National Committee of the Refractories Industry shall elect from its own membership a National Control Committee of not less than three, but not to exceed six members, in addition to the President of the American Refractories Institute. The National Control Committee shall exercise such authority as may have been delegated to it by the said Emergency National Committee.

All communications and conferences of the Refractories Industry with the President or with his agents concerning the approval or amendment of this Code or any of its provisions, or any matters relating thereto, shall be through the said National Control Committee. The National Control Committee shall serve as an executive agency for the Emergency National Committee of the Refractories Industry, and shall be charged with the enforcement of the provisions of this Code and with the duties, through agents or otherwise, of hearing and adjusting complaints, considering proposals for amendments and making recommendations thereon, approving recommendations for exceptions to the provisions of this Code, and otherwise administering its provisions. Any such action may be reviewed and disapproved by the Administrator. Any Division or any adherent to the provisions of this Code, or subject to its terms, shall have the right of appeal to the Emergency National Committee from decisions of the National Control Committee, and the decision of the said Emergency National Committee on said appeal shall be final except that such decision may be subject to review and disapproval by the Administrator.

The Administrator may appoint one member to the National Control Committee, without voting power, who shall represent the government on the committee.

ARTICLE IX—CAPACITY

Whereas, it is the consensus of opinion in the Industry that until such time as a demand for its product cannot adequately be met by the fullest possible use of existing capacities for producing fire clay or silica brick and special shapes, such capacities shall not be increased and no new capacities shall be added.

Capacity in this Industry shall be defined as those kilns and furnaces existing as of the effective date of this Code and as customarily used for burning refractories, whether periodic or tunnel kilns and/or furnaces, and owned by persons, partnerships, or corporations who, as of the effective date of this Code, were definitely established as manufacturers of refractories or as refractories, producers.

Accordingly no member of the Industry and/or no person engaged in the Industry shall initiate the construction of any new units or

increase his capacity of fire clay and silica brick or special shape production unless and until he shall have secured from the Emergency National Committee consent to such increase, as being consistent with effectuating the policy of the Act during the period of the emergency. The Emergency National Committee shall promptly notify the Administrator of any application for any such consent and the Administrator may review, disapprove, or modify the action of the Emergency National Committee upon such application and/or at any time may suspend the operation of this Article IX to effectuate the purposes or policy of the Act.

Nothing in the above shall be interpreted to prevent any Member of the Code from replacing present capacity or existing machinery for the production of fire clay or silica brick and special shapes with new and modern capacity or equipment so long as the total existing capacities, as defined above in this article, of that Member are not increased. The purchase by any one of existing capacity as defined above shall not be interpreted as adding to existing capacity.

ARTICLE X—MONOPOLIES

(1) This Code is not designed to promote monopolies and shall not be availed of for that purpose.

(2) The provisions of this Code shall not be so interpreted or administered as to eliminate or oppress small enterprises or to discriminate against them.

ARTICLE XI—GENERAL

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

(2) The Emergency National Committee of the Refractories Industry and the National Control Committee shall from time to time make to each Division established, or to be established, under the provisions of this Code, such recommendations, including recommendations respecting amendments to the Code as may be necessary to effectuate within the Refractories Industry or within any Division thereof the purpose of the National Industrial Recovery Act as administered.

(3) Any action of the Emergency National Committee under any or all provisions of the Code may be reviewed and disapproved by the Administrator.

(4) Amendment of this code may be proposed by any group truly representative of the industry or any division thereof, or by any established division to the Emergency National Committee, or may be initiated by the said Committee and after approval by the Committee and when approved by the President after such notice and hearing as he may prescribe shall be effective. Nothing in this Section 4 shall be construed to prevent any member of the industry from

petitioning the President to use his powers as outlined in Section 1 of this Article.

(5) Whereas the policy of the Act to increase real purchasing power will be made impossible of consummation if prices of commodities and services increase as rapidly as wages, it is recognized that price increases should be delayed and that when made, the same should, so far as is reasonably possible, be limited to actual increases in the seller's costs.

(6) No provisions of Articles VI and VII shall have any application to sales or shipments of products of the Industry exported to countries or places other than the United States and its territories and/or possessions.

(7) This Code shall be in effect beginning ten days after its approval by the President.

Approved Code No. 168.

Registry No. 1034-1-01.

SCHEDULE I—DIVISIONS OF THE INDUSTRY AND PRODUCTS

Special Refractories.—Fused Alumina, Sillimanite, Mullite, Kaolin, Super Fire Brick, Silicon Carbide, Insulating Refractories, Cast Refractories.

Basic Refractories.—Chrome, Magnesite.

Silica Refractories.—Silica Brick.

Fire Clay Refractories.—Fire Clay Brick.

Suspended Arches and Walls.—Sectionally Suspended Refractory Walls and Arches.

Locomotive Arches.—Locomotive Firebox Refractories.

Plastic Refractories.—Plastic Refractory mixtures of all grades.

High Temperature Mortars.—Wet or Dry High Temperature Mortars of all grades.

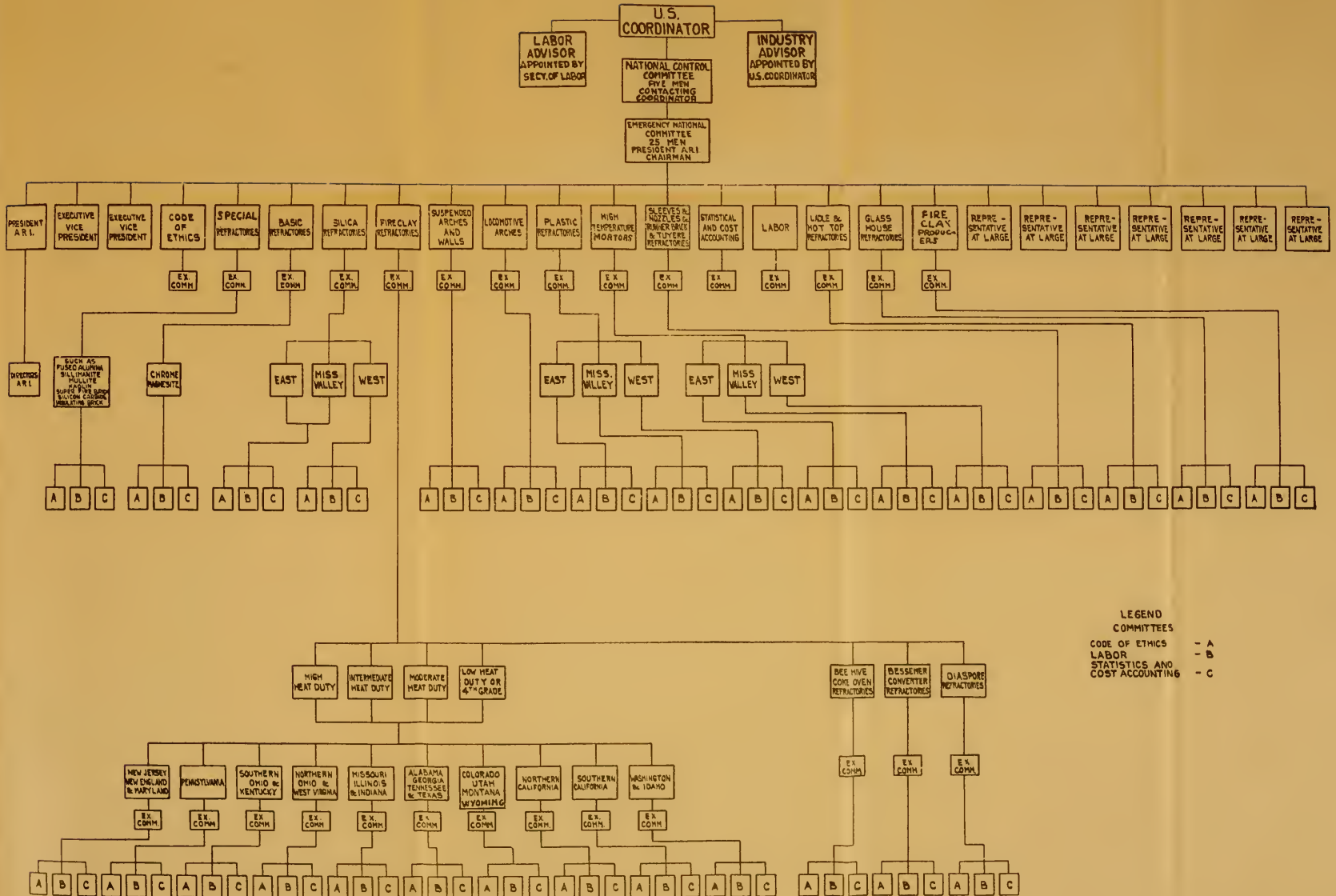
Sleeves, Nozzles, Runner Brick, and Tuyere Refractories.—Fire Clay Refractories for these uses.

Ladle and Hot Top Refractories.—Fire Clay Refractories for these purposes.

Glass House Refractories.—Specialty products of fire clay for glass industry.

Fire Clay Producers.—Raw and Prepared Refractory Clays.

EXHIBIT A



LEGEND
 COMMITTEES
 CODE OF ETHICS - A
 LABOR - B
 STATISTICS AND COST ACCOUNTING - C

CHART SHOWING ORGANIZATION OF REFRACTORIES INDUSTRY UNDER THE NATIONAL INDUSTRIAL RECOVERY ACT

Approved Code No. 169

CODE OF FAIR COMPETITION

FOR

SAVINGS, BUILDING AND LOAN ASSOCIATIONS

As Approved on December 21, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for Savings, Building and Loan Associations, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said code of fair competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said code of fair competition complies in all respects with the pertinent provisions of title I of said act and that the requirements of clauses (1) and (2) of subsection (a) of section 3 of the said act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations and findings of the Administrator and do order that the said code of fair competition be and it is hereby approved.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 21, 1933.

DECEMBER 9, 1933.

THE PRESIDENT,
The White House.

SIR: I have the honor to transmit herewith the Code of Fair Competition for Savings, Building and Loan Associations. The Hearing was held in accordance with the requirements of the National Recovery Administration in the United States Chamber of Commerce Building on December 4, 1933.

This Code was sponsored by the United States Building and Loan League founded in 1892 for the purpose of preserving the integrity of local cooperative institutions. The League's membership now comprises 5,831 out of 10,997 associations, large and small, and every State League in the Union is a member thereof.

The assets of member associations approximate six billion dollars or 76% of the total assets of all associations amounting to seven billion seven hundred fifty million dollars. Present-day business of Building and Loan is the outgrowth of a little institution organized over a century ago in Frankford, Pennsylvania, and is the development of more than a century of experience in the specialized field of thrift and home financing. The net profits of associations are divided among all the members, who are both the borrowers and the investors.

It is worthy of note that of the nineteen hundred institutions that have affiliated with the Federal Home Loan Bank System seventeen hundred of them are members of the parent League. The most recent form of these associations has been provided for by the Congress of the United States, authorizing for the first time the formation of these thrift and home-financing institutions under Federal charter.

The active and constructive policies of these associations furnish most pleasant reading at the present time. Although total assets have shrunk from nine billion dollars in 1929 to seven billion seven hundred fifty million dollars at this time, a decrease of 12%, the loss ratio has been less than one fourth of one percent of the assets in any one year of the depression. Furthermore, these institutions are aiding and abetting the Recovery Program not only through mortgages but by materially assisting in the financing of upkeep and repairs of homes. In 1932 when credit was almost non-existent associations made loans of five hundred thirty-two millions of dollars.

A companion achievement is their record in regard to employment and wages. A recent survey of associations with assets of five million dollars and over located in twenty-six states evidences an increase in the number of employees of 11% over 1929. Of these only a trifle over one per cent fall within the minimum wage groups. In this instance the top of the pyramid has borne the brunt of retrenchment both in numbers and in reduction of compensation. At the same time the number of employees receiving \$150.00 per month and

less have increased by 37% and their wage payments have increased by 24%.

I can add only that this recital should make history for the 10,000,000 savers of the Building and Loan Associations.

Under fair practices there is but one important provision and that important one governs the heart of the business. It prohibits advertising or other representation, in any form, which is inaccurate or which misrepresents the services, contracts, investments, or financial condition of any association.

No objector from an association or from the public appeared at the Hearing, nor has any objection been subsequently filed.

This Code has been accepted by the United States Building and Loan League and has received the approval of the several Advisory Boards of the National Recovery Administration, with the exception of a qualification by Labor which is included in this report.

I find that the Code complies with the pertinent provisions of clauses (1) and (2), subsection (a) of Section 3, subsection (a) of Section 7, and subsection (b) of Section 10 of the National Industrial Recovery Act.

I recommend, therefore, that you approve the Code of Fair Competition for Savings, Building and Loan Associations as herewith submitted.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION
FOR
SAVINGS, BUILDING AND LOAN ASSOCIATIONS

PREAMBLE

It is the declared purpose of the proponents of this Code to promote thrift and the buying and owning of homes; to operate associations for the equitable benefit and security of shareholders and investors therein and borrowers therefrom; to promote research and education; to reduce and relieve unemployment; to bring about unity and cooperative action among all persons engaged in the management of thrift and home-financing associations.

ARTICLE I—PURPOSE

To effectuate the policies of Title I of the National Industrial Recovery Act the following provisions are established as a Code of Fair Competition for Savings, Building and Loan Associations and shall be the standard of fair competition and shall be binding on all associations as hereinafter defined.

ARTICLE II—DEFINITIONS

1. The term "associations" as used herein shall include building and loan associations, savings and loan associations, homestead associations, cooperative banks, and similar cooperative thrift and home-financing associations.

2. The term "League" as used herein means the United States Building and Loan League, a trade association having its offices at 104 South Michigan Avenue, Chicago, Illinois.

3. The term "member" as used herein shall refer to such organizations and associations as are members of the league, as determined by its Constitution.

4. The term "nonmember" as used herein shall mean similar associations, unaffiliated with the League, subject to this Code and any revisions or additions thereto and receiving the benefits thereof.

5. The term "employee" as used herein means any person employed by such associations.

6. The term "effective date" as used herein means the tenth day after this Code shall have been approved by the President of the United States.

7. The term "expiration date" as used herein means June 16, 1935, or the earliest date prior thereto on which the President shall by

proclamation or the Congress shall by Joint Resolution declare that the emergency recognized by Section I of the National Industrial Recovery Act has ended.

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

9. Population for the purposes of this Code shall be determined by reference to the latest Federal Census.

ARTICLE III—MINIMUM WAGES

1. On and after the effective date, and to and until the expiration date, the minimum wages of employees covered hereby shall be: (a) \$15 per week in any city of over 500,000 population or in the immediate trade area of such city; (b) \$14.50 per week in any city of between 250,000 and 500,000; (c) \$14 per week in any city of between 2,500 and 250,000; (d) \$12 per week in any town under 2,500 population.

2. Part-time workers shall be paid minimum wages of 10% or more in excess of the above minimum standards, calculated on an hourly basis.

3. Officers, directors, or other members of the management rendering part-time service of any kind to the associations without compensation shall not be affected by the provisions of this Article.

4. The wages of employees shall not be decreased, even though the hours of such employees' work shall be reduced to conform to the maximum hours provided in Article IV.

ARTICLE IV—HOURS OF LABOR

On and after the effective date, no employee shall work for more than an average of forty hours per week, such average being determined by periods of thirteen weeks, but such limitation shall not apply to:

(a) Any employee in a managerial, executive, or administrative capacity or in any other capacity of special or sole responsibility who receives more than \$35.00 per week.

(b) Any employee engaged as an outside representative, or night watchmen.

(c) Cases of emergency beyond the control of associations or periods when peak demands or Federal or State examinations place an unusual and temporary requirement upon any associations.

ARTICLE V—LABOR PROVISIONS

1. No persons under 16 years of age shall be employed, except that persons between 14 and 16 may be employed for not to exceed 3 hours a day and those hours between 7 a.m. and 7 p.m. in such work as will not interfere with hours of day school.

2. As required by Section 7 (a) of Title I of the National Industrial Recovery Act the following provisions are conditions of this Code:

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

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

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

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

ARTICLE VI—ADMINISTRATION

1. A Code Authority shall be established for the administration of this Code. This Code Authority shall include the President and two Vice-Presidents of the League; ten representatives of the League, who shall be truly representative of its membership, to be appointed by the President of the League by and with the advice and consent of the Board of Directors of the League; two representatives of non-members of the League to be selected in a manner approved by the Administrator; and not more than three representatives, without vote, to be appointed by the Administrator.

2. (a) In the exercise of its powers and in the performance of its duties, the Code Authority shall use and employ the League, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code, and it shall be answerable to the Administrator for any acts performed by the League.

(b) The League may delegate any of its duties to State or Territorial leagues of Associations, including the Council of the District of Columbia, or to such agents or committees as it may appoint, whose personnel, duties, and powers may be changed by the League from time to time.

3. The Code Authority shall have the following powers and duties to the extent permitted by the Act, subject to the right of the Administrator to review or disapprove any action taken by the Code Authority:

(a) To administer, supervise, and promote the performance of the provisions of this Code.

(b) To collect all data and statistics called for by this Code, or required by the President or the Administrator, or pertinent to the effectuation of Title I of said Act, and, in its discretion, disseminate the summaries thereof.

(c) To represent associations in conferring with the President or the Administrator with respect to the application of this Code and of said Act and any regulations issued thereunder, and to hear

complaints and adjust the same; to coordinate the administration of this Code and such codes, if any, as may affect any related activity, and to receive proposals for supplementary provisions and amendments to this Code.

4. Associations shall be entitled to participate in and share the benefits of the activities of the Code Authority by assenting to and complying with the requirements of this Code and sustaining their pro rata share of the expenses of administration, calculated on the basis of assets and/or such other factors as may be deemed equitable, and as shall be determined by the Code Authority, subject to review and approval by the Administrator. Assent of associations shall be given in writing to the Managing Director, Code Authority, care of the United States Building and Loan League, 104 South Michigan Avenue, Chicago, Illinois.

ARTICLE VII—FAIR PRACTICES

To effectuate the purposes of the National Industrial Recovery Act all associations shall comply with the following rules governing fair competition in associations' practices, which shall become effective sixty (60) days after the approval of this Code by the President of the United States.

1. (a) Within cities, towns, counties, or other trade areas, such associations therein as are found by the Code Authority to be of the same class, kind, and character, shall, by agreement of a majority of such associations, establish maximum hours for business operations.

(b) When such maximum hours are agreed upon and approved by the Code Authority, they shall apply to all associations of such class, kind, and character in such cities, towns, counties, or other trade areas, provided that such associations may observe shorter hours than the maximum established.

2. No association shall use advertising (whether printed, radio, display, or of any other nature) or other representation which is inaccurate in any material particular or which in any way misrepresents its services, contracts, investments, or financial condition.

ARTICLE VIII—MONOPOLIES

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

ARTICLE IX—VIOLATIONS

Violation by any association of any provision of this Code is an unfair method of competition.

ARTICLE X—GENERAL PROVISION

It is expressly provided that no provision of this Code shall be interpreted or applied so as to conflict in any way with any federal or state law or any rule, regulation, or order which may have been or may be issued by any federal or state supervising authority applicable to associations.

ARTICLE XI—ALTERATIONS AND AMENDMENTS

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

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

Approved Code No. 169.

Registry No. 1712-02.



Approved Code No. 170

CODE OF FAIR COMPETITION

FOR THE

GRINDING WHEEL INDUSTRY

As Approved on December 21, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Grinding Wheel Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said code of fair competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said code of fair competition complies in all respects with the pertinent provisions of title I of said act and that the requirements of clauses (1) and (2) of subsection (a) of section 3 of the said act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report and recommendations and findings of the Administrator and do order that the said code of fair competition be, and it is hereby, approved.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 21, 1933.

(287)

DECEMBER 8, 1933.

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Grinding Wheel Industry in the United States, the hearing having been conducted in Washington on October 26, 1933, in accordance with the provisions of the National Industrial Recovery Act.

PROVISIONS FOR HOURS AND WAGES

The maximum of 40 hours a week and 8 hours a day is provided for factory employees except during peak periods when they will be permitted 36 additional hours in any 3-month period, but not more than 48 hours in any one week. Time and a half will be paid for hours in excess of 40 per week and 8 per day to the above employees including emergency maintenance and repair workers who will not be limited in hours, and to shipping crews who will have a tolerance of 10 percent over the normal maximum hours. Kiln tenders will be limited to 48 hours a week, and watchmen to 56 hours. Office employees will be limited to an average of 40 hours in any one week over a 3-month period, and 48 hours in any one week. Those in a managerial, executive, or supervisory capacity will not be limited in hours.

The minimum wage to factory workers will be 40 cents to male and female employees engaged in the same work. To female employees not engaged in the same work as men, the minimum pay will be 35 cents. Learners will receive no less than 80 percent of the above minimum rates. Office employees will be paid \$15 per week, except for office boys and girls and messengers, who will receive 80 percent of this minimum.

CHILD LABOR

The minimum age of employees in this industry will be 16 years, except in hazardous occupations, where the minimum age will be 18 years.

ECONOMIC EFFECT OF CODE

The 40-hour maximum week adopted by the President's Reemployment Agreement and provided by the Code, and the new business since June 1933, have increased employment 30 percent. The maximum hours during the early part of 1933 and in previous years were as high as 60 per week. The average working time in 1929 was 51½ hours per week. Employment dropped from 4,254 persons in 1929 to 2,160 in the early part of 1933 or 49 percent. Since June, this figure has increased to 2,674, or almost to the 1931 employment level.

The minimum pay for employees in this industry in 1929 and since June 1933, has been 30 cents, and less than this during the depression. Thus the minimum of 40 and 35 cents provided by the Code should raise the standard of wages appreciably.

Sales of this Industry have decreased from \$29,980,000 in 1929 to \$7,647,000 in 1932 or over 74 percent. In 1929, sales were 62 percent of the \$48,000,000 production capacity of 41 concerns; and in 1932, 15 percent of the \$50,000,000 capacity of the present 42 concerns.

FINDINGS

The Administrator finds that:

(a) The Code as recommended complies in all respects with the pertinent provisions of Title I of the Act, including, without limitation, subsection (a) of Section 7 and subsection (b) of Section 10 thereof; and that

(b) The applicant group imposes no inequitable restrictions on admission to membership therein and is truly representative of the Industry; and that

(c) The Code as recommended is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

It is recommended, therefore, that this Code is approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION

FOR THE

GRINDING WHEEL INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are submitted as a Code of Fair Competition for the Grinding Wheel Industry, and upon approval by the President shall be the standard of fair competition for this industry, and binding upon every member thereof.

ARTICLE II—DEFINITIONS

The term "Grinding Wheel Industry" or "Industry" as used herein shall mean the manufacture and the sale by the manufacturers of grinding wheels, bricks, stones, segments, blocks, and solid discs which are employed in grinding, sharpening, polishing, and for the removal of stock of metal, stone, wood, and other materials, but is not defined to mean the fashioning and selling of natural sandstone wheels, including natural sandstone pulpstones.

The term "Association" means the Grinding Wheel Manufacturers' Association.

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

The term "employer" as used herein, includes anyone for whose benefit such an employee is so engaged.

The term "learner" as used herein, means a person having no previous experience in the Industry and whose period of employment in the Industry as such shall not exceed three months.

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

The term "member of the Code" includes any member of the Industry who shall expressly signify assent to this Code.

The term "Act" means Title I of the National Industrial Recovery Act.

The term "Administrator" means the Administrator for Industrial Recovery.

The term "Administration" means the National Recovery Administration.

"Effective date" as used herein, means the third Monday after the day this Code shall have been approved by the President of the United States.

ARTICLE III—HOURS

SECTION 1. No accounting, clerical, office, service or sales employees (except outside salesmen), or any other employee shall, except as hereinafter provided, work or be permitted to work more than a maximum week of forty (40) hours averaged over a three-month period; provided, however, that such employees shall not be employed more than forty-eight (48) hours in any week; and provided further that no employees to whom this Section 1 applies shall work more than six (6) days in any calendar week.

SEC. 2. No factory or mechanical worker or artisan shall, except as hereinafter provided, work or be permitted to work in excess of forty (40) hours in any seven (7) day period, or eight (8) hours in any twenty-four (24) hour period; provided, however, that, during any period in which a concentrated demand upon any division of the Industry shall place an unusual and temporary burden for production upon its facilities, an employee of such division may be permitted to work not more than thirty-six (36) additional hours in any three (3) month period, but not more than forty-eight (48) hours in any seven (7) day period; and provided further that no employee to whom this Section 2 applies shall work more than six (6) days in any calendar week.

SEC. 3. The maximum hours fixed in the foregoing paragraphs shall not apply to employees in a managerial, executive, or supervisory capacity (not including underforemen or bosses engaged on production work) receiving thirty-five (35) dollars or more per week, nor to employees engaged in taking annual inventory, or on emergency, maintenance, and repair work involving break-downs or protection of life and property.

SEC. 4. All employees to whom Sections 2 and 3 of this Article III apply, except managerial, executive, and supervisory employees receiving thirty-five (35) dollars or more per week, who work more than forty (40) hours in any seven (7) day period or more than eight (8) hours in any twenty-four (24) hour period, shall be paid not less than one and one half ($1\frac{1}{2}$) times their normal rate of pay for said excess.

SEC. 5. No watchmen shall be permitted to work in excess of fifty-six (56) hours in any one week.

SEC. 6. Kiln tenders shall be permitted to work a maximum of forty-eight (48) hours per week to meet the demand of emergency peaks in production.

SEC. 7. Employees engaged on shipping crews, including truck drivers, shall be permitted a tolerance of ten (10) percent over the maximum hours provided in Sections (1) and (2) of this Article III.

ARTICLE IV—WAGES

SECTION 1. No male employee, except as hereinafter provided, shall be paid at less than the rate of forty (40) cents an hour and no female employee shall be paid at less than the rate of thirty-five (35) cents an hour; provided, however, that learners may be paid not less than 80% of such minimum wage. The number of employees so paid as learners shall not exceed 5% of the total number of em-

ployees of any one employer, but in any case such employer shall be entitled to two (2) such employees.

SEC. 2. This Article IV establishes minimum rates of pay, regardless of whether the employee is compensated on the basis of a time-rate or a piecework performance, or otherwise.

SEC. 3. A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage below the minimum established by this Code if the employer obtains from the State authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Each employer shall file with the Code Authority a list of all such persons employed by him.

SEC. 4. The minimum wage that shall be paid to employees to whom Section (1) of Article III applies, shall not be less than fifteen (15) dollars per week; provided, however, that office boys and girls and messengers shall be paid at a rate not less than eighty (80) percent of the minimum salary provided in this Section (4) of Article IV; and provided further that the number of such office boys and girls and messengers so paid shall constitute not more than five (5) percent of the total number of employees of any one employer, and in any case, such employer shall be entitled to two (2) such employees.

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

SEC. 6. The wage rates for all operations and duties shall be equitably adjusted when this Code becomes effective, and in making such adjustments, in no case shall the hourly rate be decreased. Each member of the industry shall report all such adjustments to the Code Authority within 30 days of the effective date.

SEC. 7. No employer shall reclassify employees or duties of occupations performed, or engage in any other subterfuge for the purpose of defeating the purposes or provisions of the Act or of this Code.

ARTICLE V—CHILD LABOR

No person under sixteen (16) years of age shall be employed in the Industry. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. The Code Authority shall submit to the administrator before February 1, 1934, a list of such operations or occupations. In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly signed by the Authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

ARTICLE VI—GENERAL LABOR PROVISIONS

SECTION 1. Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employ-

ers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

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

SEC. 3. Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

SEC. 4. Within each State, no provision of this Code shall supersede any laws of such State imposing more stringent requirements, regulating the age of employees, wages, hours of work, or health, fire or general working conditions, than under this Code.

SEC. 5. Every employer shall make reasonable provisions for the safety and health of his employees at the place and during the hours of their employment.

SEC. 6. All employers shall post complete copies of the labor provisions of this Code in conspicuous places accessible to employees.

ARTICLE VII—ADMINISTRATION

SECTION 1. (a) To effectuate the policies of Title I of the National Industrial Recovery Act a Code Authority is hereby designated to cooperate with the Administrator as a Planning and Fair Practice Agency for the Grinding Wheel Industry. The Code Authority shall consist of seven (7) members of the Industry who are members of the Association and one member of the Industry who is not a member of the Association, selected by a fair method of selection, provided any nonmembers of the Association in the Industry desire such representation.

(b) In addition to membership as above provided, there may be from one to three members, without vote, as representatives of the Administrator, to be appointed by him, to serve for terms of six (6) months to one (1) year from the date of appointment.

(c) The Board of Directors of the Grinding Wheel Manufacturers Association shall appoint the members of the Code Authority, to represent the said Association and those may or may not be members of the Board of Directors, and the nonmembers of the Association shall nominate and elect their member by a fair method subject to the approval of the Administrator.

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

(e) In order that the Code Authority shall at all times be truly representative of the Industry and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter if he shall find

that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Code Authority.

(f) Members of the Industry shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the selection of the members thereof by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the expenses of its administration. Such reasonable share of the expenses of administration shall be determined by the Code Authority, subject to review by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable.

SEC. 2. The Code Authority shall have the following further powers and duties, the exercise of which shall be reported to the Administrator and shall be subject to his right, on review, to approve or disapprove any action taken by the Code Authority:

(a) To collect from every member of the Industry such information concerning wage rates and hours of work as may be required to enable the Code Authority to determine whether there has been compliance with the provisions of the National Industrial Recovery Act and with the provisions of this Code, and such further information as may be required to enable the Industry through said Code Authority to report required information to the Administrator.

In addition to information required to be submitted to the Code Authority, there shall be furnished to government agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the National Industrial Recovery Act.

(b) The Code Authority shall study this Code and the operation thereof and shall make any recommendations from time to time to the Administrator which it deems desirable for modification or addition thereto which upon approval of the President of the United States, after such hearing as he may prescribe, shall become a part of this Code and have full force and effect as provisions hereof.

ARTICLE VIII—TRADE PRACTICES

It shall be an unfair method of competition and a violation of this Code for any member of the Industry to engage in any of the following practices:

(1) The false marking or branding of the products of the Industry, with the intent of misleading or deceiving purchasers with respect to the quantity, quality, size, or substance of the goods purchased.

(2) Making or causing or permitting to be made or published any false, untrue, or deceptive statement by way of advertisement or otherwise concerning the quality, quantity, substance, character, nature, origin, size, or preparation of any product of the Industry, having the tendency and capacity to mislead or deceive purchasers or prospective purchasers or to affect injuriously the business of competitors.

(3) The imitation of the trade marks, trade names, slogans, or other marks of identification of competitors, having the tendency and

capacity to mislead or deceive purchasers or prospective purchasers, or to affect injuriously the business of such competitors.

(4) The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, or questionable credit standing, or by other false representation, or the false disparagement of the quality of their goods.

(5) Wilfully inducing or attempting to induce the breach of existing contracts between competitors and their customers, or interfering with or obstructing the performance of any such contractual duties or services, with the purpose and effect of hampering, injuring, or embarrassing competitors in their business.

(6) Initiating negotiations with employees of competitors to entice them away or induce them to violate their contracts.

(7) The making of promises of delivery that are misleading or that cannot reasonably be fulfilled.

(8) The secret payment or allowance to any customer of rebates, refunds, or credits, whether in the form of money or otherwise.

(9) The paying or promising to pay the customers or their employees, or prospective customers, of a commission or consideration of any character; or unwarranted entertainment or improper gratuities for the purpose of inducing or compensating for a sale. This provision shall not be construed to prohibit free and general distribution of articles commonly used for advertisement except so far as such articles are actually used for commercial bribery as hereinabove defined.

(10) The sale or offering for sale of any products under a guarantee of performance because of the impossibility of defining and maintaining the conditions under which such a guarantee can honestly be made. Guarantees of material and workmanship are quite proper.

(11) The shipping of products not conforming in respect to dimensional tolerances to the standards of the Association to a user of products for trial or on regular orders, unless specified by the user, thus putting his competitor at a disadvantage when the consumer compiles relative cost figures; provided, however, that if the application of these standards should at any time work unjust hardship upon any member of the Industry, such member may appeal to the Code Authority, which shall have the power to grant such relief as justice may require. If the Code Authority should deny relief or should fail to take action upon any application for relief within twenty (20) days from the date of said application, such member may appeal to the Administrator, who shall have power to grant such relief.

(12) No member of the Industry shall sell or exchange any products at a price below his own individual cost, except to meet the cost of a lower cost producer who is not violating the provisions of this Code, provided that nothing in this paragraph (12) shall prohibit the sale below cost of obsolete or discontinued lines, distress merchandise, or any other article inferior to the standard product, where such conditions of obsolescence, damage, or inferiority is clearly indicated.

(13) Each member of the Industry shall within thirty (30) days after the effective date of the Code file with the Code Authority a

net price list or a price list and discount sheet, as the case may be, individually prepared by him, showing his current prices or prices and discounts and terms of payment, and if he so desires the name of his customers to whom limit prices are quoted. This information will be open to examination at the office of the Code Authority and each member of the Industry will have a right to examination of these records to the same degree that he has furnished similar information. No member of the Industry will deviate from his lists thus filed until revised lists have been filed with the Code Authority and copies thereof shall be available for examination by all members of the Industry to the same degree as they are supplying revised information. No member of the Industry shall sell his products at prices or terms more favorable than those provided in his current net price list or price lists and discount sheets as submitted to the Code Authority, except as otherwise provided herein.

(14) Wheels may be furnished for trial purposes under the following terms: Full payment is to be made if wheels are satisfactory, or if partially satisfactory and usable, to be paid for on the basis of value received, or if unusable, to be returned for full credit. All trial shipments shall be invoiced at the member's established prices. Any deviation from these terms except where the amount involved is less than two (\$2.00) dollars shall be considered unfair competition.

(15) The giving away of or offering free trial wheels or products except where the amount involved is less than two (\$2.00) dollars is hereby considered as unfair competition.

(16) Price guarantees shall be given only on bona fide orders covering definite quantities of definite specifications and the price prevailing on the date the order is placed may apply only to all orders calling for shipment within eight (8) weeks of the date of the order. On such shipments as may be deferred beyond the eight (8) weeks' period at the request of the customer, the price prevailing at the time of shipment shall apply. Provided further, that notwithstanding the provisions of Section (13) of this Article VIII, any written quotation accepted by a customer within ten days for shipment within eight (8) weeks may be filled at the prices shown on such written quotation.

ARTICLE IX—MODIFICATION

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

Approved Code No. 170.
Registry No. 1001-03.

Approved Code No. 171

CODE OF FAIR COMPETITION
FOR THE
ROLLING STEEL DOOR INDUSTRY

As Approved on December 21, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Rolling Steel Door Industry, and hearings having been held thereon, and the Administrator having rendered his report containing an analysis of the said code of fair competition, together with his recommendations and findings with respect thereto, and the Administrator having found that the said code of fair competition complies in all respects with the pertinent provisions of title I of said act, and that the requirements of clauses (1) and (2) of subsection (a) of Section 3 of said act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt the findings and approve the report and recommendations of the Administrator and do order that the said code of fair competition be, and it is hereby, approved.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 21, 1933.

DECEMBER 7, 1933.

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Rolling Steel Door Industry in the United States as revised after the hearing conducted in Washington on October 14, 1933, in accordance with the provisions of the National Industrial Recovery Act.

WORKING HOURS

This Code provides that no employee shall work more than 36 hours a week, 8 hours a day, and 5 days a week. There are four exceptions. A certain flexibility is needed in the hours of this industry. To meet seasonal or peak demands and for a period of 8 weeks in any 6 months, employees are permitted to work 40 hours per week. The second exception covers office employees who are permitted to work no more than 40 hours and 5½ days a week. The third exception is of traveling salesmen and persons employed in a managerial or executive capacity upon whom no hour limitation is placed. The fourth exception is of employees engaged in emergency maintenance or emergency repair work.

WAGES

There is no differential either by geographical section or by sex. The minimum wage is 40 cents per hour for all employees except office employees, whose minimum wage is fixed at \$15.00 per week. Additional provisions are incorporated to carry out the terms of the Act and these include the stipulation that the minimum wage is a minimum rate of pay irrespective of whether an employee is actually compensated on a time rate, piecework, or other basis; the prohibition of any evasion of the wage schedules through dismissals and reemployment; an equitable readjustment of all wages above the minimum; and the requirement that employment of handicapped persons shall be limited to such persons and conditions of employment as are prescribed by the State authority designated by the United States Department of Labor to act in such cases.

GENERAL LABOR PROVISIONS

This Code provides that no person under 16 years of age shall be employed in the industry, nor anyone under 18 at operations or occupations hazardous in nature or dangerous to health.

Subparagraph (a) of section 7 of Title I of the National Industrial Recovery Act is embodied. The Code further provides that employers shall not reclassify employees or the duties of occupations so as to defeat the purpose of the Act and requires every employer

to make reasonable provision for the safety and health of his employees, to post complete copies of this Code in accessible places, and to make payment of all wages at regular pay periods and in lawful currency or by negotiable check payable on demand.

ECONOMIC EFFECT OF THE CODE

The Rolling Steel Door Industry is in some ways closely allied to the Construction Industry, but insofar as production and sales are concerned it has a very specialized market and its revival depends on the revival of construction of particular kinds of buildings, such as warehouses, garages, and factories. Employment in this industry has fallen by one half since 1929. Sales have fallen from \$6,000,000 in 1929 to \$1,500,000 in 1932, a decrease of approximately 63%. In 1933 sales have amounted so far to \$1,200,000. The ratio of production to capacity, which was approximately 45% in 1929, has been 20% in 1933.

Although the immediate gains in employment and wages in this industry will not be extensive, the Code provides opportunity for great expansion in both the number of employees and their wages. When the anticipated expansion comes in this industry with the expected rehabilitation of the Construction Industry, the Code will prove a means by which the number of employees and their wages may be as much as doubled. Price cutting, which has greatly demoralized conditions in the industry, is prohibited by the provisions of the Code.

FINDINGS

The Administrator finds that: (a) The Code as recommended complies in all respects with the mandatory provisions of Title I of the Act, including, without limitation, subsection (a) of Section 7 and subsection (b) of Section 10 thereof; and that

(b) The applicant group imposes no inequitable restrictions on admission to membership therein and is truly representative of the Rolling Steel Door Industry; and that

(c) The Code as recommended is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

It is recommended, therefore, that this Code be approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION
FOR THE
ROLLING STEEL DOOR INDUSTRY

ARTICLE I—PURPOSES

To effect the policies of Title I of the National Industrial Recovery Act, this Code is submitted as a Code of Fair Competition for the Rolling Steel Door Industry, and upon approval by the President, its provisions shall be the standards of fair competition for such industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

SECTION 1. The term "Rolling Steel Door Industry" or "Industry" as used herein is defined to mean the business of manufacturing for sale rolling steel doors, rolling steel shutters, including devices, appliances, and/or equipment used in connection therewith, and the installation thereof by the manufacturer.

SEC. 2. The term "Products" as used herein is defined to mean rolling steel doors, rolling steel shutters, and devices, appliances, and equipment used in connection therewith.

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

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

SEC. 5. The term "Institute" as used herein is defined to mean "The Rolling Door Institute."

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

ARTICLE III—HOURS

SECTION 1. *Maximum Hours.*—No employee shall be permitted to work in excess of thirty-six (36) hours in any week (seven (7) day period), or eight (8) hours in any day (twenty-four (24) hour period), or more than five (5) days in any seven (7) day period, except that in cases of peak demand employees may work forty (40) hours per week for eight (8) weeks in any six (6) months' period.

At least time and one half shall be paid for hours worked in excess of eight (8) hours in any one day or forty (40) hours in any one week.

SEC. 2. *Hours for Clerical and Office Employees.*—No person employed in clerical or office work shall be permitted to work in

excess of forty (40) hours in any week (seven (7) day period), or nine (9) hours in any day (twenty-four (24) hour period), or five and one half (5½) days in any seven (7) day period.

SEC. 3. *Exceptions as to Hours.*—The provisions of this Article shall not apply to traveling salesmen, or to persons employed in a managerial or executive capacity who earn not less than thirty-five dollars (\$35.00) per week, or to employees engaged in emergency maintenance or emergency repair work; provided, however, that the provisions respecting a normal work day and a normal work week, as provided in Section 1 of this Article, shall apply to all employees in emergency maintenance or emergency repair work.

SEC. 4. *Employment by Several Employers.*—No employer shall knowingly permit any employee to work for any time which when totaled with that already performed with another employer or employers in this industry exceeds the maximum permitted herein.

ARTICLE IV—WAGES

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

SEC. 2. *Minimum Wage for Clerical and Office Employees.*—No clerical or office employee shall be paid in any pay period less than at the rate of \$15.00 per week.

SEC. 3. *Piecework Compensation—Minimum Wages.*—This Article establishes a minimum rate of pay which shall apply, irrespective of whether an employee is actually compensated on a time rate, piecework, or other basis.

SEC. 4. *Evasion Through Reemployment.*—No employee now employed at a rate in excess of the minimum shall be discharged and reemployed at a lower rate for the purpose of evading the provisions of this Code.

SEC. 5. *Wages Above Minimum.*—Employers shall not reduce the rates of wages for employees whose rates are now in excess of the minimum rate of wages herein provided (notwithstanding that the number of hours worked in such employment may be hereby decreased) and where in any case an employer has not increased the rates of wages for such employees prior to the effective date of this Code by an equitable readjustment of all wage rates such employer shall readjust all such wage rates. This provision shall be interpreted in the same manner that Paragraph 7 of the President's Re-employment Agreement has been interpreted by the Administrator in Interpretations No. 1 and 20.

SEC. 6. *Handicapped Persons.*—A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage below the minimum established by this Code if the employer obtains from the State Authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Each employer shall file with the Code Authority a list of all such persons employed by him.

ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. *Child Labor Provision.*—No person under sixteen (16) years of age shall be employed in the industry. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. The Code Authority shall submit to the Administrator before February 1, 1934, a list of such operations or occupations. In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly issued by the Authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

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

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

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

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

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

SEC. 4. *Standards for Safety and Health.*—Every employer shall make reasonable provision for the safety and health of his employees at the place and during the hours of their employment. Standards for safety and health shall be submitted by the Code Authority to the Administrator within six (6) months after the effective date of this Code.

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

SEC. 6. *Posting.*—All employers shall post complete copies of this Code in conspicuous places accessible to employees.

SEC. 7. *Payment of Wages.*—All employers shall make payment of all wages due in lawful currency or by negotiable check therefor, payable on demand. Wages shall be paid at the end of each weekly period. These wages shall be exempt from any payment for pensions, insurance, or sick benefits other than those voluntarily paid by employees. Employers or their agents shall not accept, directly

or indirectly, rebates on such wages or give anything of value nor extend any favors to any person for the purpose of influencing rates of wages or working conditions of their employees.

The provisions of this section regarding payment of wages at the end of each weekly period shall not apply to persons employed in a managerial or executive capacity who earn not less than thirty-five dollars (\$35.00) per week, nor to persons employed in clerical or office work. The wages for persons employed in clerical or office work shall be paid at the end of pay periods not to exceed bimonthly periods.

SEC. 8. *Industrial Relations Board.*—There may be established by the Administrator, a National Industrial Relations Board for the Industry consisting of an equal number of representatives of employers and employees to which shall be referred for determination matters arising under the Code relating to labor. Where a majority agreement of the Board cannot be reached, the Board shall select an impartial chairman to render a decision. The creation and functioning of these Boards including the selection of representatives of employees shall be in accordance with Section 7 of the Act. If no truly representative labor organization exists, the employee members of such Board shall be chosen by the Labor Advisory Board of the N.R.A. The employer representatives shall be chosen by the Code Authority. The Industrial Relations Board may establish such subsidiary agencies constituted in like manner as it finds necessary.

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

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

SEC. 2. The Code Authority shall consist of three (3) members to be selected as follows:

Members of the industry shall elect the industry members of the Code Authority by a majority vote of the members of the industry. Such members shall be elected from directors, officers or executives of members of the industry which are members of the Institute.

SEC. 3. The Institute is hereby designated as the agency to conduct an election of the members of the Code Authority within fifteen (15) days after the effective date of this Code, and the succeeding annual elections of members of the Code Authority. Members of the Code Authority shall be elected to serve for a term of one (1) year or until their successors are elected at the next annual meeting of the members of the industry. In the event of any vacancy in the membership of the Code Authority, a special meeting of the members of the industry for an election to fill the incomplete terms of such members shall be called. Notice of the time and place of each election shall be sent by registered mail to all members of the industry at least ten (10) days in advance of such election, and voting at such election may be by person, by proxy, or by letter ballot. Each member of the industry shall have one (1) vote.

SEC. 4. In addition to membership as above provided, there may be not more than three (3) members, without vote, to be appointed

by the Administrator, to serve for terms of from six (6) months to one (1) year so arranged that the terms do not expire at the same time.

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

SEC. 6. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of association, bylaws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

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

SEC. 8. Members of the industry shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the selection of the members thereof by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the expenses of its administration. Such reasonable share of the expenses of administration shall be determined by the Code Authority, subject to review by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable.

SEC. 9. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Code Authority. Nor shall any member of the Code Authority exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under the Code, except for his own wilful misfeasance or nonfeasance.

SEC. 10. *Powers and Duties.*—The Code Authority shall have the following further powers and duties, the exercise of which shall be reported to the Administrator and shall be subject to his right, on review, to disapprove any action taken by the Code Authority.

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

(b) To adopt bylaws and rules and regulations for its procedure and for the administration and enforcement of the Code.

(c) To obtain from members of the industry such information and reports as are required for the administration of the Code and to provide for submission by members of such information and reports as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act, which information and reports

shall be submitted by members to such administrative and/or government agencies as the Administrator may designate; provided that nothing in this Code shall relieve any member of the industry of any existing obligations to furnish reports to any government agency. No individual reports shall be disclosed to any other member of the industry or any other party except to such governmental agencies as may be directed by the Administrator.

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

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

(f) To secure from members of the industry an equitable and proportionate payment of the reasonable expenses of maintaining the Code Authority and its activities.

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

(h) To recommend to the Administrator further fair trade practice provisions to govern members of the Industry in their relations with each other or with other industries and to recommend to the Administrator measures for industrial planning, including stabilization of employment.

(i) To establish minimum standards of quality of material, workmanship, operation, and installation of the products of the industry.

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

SECTION 1. Each member of the Industry shall, within ten (10) days after the effective date of the Code, file and maintain with the Code Authority schedules of prices for all its products and schedules of prices for the installation thereof, which schedules shall include, but without limitation, discounts, specifications, terms, and conditions of sale.

SEC. 2. In the event of any change by any member of the Industry in any price, discount, specification, term or condition of sale, he shall file full and complete copies of every such change with the Code Authority, not less than ten (10) days in advance of the effective date of any such change. Copies thereof, with notice of the effective date of such change, shall be immediately published and distributed by the Code Authority to the interested members of the Industry who may file, if they so desire, revisions of their prices, discounts, specifications, terms or conditions of sale, which, if filed not less than five (5) days prior to such effective date, shall be effective on the same such effective date.

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

SEC. 4. No member of the Industry shall sell, pay a rebate, or allow a deduction at any time to any person except in accordance with his

prices, discounts, specifications, terms, and conditions of sale filed in the manner described herein above. Each member of the Industry shall have the right, individually, to file new prices, discounts, terms, and conditions of sale, from time to time, as herein provided.

ARTICLE VIII—TRADE PRACTICE RULES

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

Rule 1.—No member of the industry shall use or publish advertising (whether printed, radio, display, or of any other nature) which is misleading or inaccurate in any material particular, nor shall any member in any way misrepresent any goods (including, but without limitation, its use, trade mark, grade, quality, quantity, origin, size, substance, character, nature, finish, material, content, or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted.

Rule 2.—Members shall not invoice products or services at other than the true selling price or withhold from or insert in the invoice statements which make the invoice an incomplete or a false record, wholly or in part, of the transaction represented on the face thereof.

Rule 3.—No member shall make false or disparaging statements with respect to a competitor's business, methods, practices, or products.

Rule 4.—No member of the industry shall sell below his allowable cost.

Pursuant to the provisions of Article VI, the Code Authority shall formulate or cause to be formulated standard methods or systems of cost accounting for use in this industry, which methods or systems shall be adaptable to the cost accounting procedure of, and to the business of this industry. Such methods or systems shall specify the factors that shall determine the cost for each member of the industry pursuant to the provisions of this section. Upon approval of such methods or systems by the Administrator the Code Authority shall furnish to each member of the industry complete details of such methods or systems. Thereafter, in determining costs, each member of the industry shall use a cost accounting system which shall be at least as complete and detailed as the cost accounting method or system recommended by the Code Authority and approved by the Administrator.

Rule 5.—No member of the industry shall publish or circulate unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harassing competitors or intimidating their customers. Failure to prosecute in due course shall be evidence that any such threat is unwarranted or unjustified.

Rule 6.—No member of the industry shall offer or make any secret or discriminatory payment or allowance or a rebate, refund, commission, credit, unearned discount or excess allowance, whether in the form of money or otherwise, nor shall a member of the industry

offer or extend to any customer any secret discriminatory service or privilege for the purpose of influencing a sale.

Rule 7.—No member of the industry shall give, permit to be given, or directly offer to give anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent, or the represented party, without the knowledge of such employer, principal, or party. Commercial bribery provisions shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

Rule 8.—No member of the industry shall attempt to induce the breach of an existing contract between a competitor and his employee, or customer or source of supply; nor shall any such member interfere with or obstruct the performance of such contractual duties or services.

Rule 9.—No member of the industry shall, directly or indirectly, substitute his own or different parts in the repair or alteration of a competitor's product or parts thereof without the express authority of the owner.

Rule 10.—No member of the industry shall, directly or indirectly, remove or destroy any trade mark or other identification of any product or part of a product of the industry supplied by a competitor with the intent or effect of deceiving purchaser or a prospective purchaser.

Rule 11.—No member of the industry shall combine quotations or contracts for any product of this industry with any quotation or contract for any other material, labor, or service, for the purpose and with the intent of concealing the true selling price of the product of this industry.

Rule 12.—No member shall offer for sale any product of the industry by any false means or device which tends to mislead or deceive purchasers, competitors and/or others as to the quantity, quality, measurements, substances, or size of such products, labor, or service. If any member of the industry fails immediately to correct such misrepresentation upon being notified thereof, such failure shall be deemed a confession of wilful intent to deceive and mislead such purchasers, competitors and/or others.

Rule 13.—No member of the industry shall omit from its quotation, proposal, or bid, any material, labor, or service required and/or called for by the plans, specifications, or other estimating or purchasing data in order to avoid full responsibility for the complete compliance with all provisions or for the purpose and with the intent of subsequently informing the purchaser that such omitted material, labor, or service was included, in order to underbid a competitor.

Rule 14.—Verbal quotations shall be confirmed in writing. A duplicate or true copy of all quotations given and contracts received by a member, shall be filed with the Code Authority within three days from the date of issuing a quotation and/or after receiving a contract.

Rule 15.—The terms of payment of products sold F. O. B. member's factory or delivered to destination shall not be more favorable than

to provide for "Net Cash thirty (30) days from date of shipment." The terms of payment of products sold erected shall not be more favorable than to provide for "eighty-five (85) percent of the proportionate value of the work done shall be due monthly. The final payment shall be due and payable thirty (30) days after completion of the contract."

Rule 16.—No member of the industry shall guarantee for a period longer than one (1) year from date of installation to furnish or replace, free of charge, material found to be defective.

Rule 17.—Each member of the Code shall file with the Code Authority a list of his sales representatives, which list shall be available to the other members. Such list shall at all times be kept to date by notifying the Secretary of any changes, within ten (10) days after being made.

Rule 18.—No member of the industry shall post-date or pre-date any contract, invoice, quotation, or receipt, withhold from or insert in any contract, invoice, quotation, or receipt any statement which makes such contract, invoice, quotation, or receipt a false statement either in whole or in part or accept or offer to accept any such contract with the effect of injuring the business of a competitor or violating the provisions of this Code.

ARTICLE IX—APPEALS

SECTION 1. Any interested party shall have the right of complaint to the Code Authority and of a prompt hearing and decision under such rules of procedure and proper charges to cover cost of investigation and hearing as it may prescribe, in respect to any decision, rule, regulation, order, or finding made by the Code Authority.

SEC. 2. Any interested party shall have the right of appeal to the Administrator, under such rules and regulations as he may prescribe, in respect to any decision, rule, regulation, order, or finding made by the Code Authority.

ARTICLE X—MODIFICATIONS

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

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

ARTICLE XI—MONOPOLIES

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

ARTICLE XII

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

ARTICLE XIII—REGISTRATION OF MEMBERS OF THE INDUSTRY

Each member of the industry shall within thirty (30) days of the effective date of this Code register with the Code Authority. All members of the industry who may engage in the industry thereafter shall likewise register with the Code Authority. Registration of a member of the industry shall include the full name and mailing address of the member. The time limit for the registration by any member of the industry may be extended whenever, in the opinion of the Administrator, the time limit as provided herein might cause an injustice to any member of the industry.

ARTICLE XIV—EFFECTIVE DATE

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

Approved Code No. 171.
Registry No. 1139-01.



CODE OF FAIR COMPETITION

for the

**RAYON AND SILK DYEING AND PRINTING
INDUSTRY**

As Approved on December 21, 1933

By

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Rayon and Silk Dyeing and Printing Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said code of fair competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said code of fair competition complies in all respects with the pertinent provisions of title I of said act and that the requirements of clauses (1) and (2) of subsection (a) of section 3 of the said act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations and findings of the Administrator and do order that the said code of fair competition be and it is hereby approved, to become effective in place of the code of labor provisions for said industry heretofore approved by me on July 22, 1933.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,

Administrator.

THE WHITE HOUSE,

December 21, 1933.

DECEMBER 9, 1933.

THE PRESIDENT,
The White House.

INTRODUCTION

SIR: This is a report on the Hearing of the Code of Fair Competition for the Rayon and Silk Dyeing and Printing Industry.

The hearing was held, in the Garden Room of the Mayflower Hotel in Washington, D.C., on November 10, 1933, in accordance with the provisions of the National Industrial Recovery Act. Every person who filed an appearance was freely heard in public and all statutory and regulatory requirements were complied with.

Attached herewith is a copy of the Code which was presented by duly qualified and authorized representatives of the above industry, complying with the statutory requirements, as representing 92 percent of the industry.

EVIDENCE SUBMITTED

Pending a Public Hearing upon a Code of Fair Competition the Rayon and Silk Dyeing and Printing Industry has been operating under an Executive Order dated July 22, 1933.

In 1929 the industry employed approximately 25,000 people with a pay roll of forty million dollars and net sales of 106 million dollars. In 1932 the number of people employed had dropped to 20,000 people, the pay roll to 23 million, and the net sales to 53 million dollars. Actual yardage processed during this period increased, which shows that the drop in net sales was due to the shrinkage of prices charged for services.

Since the Executive Order of July 22, 1933, went into effect between 4,000 and 5,000 people have been added to the industry, bringing the number now employed up to the 1929 level. During the same period wages have increased approximately 25 percent.

While wages paid are approximately 25 percent higher than in 1929, the prices charged by the industry for its services today are still approximately 30 percent less than the prices charged for comparable services in 1929 and from 30 to 40 percent less than the peak prices from 1926 to 1929.

RÉSUMÉ OF PROVISIONS OF THE CODE

The Code provides for a minimum wage of 45 cents per hour for male employees, 18 years of age and over, and 35 cents per hour for female employees (engaged in tasks not heretofore performed by males in the plant in which such females may be employed).

Hours are limited to 40 hours per week, except with respect to certain maintenance and repair classifications, for which 48 hours employment is permitted. A maximum of 48 hours per week is placed upon employees engaged in continuous chemical processes. Productive machinery is limited to (80) hours, except that used solely for the processing of velvet may be operated not to exceed 120 hours in any one week.

Except for the activities of office staff, engineers, electricians, machinists, firemen, maintenance employees, and watchmen, no plant is allowed to operate between Saturday at 6:00 a.m. and Monday at 6:00 a.m., nor on legal holidays.

FINDINGS

I find that:

The Code complies in all respects with the pertinent provisions of Title I of the National Industrial Recovery Act, including, without limitation, subsection (a) of Section 7 and subsection (b) of Section 10 thereof.

The Institute of Dyers and Printers is representative of the Rayon and Silk Dyeing and Printing Industry, and the bylaws of this association provide no inequitable restrictions to membership.

The Code is not designed to permit monopolies or to eliminate or oppress small enterprises, and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

Accordingly, I hereby recommend the approval of the Code of Fair Competition for the Rayon and Silk Dyeing and Printing Industry.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION

FOR THE

RAYON AND SILK DYEING AND PRINTING INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Rayon and Silk Dyeing and Printing Industry, and shall be the standard of fair competition for such industry and shall be binding upon every concern engaged therein.

ARTICLE II—DEFINITIONS

1. The term "industry" as used herein shall include the dyeing, finishing, bleaching, mercerizing, weighting, printing, or other processing of rayon, silk, or of any mixture of the same, or of any mixture of goods containing primarily silk or rayon, either in the piece or in the yarn, in the United States, but shall not include concerns (1) engaged in the weaving of cotton and/or rayon and whose operations are required to be under the Cotton Textile Code, or (2) primarily equipped for, and primarily engaged in, finishing cotton woven fabrics who may also be engaged in finishing rayon and/or other synthetic fibre fabrics, and shall not include concerns, not members of the Institute, who may be engaged in the dyeing, finishing, bleaching, mercerizing, or other processing of rayon and/or other synthetic fibres in the yarn. Provided that any concern which is a member of the Institute and engaged in the processing of rayon and/or other synthetic fibres in the yarn, shall, as to such yarn processing, be governed as to competitive practices by the supplementary Code of Fair Practice, to be approved for the textile processing industry.

2. The term "rayon" as used herein shall include any synthetic fibre made from cellulose. All provisions relating to rayon shall apply to synthetic textiles made from cellulose acetate or any other substance.

3. The term "concern" as used herein is defined to mean any one now or hereafter engaged or engaging in this industry as individual, partnership, firm, corporation, or otherwise (and shall include therein proprietors, partners, officers, or directors when lawfully representing a concern).

4. The term "employee" as used herein shall include anyone engaged in the industry in any capacity, receiving compensation for services, irrespective of the nature or method of payment of such compensation.

5. The term "productive employee" as used herein shall include all employees except engineers, electricians, machinists, firemen, office staff, maintenance and transportation crews, and watchmen.

6. The term "productive machinery" as used herein shall include only print machines, weighting units, dyeing equipment, and screen printing tables.

7. The term "service" and/or "process" and/or "operations" as used herein shall include dyeing, finishing, mercerizing, bleaching, weighting, printing, engraving (when done by any concern in its own plants), or any other work, labor, or services done by any concern.

8. The term "Institute" as used herein shall mean the Institute of Dyers and Printers, a corporation not for pecuniary profit, organized and existing under the laws of the State of New Jersey.

9. The term "Board of Trustees" as used herein shall mean the Board of Trustees of the Institute.

10. The term "member of the industry" as used herein includes any concern as hereinbefore defined.

11. The term "signatory of the Code" as used herein means any member of the industry who shall voluntarily agree in writing as prescribed in Article VIII, Section 3.

12. The term "By-Laws" as used herein shall mean the by-laws of the Institute.

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

ARTICLE III—HOURS

1. No employee other than executives, supervisors, and representatives shall be permitted to work more than 40 hours, in any one week, except as hereinafter provided.

2. The hours of labor of engineers, electricians, machinists, firemen, maintenance and transportation crews, and watchmen, shall not be more than 48 hours in any one week, except in cases of emergency. Any emergency time in any plant shall be reported monthly to the Code Authority.

3. The maximum hours of labor for office staff in the Industry shall be an average of 40 hours per week in each period of six months; provided, however, that no office employee shall work more than 48 hours in any one week, except in cases of emergency. Any emergency time in any office shall be reported monthly to the Code Authority.

4. No productive employee shall be permitted to work more than 40 hours in any one week of plant operation as herein defined, nor more than 8 hours in any one day, provided that where productive employees are engaged in continuous chemical processes such as boil-off, bleaching, weighting, dyeing, or drying, where goods will be jeopardized by interruption, such employees may be required to work an additional 2 hours in any one day; provided further, that no productive employee shall work more than 48 hours in any week of plant operation, as herein defined.

5. No concern shall operate any productive machinery more than 80 hours nor any plant in the Industry more than 96 hours in any week, beginning Monday at 6:00 A.M., and ending Saturday at 6:00

A.M., except for the activities of office staff, engineers, electricians, machinists, firemen, maintenance, and watchmen. No plant shall be operated, except for the aforesaid activities, between Saturday at 6:00 A.M., and Monday at 6:00 A.M., nor on legal holidays. During such periods of the year as the Code Authority shall, from time to time, determine as less-than-peak periods, the Code Authority may, subject to the right of appeal to the Administrator, fix a lesser number of hours per week for plant operation, and during such periods no concern shall, except for the activities hereinbefore recited, operate any plant for more than the number of hours per week so fixed by the Code Authority. The Code Authority may modify the provisions hereof for plant operation in any week in which a legal holiday occurs, so as to permit employees to make up the number of hours lost by reason of such legal holiday.

6. Because of the seasonal character of the velvet business and notwithstanding the above sections, productive machinery used solely for the processing of velvet may be operated not to exceed 120 hours in any one week, between Monday, 6 A.M., to Saturday, 6 A.M., during an aggregate of six months in any calendar year, provided that prior notice be given to the Code Authority of the commencement and termination of the three-shift operation. These hours shall not be curtailed by the Code Authority during the calendar years 1934 and 1935, and subsequently only upon notice to the plants affected, with the consent of the Administrator. Only such concerns which have heretofore or which shall within ten (10) days after the approval of this Code register with the Institute or the Code Authority as processors of velvet shall be entitled to the benefits of this Section, except with the approval of the Administrator.

ARTICLE IV—WAGES

1. No male employee 18 years of age and over shall receive less than 45¢ per hour, nor shall any female employee (engaged in tasks not heretofore performed by a male in the plant in which such female may be employed) receive less than 35¢ per hour. Male employees under the age of 18 years shall receive not less than 80% of the prescribed minimum.

2. This Article establishes a minimum rate of pay, regardless of whether an employee is compensated on a time-rate, piecework, or other basis.

3. In no event shall any employer pay any employee a wage rate which will yield a less wage for a work week of 40 hours than such employee was receiving for the same class of work for a longer week prior to June 26, 1933.

ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under 16 years of age shall be employed in the industry, nor anyone under 18 years of age at operations or occupations hazardous in nature or detrimental to health.

2. Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of

labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

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

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

5. Within each State this Code shall not supersede any laws of such State imposing more stringent requirements on employers regulating the age of employees, wages, hours of work, or health, fire, or general working conditions than under this Code.

6. Employers shall not reclassify employees or duties of occupations performed by employees so as to defeat the purposes of the Act.

ARTICLE VI—ADMINISTRATION

1. Further to effectuate the policies of the Act, the Board of Trustees, to be elected annually by the members of the Institute and by other signatories to this Code as hereinafter prescribed in Article VIII, is hereby designated, together with not more than three persons without vote and without cost to the Industry to be named by the Administrator, as a Code Authority, for the Industry.

2. The Code Authority shall be the representative of the Industry in the administration and enforcement of this Code and shall have, in addition to the specific powers herein conferred, all general powers necessary to such administration and enforcement, including the right to delegate authority to committees of its own members or otherwise, subject at all times to the right of the Administrator to veto any action taken by it. Representatives designated by the Administrator shall be given full opportunity to participate at all times in the activities of the Code Authority or committees thereof, as well as those of the Board of Trustees and the executive committees of the several divisions of the Institute.

3. The Code Authority may from time to time present to the Administrator recommendations based upon conditions in the Industry, as they may develop, which will tend to effectuate the operation of the provisions of this Code and the policies of the Act. Such recommendations, upon approval by the Administrator, shall have the same force and effect as any other provisions of this Code.

4. The Code Authority shall cooperate with the Administrator in making investigations as to the changing and observance of any of the provisions of this Code at its own instance or on complaint of any member of the Industry and shall report its findings and recommendations to the Administrator.

5. With a view to keeping the President informed as to the observance or nonobservance of this Code of Fair Competition, and as to whether the Industry is taking appropriate steps to effectuate the declared policy of the Act, each member of the Industry will furnish duly certified reports to the Code Authority hereinbefore provided, or to such agency or agencies as the Code Authority may

designate. These reports shall be in substance and in such form as the Code Authority may require, subject to the approval of the Administrator. The reports furnished as aforementioned shall be deemed confidential and shall not be disclosed except as part of general statistics for the Industry or a general part thereof, except where a violation of the Code is suspected and the Code Authority has authorized the disclosure in connection with an investigation thereof. Due to the seasonal nature of velvet processing, production figures shall be required from processors of velvet annually and not otherwise.

6. Every member of the Industry shall furnish to any government agency or agencies, such statistical information as the Administrator or the Code Authority may, from time to time, deem necessary for the purposes recited in Section 3 (a) of the Act, and any reports and other information collected and compiled by the Code Authority, as heretofore provided, shall be transmitted to such government agencies as the Administrator may direct.

7. The Institute is hereby constituted the agency of the Code Authority (a) to secure, distribute, and exchange statistical data and information; (b) to conduct investigations under its direction; and (c) to take such action from time to time as the Code Authority may direct.

ARTICLE VII—POWERS OF THE CODE AUTHORITY

The Code Authority shall have the following duties and powers, to the extent permitted by the Act, subject to the right of the Administrator to veto any action taken by it.

1. To designate representatives to act on a joint committee with representatives of any other code authority of a related industry, having reciprocal provisions in its code, to consider questions regarded by either code authority as of common concern with reference to the effectuation of the policies of the Act (including questions as to whether the operations of a given concern come within the jurisdiction of one of the other of the respective codes), and to take such action as they may jointly agree to be appropriate, subject to the veto of the Administrator.

2. To empower the Institute to secure, distribute, and exchange price information, without, however, disclosing the name of the customer.

Upon the request or direction of the Code Authority, all concerns shall promptly forward and file with the Institute such statistical data and information, which in its judgment may be necessary adequately to inform all concerns regarding market conditions, and also any such data and information as may be required for the supervision and operation of the Code of Ethics.

3. To require each concern to file with the Institute a list of the prices thereafter to be quoted for each of the several services rendered by it. Concerns shall not quote or make prices other than those filed within ten days after filing with the Institute a modified list of prices. Any quotation of prices in violation of the provisions hereof shall be deemed a violation of this Code unless the Code Authority or the price committee thereof shall in advance have approved such

quotations. As, when, and if any concern shall file a modified list of prices, any other concern may file for itself a new list of prices to become effective simultaneously with the modified list first filed.

4. To establish or participate in the establishment of a Central Adjustment Bureau for the adjustment of all service claims by customers against concerns engaged in this Industry, and upon the establishment of such Bureau all claims shall be adjusted by said Bureau and not otherwise, except with the consent of the Code Authority, provided that no concern shall be deprived hereby of the right to sue in its own name on any claim.

5. To install or cause to be installed throughout the Industry in the plant, books and records of each concern a uniform system or cost accounting which will result in obtaining by each concern and by the Institute the costs of production exclusive of any allowance for depreciation or obsolescence.

No concern shall sell below cost (exclusive of depreciation and obsolescence) as determined by the Code Authority and approved by the Administrator pursuant to the operation of the uniform system of cost accounting when installed and/or operating without the prior consent of the Code Authority. Prior to the installation of such cost-accounting system no member of the Industry shall sell below cost, as may be determined by the Code Authority, subject to the approval of the Administrator.

6. To adopt a uniform contract which shall be the standard form of contract for services rendered by the Industry, subject only to such changes therein as may from time to time be authorized by the Code Authority. Other standard forms of contract appropriate to respective divisions of the Industry may be adopted by these divisions, subject to the approval of the Code Authority.

7. To appoint a committee to determine the classification of colors for dyeing and patterns for printing. Such classification shall be the standards for the Industry and shall be observed by all concerns engaged in the Industry.

8. To adopt, subject to the approval of the Administrator, a Code of Ethics to eliminate unfair competitive practices. Such Code of Ethics, when adopted and approved, shall have the same force and effect as any other provisions of this Code. Such Code of Ethics shall provide that concerns, members of the Institute, engaged in the processing of rayon and/or other synthetic fibres in the yarn, shall, as to such yarn processing, be governed as to competitive practices by the supplementary Code of Fair Practice, to be approved for the Textile Processing Industry.

9. To define, construe, or interpret the provisions of this Code.

ARTICLE VIII

1. Any concern in the Industry which accepts its share of the cost and responsibility as well as the benefits of such participation, may become a member of the Institute. No initiation or entrance fee shall be charged, but there shall be dues levied on such basis as may, from time to time, be fixed by the Board of Trustees thereof, subject to the veto of the Administrator.

Within the Institute, or Division thereof, each member concern, which shall have paid its dues in accordance with the Bylaws, shall be entitled to vote as follows:

The average pay rolls for the three calendar or fiscal years of each member, as fixed by the Bylaws, shall be divided into multiples of \$10,000, and each member shall have one vote for each such full multiple. If any member has an annual average pay roll of less than \$10,000 he shall, nevertheless, be entitled to one vote. At any election of Trustees, voting shall be cumulative, as defined by the Statutes of New Jersey, provided that not more than one Trustee shall be elected from any one concern. If any member has an annual average pay roll of more than \$1,000,000 he shall, nevertheless, be entitled to only one hundred votes.

2. (a) Divisions composed of concerns interested in the processing or finishing of particular fabrics, or in a particular line of work, shall be organized within the Institute with the approval, or by the direction, of the Board of Trustees. Each such division shall, subject to the approval of said Board of Trustees, concern itself only with that branch of the Industry delegated to it. A concern may be a member of more than one Division and vote in each (such vote to be allocated among such Divisions as may be permitted by the Bylaws).

(b) Each Division, for the purpose of administering the provisions of this Code, to secure adherence thereto, and otherwise to carry out within the Division the policies of the Act, shall, subject to the approval of the Board of Trustees, be governed by an executive committee of five. Four members of each executive committee shall be elected by the Division membership, as provided in Section 1 of this Article. The fifth member of each executive committee shall be appointed by the Board of Trustees; provided, however, that such appointee, or his concern, shall be a member of the Division, and that not more than one member of the committee shall be elected or appointed from any one concern. The Secretary of the Institute shall be the permanent secretary of each executive committee.

(c) If a Division fails to perform its obligations as provided hereunder, the Board of Trustees shall provide for the administration of this Code as if said Board of Trustees were the executive committee of the Division concerned, and upon the passage of a resolution by the Board of Trustees taking over such functions, the executive committee of said Division shall for all purposes cease to exist. Any such action of the Board of Trustees shall be subject to appeal to the Administrator.

(d) In the event that with respect to the determination of costs a difference of opinion shall arise between an executive committee and the Board of Trustees, such difference of opinion shall be determined by arbitration as provided in the Bylaws by three arbitrators to be selected as follows: One arbitrator shall be selected by the executive committee, one arbitrator shall be selected by the Board of Trustees and the third arbitrator shall be selected by such original arbitrators, or, in default thereof, by the President of the American Arbitration Association.

If two or more division executive committees shall differ with each other and/or with the Board of Trustees as to any matter em-

braced in the preceding two paragraphs, or the next succeeding paragraph of this article, such difference of opinion shall be determined by one arbitrator to be selected by the Board of Trustees jointly with the division executive committees involved in such difference of opinion. In the event of the failure to agree within five days upon such arbitrator, the same shall be appointed by the President of the American Arbitration Association.

(e) In the event that any amendment of this Article is proposed by the Board of Trustees, the same shall be submitted to each of the division executive committees, and if any division executive committee fails to concur therein, the propriety of such proposed amendment shall be determined by arbitration, as provided in the By-laws by one arbitrator to be selected by the Board of Trustees jointly with the division executive committees. In the event of the failure to agree upon such arbitrator, the same shall be appointed by the President of the American Arbitration Association.

(f) In order to prevent any inequalities that may arise in the functioning of this Section 2 and to effectuate the policies of Title I of the Act, the administration of each of the provisions hereof shall be subject to the veto of the Administrator.

3. Members of the Industry who are complying with the requirements of the Code, and agree in writing either individually, or through trade associations of which they are members to abide by the requirements of the Code, and to pay their pro rata share of the expense of administration thereof, shall be entitled to a vote in the election of the Board of Trustees, and participate in the nomination of candidates for election, on the same basis as a member concern, and to the benefits of the activities of the Code Authority and to make use of the N.R.A. Code insigna. Such nominations and elections shall be conducted under the supervision of the Code Authority so as to avoid any discrimination among members of the Industry.

4. For the purpose of administering this Code, the Code Authority, subject to the veto of the Administrator, is authorized to charge each concern a percentage of the gross volume of business done by each such concern during the preceding calendar or fiscal year; and during the operation of this Code to make such further charges as may be found necessary. In the case of concerns which process exclusively the product of their own looms, the amount to be charged each concern shall be determined equitably by its pay roll in connection with operations under this Code.

5. Such funds collected for the administration of this Code shall be deposited by the treasurer of the Institute in a special account and used only for defraying the expenses of administration thereof, for the reimbursement of the Institute and for such expenses as may hereafter be incurred in complying with conditions of this Code.

ARTICLE IX

If, in the case of complaint and/or dispute on any matter affecting the administration of the Code, including a dispute as to the accuracy of any information furnished pursuant to the provisions of this Code, a concern shall fail or refuse to cooperate with Code Authority, the Administrator, on the request of the Code Authority, may ap-

point a certified public accountant who shall have the power to view the relevant books of accounts, records, and files of any concern. No such information shall be revealed to anyone but the members of the staff of the Administration and/or the Administrator. If such investigation defined as aforesaid shall result in a determination that a signatory of the Code was not complying with the provisions of this Code, the cost of such investigation shall be borne and paid for by such member of the Industry.

ARTICLE X

No concern engaged in the printing of any fabrics in this Industry shall prepare, engrave, or print, or submit to an engraver or printer for engraving or printing, any pattern or design which shall not previously have been registered in the United States Patent Office or in any other office or bureau approved by the Board of Trustees.

The Board of Trustees is hereby empowered by resolutions to be adopted, to adopt all administrative measures necessary to effectuate this provision and define and limit the same.

ARTICLE XI

1. Each concern shall register with the Code Authority an inventory of its productive machinery as defined in the Code in place as of December 1, 1933, or then under contract but not installed, such inventory to be duly certified to as to its completeness and correctness.

2. On and after January 1, 1934, each concern shall file a report monthly with the Institute, setting forth any installation of additional productive machinery (new or second-hand) as defined in this Code installed by it, and specifying the extent to which such installation is for the replacement of similar productive machinery and an explanation of the same, all duly certified.

3. After the effective date hereof, each concern, prior to the installation of productive machinery as defined in this Code not theretofore contracted for, except for such replacement, shall file application with the Institute for transmission through the Code Authority to the Administrator, stating the circumstances of and the reasons for such installation and shall secure a certificate from the Administrator that such installation will be consistent with effectuating the policy of Title I of the Act during the period of the emergency.

4. The Code Authority shall examine into such application for such certificate and the facts as to the circumstances of and the reasons for such proposed installation and shall transmit to the Administrator such application with any statement submitted by the applicant, together with its report of such examination of the facts and with its recommendation as to the granting or withholding by the Administrator of such certificate to such applicant. Action by the Administrator inconsistent with such recommendation shall be taken only after notice to the Code Authority.

5. Nothing in Sections 3 and 4 of this Article shall apply to velvet processing machinery during the calendar year 1934, and thereafter the Code Authority may make such sections applicable only after due notice to all concerns affected. All reports called for by

this Article shall be deemed confidential and shall not be disclosed except as part of general statistics for the industry or a general part thereof or, when necessary, in connection with an application under Section 3, hereof, except by order of the Administrator.

ARTICLE XII—MODIFICATION

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

2. Such of the provisions of this Code as are not required to be included therein by the Act may, upon the application of or notice to the Institute and with the approval of the President be modified or eliminated in such manner as may be indicated by the needs of the public, by changes in circumstances, or by experience; all the provisions of this Code, unless so modified or eliminated, shall remain in effect until the expiration date of Title I of the Act.

3. In order to enable the Industry to conduct its operations subject to the provisions of this Code, and with those dealing with the Industry and otherwise to effectuate the purpose of Title I of the Act, supplementary provisions of this Code or additional codes may be submitted from time to time for the approval of the President and/or this Code may be amended or modified with the approval of the President.

ARTICLE XIII—MONOPOLIES

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

ARTICLE XIV—EFFECTIVE DATE

This Code shall become effective immediately on its approval by the President.

Approved Code No. 172.
Registry No. 230-07.



Approved Code No. 173

CODE OF FAIR COMPETITION

FOR THE

**INDUSTRY ENGAGED IN THE SMELTING AND
REFINING OF SECONDARY METALS INTO BRASS
AND BRONZE ALLOYS IN INGOT FORM**

As Approved on December 21, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Industry Engaged in the Smelting and Refining of Secondary Metals into Brass and Bronze Alloys in Ingot Form, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said Code of Fair Competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said Code of Fair Competition complies in all respects with the pertinent provisions of Title I of said Act and that the requirements of clauses (1) and (2) of subsection (a) of Section 3 of the said Act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do approve the report and recommendations and adopt the findings of the Administrator, and do order that the said Code of Fair Competition be and it is hereby approved.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 21, 1933.

DECEMBER 16, 1933.

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition proposed for the Industry Engaged In The Smelting and Refining Of Secondary Metals Into Brass And Bronze Alloys In Ingot Form, and on the hearing conducted thereon in Washington, D.C., on October 13, 1933, in accordance with the provisions of the National Industrial Recovery Act.

RÉSUMÉ OF CODE AS TO WAGES AND HOURS

The Code provides a standard work week of 40 hours, except during peak periods, which are limited to 6 weeks in any 6 months. No employee shall work more than 6 days or more than 48 hours in any one week, or more than 10 hours in any one day.

These provisions are applicable except in cases of emergency, and to employees engaged in executive, supervisory, or technical capacities receiving \$35.00 or more per week, and to outside salesmen.

Watchmen may be employed not to exceed 56 hours, and not more than 6 days in any one week.

Employees working in excess of 40 hours per week shall be paid not less than one and one half times their normal rate.

While the uncertainties of production processes in the Industry make it difficult always to assure an 8-hour day, the Industry recognizes the principle of the 8-hour day, and the Code contains a statement to that effect.

A minimum wage of 35¢ per hour is provided, with a rate of \$15.00 per week for office employees, except that a limited number of office boys and girls may be paid at the rate of \$12.00 per week. Learners, who may be so classified for a period of 3 months, may be paid not less than 80% of the minimum wage.

Child labor is prohibited, and no person under 18 years of age shall be employed in any hazardous occupation.

GENERAL STATEMENT

The smelting and refining of secondary metals into brass and bronze alloys in ingot form is a distinct industry, with most of its plants located in the district east of the Mississippi River and north of the Ohio River. A number of concerns smelt, refine, manufacture or otherwise process other nonferrous metals and alloys, using secondary metals principally as raw materials. All of the product of the Industry is cast into ingots or pigs weighing from 20 to 35 pounds each, which are used for recasting into finished castings by the general foundry trade.

During the past twenty years the Industry has enjoyed a remarkable development along scientific lines. The result of a survey made

by the Non-Ferrous Ingot Metal Institute in 1929, to determine the nature and number of the specifications which had been requisitioned from its members during the preceding year, indicated that over 600 separate specifications had been served by the members of the Institute during that year. In the last three years the Non-Ferrous Ingot Metal Institute, in cooperation with the American Society for Testing Materials, has succeeded in reducing its standard specifications for brass and bronze alloys in ingot form to approximately 30.

The furnaces used in the Industry vary in production capacity from 500 to 100,000 pounds. Most of the types used by the larger units are operated continuously and were formerly operated on a 2-shift program over campaigns of 2 to 6 weeks, requiring long hours of work. A change to the 3-shift program resulted in an increase of about 40% in the number of men used.

During 1929 there were about 1,180 employees in the Industry. In 1932 the number of employees decreased to a low of 360, but under the President's Re-Employment Agreement, this number rose again to over 900. Prior to the President's Re-Employment Agreement the hours for labor averaged from 54 to 60 per week, and it is estimated that under the Code the number of employees will be greater than the figure shown for 1929.

The Industry states that its minimum wage had dropped to 24¢ per hour and estimates that the increased minimum, the readjustment of wages above the minimum, and the increase in employment under the Code will greatly increase the buying power of employees in the Industry.

The marketing provisions of the proposed Code have for their purpose the elimination of unfair trade provisions, and it is believed that their adoption will aid in the orderly marketing of the products of the Industry.

I believe that the Code as proposed is fair to Industry and to Labor and in accordance with the intent and purpose of the National Industry Recovery Act.

The Deputy Administrator finds that:

(a) The Code as recommended complies in all respects with the pertinent provisions of Title I of the Act, including, without limitation, subsection (a) of Section 7 and subsection (b) of Section 10 thereof; and that

(b) The applicant group imposes no inequitable restrictions on admission to membership therein and is truly representative of the Industry Engaged in the Smelting and Refining of Secondary Metals into Brass and Bronze Alloys in Ingot Form; and that

(c) The Code as recommended is not designed to promote monopolies or to eliminate or oppress small enterprises, and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

Accordingly, I hereby recommend the approval of this proposed Code of Fair Competition for the Industry Engaged in the Smelting and Refining of Secondary Metals into Brass and Bronze Alloys in Ingot Form.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION

FOR THE

INDUSTRY ENGAGED IN THE SMELTING AND REFINING OF SECONDARY METALS INTO BRASS AND BRONZE ALLOYS IN INGOT FORM

ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, this Code is established as a Code of Fair Competition for the Industry Engaged in the Smelting and Refining of Secondary Metals into Brass and Bronze Alloys in Ingot Form, and upon approval by the President its provisions shall be the standards of fair competition for such industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

The term "industry" as used herein includes all producers engaged in the smelting and refining of secondary metals into brass and bronze alloys in ingot form.

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

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

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

ARTICLE III—WORKING HOURS

SECTION 1. The standard workweek of the industry shall not exceed 40 hours per week, except during peak periods, which are limited to 6 weeks in any 6 months. Provided, however, that no employee shall be employed more than 6 days or more than 48 hours in any one week, or more than 10 hours in any one day.

SEC. 2. The above hours shall not apply to any employees in the case of emergencies where the safety of men or the protection or preservation of property necessitates longer hours; nor shall they apply to employees in executive, supervisory, or technical capacities receiving \$35.00 or more per week, or outside salesmen; nor to watch-

men who may be employed not to exceed 56 hours in any one week and not more than 6 days in any one week.

SEC. 3. Employees working in excess of 40 hours per week shall be paid not less than one and one half times their normal rate.

SEC. 4. The industry recognizes the desirability and accepts the principle of the 8-hour working day for labor and, insofar as it reasonably can, the industry will endeavor to employ its labor on that basis.

SEC. 5. If any employer of labor in this industry is also an employer of labor in any other industry, the provisions of this Code shall apply to and affect only that part of his business which is included in the business of smelting and refining of secondary metals into brass and bronze alloys in ingot form.

SEC. 6. No employer shall knowingly permit any employee to work for any time which, when totaled with that already performed with another employer or employers in this industry, exceeds the maximum permitted herein.

ARTICLE IV—WAGES

SECTION 1. On and after the effective date, office employees shall be paid not less than at the rate of \$15.00 per week, except that office boys and girls may be paid at the rate of \$12.00 per week. The number of such office boys and girls shall not exceed 5% of the total number of office employees, except that each office may have one such office boy or girl.

SEC. 2. The minimum wage per hour which shall be paid to other employees in the industry shall be at the rate of 35¢ per hour, except as herein otherwise provided.

SEC. 3. This article establishes a minimum rate of pay for any pay period which shall apply, irrespective of whether an employee is actually compensated on a time rate, piecework, or other basis.

SEC. 4. Learners shall be paid not less than 80% of the minimum wage, and the total number of such learners shall not exceed 5% of the number of employees of such employer. The learning period shall not exceed 3 months.

SEC. 5. Equitable adjustments shall be made of the wages of employees now receiving more than the minimum wage as herein provided. Such equitable adjustments shall mean that differentials existing prior to the formation of this Code shall be maintained for all employees. Within 30 days each member shall report to the Administrator through the Code Authority all such readjustments.

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

ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. *Child Labor.*—No person under 16 years of age shall be employed in the industry. No person under 18 years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. The Code Authority shall submit to the Administrator before May 1, 1934, a list of such operations or occupations. In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate

or permit duly signed by the Authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

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

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

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

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

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

SEC. 4. *Standards for Safety and Health.*—Every employer shall make reasonable provision for the safety and health of his employees at the place and during the hours of their employment.

SEC. 5. Standards for safety and health shall be submitted by the Code Authority to the Administrator within six (6) months after the effective date of this Code.

SEC. 6. *State Laws.*—No provision in this Code shall supersede any State or Federal law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions, or insurance, or fire protection, than are imposed by this Code.

SEC. 7. *Posting.*—All employers shall post complete copies of the labor provisions of this Code in conspicuous places accessible to all employees.

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

SECTION 1. There shall forthwith be constituted a Code Authority consisting of 5 persons, 4 of whom shall be selected by the Non-Ferrous Ingot Metal Institute and one of whom shall be selected by the Associate members of said Institute.

SEC. 2. In addition to the membership as above provided, there may be not to exceed three members, without vote and without expense to the industry, to be appointed by the Administrator.

SEC. 3. Each Trade or Industrial Association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership and (2) submit to the Administrator true copies of its Articles of Association, By-Laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

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

SEC. 5. Members of the industry shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the selection of the members thereof by accepting their reasonable share of the cost of its preparation and administration. Such reasonable share of the expenses of preparation and administration shall be determined by the Code Authority, subject to review by the Administrator, on the basis of volume of business and/or such other facts as may be deemed equitable.

SEC. 6. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Code Authority. Nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own willful misfeasance or nonfeasance.

SEC. 7. The Code Authority shall have the following further powers and duties, the exercise of which shall be reported to the Administrator and shall be subject to his right on review to disapprove any action taken by the Code Authority.

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

(b) To adopt By-Laws and rules and regulations for its procedure and for the administration and enforcement of the Code.

(c) To approve recommendations for the exceptions to the marketing provisions of this Code.

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

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

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

(g) To secure from members of the industry participating in and sharing the benefits of the Code Authority an equitable and proportionate payment of the reasonable expenses of maintaining the Code Authority and its activities.

(h) To recommend to the Administrator further fair trade practice provisions to govern members of the industry in their relations with each other or with other industries and to recommend to the Administrator measures for industrial planning, including stabilization of employment.

(i) To employ such agents and assistants as may be necessary to perform the duties herein prescribed.

ARTICLE VII—MARKETING AND TRADE PRACTICE RULES

(a) Each member of the industry shall file with the Code Authority the prices at which he is offering his products for sale; which prices shall not be less than his current cost as determined by a uniform system of cost accounting as provided for in Section (k) of this Article; and provided, that any member of the industry may file prices below his current cost so determined in order to meet the competition of any other member of the industry who has filed prices in accordance with this Section.

(b) In determining current cost, the cost of raw materials used in the manufactured product shall be computed on the basis of the replacement cost thereof prevailing as of the date of sale.

(c) Any member of the industry desiring to change the price or prices of his products shall notify the Code Authority of all changes to be made sufficiently in advance thereof so that the Code Authority will receive such notice at least one day previous to such change.

(d) Published prices shall include terms of payment, length of bookings or contracts, and F.O.B. point and such other provisions as may be necessary to fully inform the trade of all conditions of sale.

(e) Terms of sale shall be fully stated and strictly adhered to and invoice shall show same.

(f) There shall be no discrimination between customers. Difference in price based upon quantity shall not constitute discrimination.

(g) Prices and discounts shall be openly and publicly announced.

(h) A uniform sales contract shall be established and used by the industry, subject to the approval of the Administrator.

(i) All contracts shall be equally binding upon both parties and are not subject to repudiation.

(j) The following are unfair trade practices, and a violation of any one or more of them constitutes a violation of this Code:

1. Selling below openly and publicly announced prices and terms as provided for in Sections (a) and (c) of this Article.

2. Secret allowances or secret rebates of any kind.

3. False dating of contracts or billings.

4. Allowances by any name or of any nature which are not justified by the facts and are made in collusion with the buyer for the purpose or effect of defeating the provisions of this Code.

5. Storage of products of the industry in consumers' warehouses or sales on consignment to consumers, except under circumstances to be defined by the Code Authority, where peculiar circumstances of the industry make the practice advisable.

6. Special services or privileges to certain purchasers when not extended to all purchasers under like terms and conditions.

7. Making false or misleading statements about competitors' products, or regarding the character, management, or financial standing of a competitor.

8. False or misleading advertising, mislabeling, or misbranding.

9. The adoption of brands (either in design or name) which so closely approximate the brands or trade-marks of a competitor as to deceive or confuse a buyer by similarity of appearance or brand.

10. Inducing or attempting to induce a breach or a cancelation of a contract between a competitor and his customer.

11. Maliciously enticing away the employees of a competitor with the purpose and intent of unduly hampering, injuring, and embarrassing a competitor in his business. Nothing herein shall prevent any employee from offering his services to a competitor or prevent any member from employing an employee of another member where the initiative in such change of employment comes solely from the employee.

12. Giving or permitting to be given, or directly offering to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal, or party. Commercial bribery provisions shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

13. Guaranty against decline in price.

14. Payment of brokerage in excess of the usual and customary commission with the purpose or effect of defeating the provisions of this Code.

(k) Every member of the industry shall use a cost accounting system which conforms to the principles of and is at least as detailed and complete as the uniform method of costing to be prescribed by the Code Authority and approved by the Administrator.

ARTICLE VIII—EXPORT TRADE

No provision of this Code relating to prices or terms of selling, shipping or marketing, shall apply to export trade or sales or shipments for export trade of unfabricated products of this industry.

ARTICLE IX—MODIFICATION

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

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

ARTICLE X—MONOPOLIES

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

ARTICLE XI—EFFECTIVE DATE

This Code shall become effective 10 days after its approval by the President.

Approved Code No. 173.
Registry No. 1218-1-05.



Approved Code No. 174

CODE OF FAIR COMPETITION

FOR THE

RUBBER TIRE MANUFACTURING INDUSTRY

As Approved on December 21, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Rubber Tire Manufacturing Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said Code of Fair Competition together with his recommendations and findings with respect thereto, and the Administration having found that the said Code of Fair Competition complies in all respects with the pertinent provisions of Title I of said Act and that the requirements of clauses (1) and (2) of sub-section (a) of Section 3 of the said Act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations and findings of the Administrator and do order that the said Code of Fair Competition be and it is hereby approved, upon condition that, without in any way limiting the effect of Section 10 (b) of Title I of the National Industrial Recovery Act, or of Section 1 of Article IX of said Code, I specifically retain the right to cancel this approval of said Code, or to modify said Code in such manner as may be required to prevent any unfair trade practices within the Rubber Tire Manufacturing Industry which may become evident in any investigations by the Federal Trade Commission or in the application of said Code; and

The Administrator is hereby directed to conduct such investigations as may be necessary to advise me fully within ninety days concerning the existence or development of any unfair trade practices within said Industry, utilizing the aid of the Federal Trade Commission in the expeditious determination of any complaints concerning such unfair trade practices.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 21, 1933.

THE PRESIDENT,
The White House.

DECEMBER 20, 1933.

SIR: The proposed Code of Fair Competition for the Rubber Tire Manufacturing Industry was submitted to the Administrator on July 31, 1933. It was reconsidered by the Industry and a revised code was submitted on October 3, 1933, by the Rubber Manufacturers Association, representing approximately 85% of the members of the Industry and volume of production. The Hearing was conducted in Washington on October 20, 1933. The Code was revised during the recess of this Hearing and is submitted in its present form for approval. Every person who requested an appearance was properly heard in accordance with statutory and regulatory requirements.

HOURS OF WORK

Under this Code, factory employees are limited to 36 hours per week averaged over a calendar year, with a restriction of 8 hours per day and 42 hours in any one week. Overtime in excess of 36 hours per week shall be paid at the rate of time and one third.

Maintenance crews, engineers, firemen, shipping crews, and tire testers are limited to 40 hours per week and 8 hours per day, except in cases of emergency. Overtime in excess of 40 hours per week or 8 hours per day shall be paid for at the rate of time and one third. Watchmen are limited to 84 hours in any two-week period with one day off in seven.

Accounting, clerical, office, service, sales, or other employees (except outside salesmen) receiving \$35.00 per week or less, are limited to an average of 40 hours a week over the period of one month, but in no case shall they work more than 48 hours in any one week. Salaried employees receiving more than \$35.00 per week and outside salesmen are not restricted to any maximum hours.

WAGES

This Code provides for a minimum wage of \$0.40 per hour unless the rate for the same class of work on July 15, 1929, was less than \$0.40, in which case the rate per hour shall not be less than the rate paid on July 15, 1929. In no event shall the rate per hour be less than \$0.35. Apprentices, during a six weeks' apprenticeship, may be paid not less than 80% of these minimum rates. Such apprentices shall not constitute more than five percent of the total employees in any one establishment.

Minimums for salaried employees range from \$12.00 per week in towns of less than 2,500 population to \$15.00 per week in cities of 500,000. Clerical apprentices, office boys and girls may be paid not less than 80% of these minimums but may not constitute more than

five percent of the total office employees in any one establishment. Provision is made for superannuated and disabled employees; for equalization of rates of pay for men and women performing the same work; for equitable adjustments of pay schedules of factory employees above the minimum and for the posting of the labor provisions of the Code.

OTHER PROVISIONS OF THE CODE

The Code provides that the Code Authority shall undertake a study of costs in the Industry and submit recommendations to the Administrator within sixty days from the approval of the Code, for the incorporation of an adequate cost recovery provision in the Code. The Industry believes that the problems presented by the existence of widely varying selling programs and the use of many channels of distribution make such an inquiry necessary. Final adoption of any provisions regarding selling below cost is specifically subject to the approval of the Administrator.

The Industry has adopted twenty-seven trade practice provisions in this Code, designed to eliminate various forms of unfair competition. The Code further provides that the Code Authority shall make recommendations to the Administrator at a later date, in regard to the adoption of a standard warranty, the status of time or mileage contracts, the simplification of the number of lines of tires, the establishment of a committee to coordinate this Code with that of the Retail Rubber Tire and Battery Trade and the adoption of an open price system for the Industry.

ECONOMIC EFFECT OF CODE

The following tabulation shows the effect of the depression on the Industry:

	1929	1932	Decrease
Sales.....	\$675,000,000	\$300,000,000	55%
Production (casings).....	69,000,000	40,000,000	42%
Wage earners.....	74,700	38,800	48%
Number of companies.....	62	35	44%

The Industry has already made the wages and hours provisions of this Code effective in a large degree, as is indicated by the following table:

	Production casings	Employment wage earners	Average hours per week	Average hourly earnings
1933				
May.....	5,200,000	38,545	38	\$0.585
June.....	6,100,000	44,148	42	.579
July.....	5,700,000	49,680	38	.620
August.....	5,000,000	52,962	32	.654
September.....	4,000,000	52,850	30	.681
October.....	3,400,000	50,400	31	.683

October production was only 65% of the production in May. Nevertheless employment increased over 30% and average hourly earnings increased approximately 17%. Average hours per week have declined due to seasonal decline in production, which invariably occurs during the months of October, November, and December.

No other Industry can derive greater benefits from the Act. This Code in no sense embodies a complete solution of all the problems of the Industry. It does represent a real beginning. The reclamation of this Industry from the destructive competition which exists must be a continuing task over a long period of time.

FINDINGS

The Administrator finds that:

1. This Code complies in all respects with the pertinent phrases of Title I of the Act, including but without limitation Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof.

2. The Rubber Manufacturers' Association, Incorporated, is truly representative of the Rubber Tire Manufacturing Industry and its bylaws contain no inequitable restrictions on membership.

3. The Code is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them. The Code will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

It is recommended, therefore, that this Code be approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION
FOR THE
RUBBER TIRE MANUFACTURING INDUSTRY

To effect the policies of Title I of the National Industrial Recovery Act, this Code is submitted as a Code of Fair Competition for the Rubber Tire Manufacturing Industry, and upon approval by the President, its provisions shall be the standards of fair competition for this Industry, and shall be binding upon every member thereof.

ARTICLE I

A. DEFINITIONS

SECTION 1. The term "Rubber Tire Manufacturing Industry" or "Industry", as used herein, shall mean the manufacture for sale in the continental United States (including Alaska) and sale at wholesale by manufacturers or subsidiaries or affiliates of the same of solid or pneumatic rubber tires and/or pneumatic rubber tubes, together with such related branches or divisions as may from time to time be included under the provisions of this Code by the President, after such notice and hearing as he may prescribe.

SEC. 2. The term "member of the Industry" or "member" as used herein includes, but without limitation, any individual, partnership, association, corporation, or other form of enterprise engaged in the manufacture or both manufacture and sale at wholesale of any products of the Industry, or any subsidiary or affiliate of the same engaged in the sale at wholesale of any products of the Industry.

SEC. 3. The term "member of the Code" as used herein, includes any member of the Industry who shall expressly signify assent to this Code.

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

SEC. 5. The term "Association" as used herein, shall mean the Rubber Manufacturers Association, Incorporated, a corporation organized under the laws of the State of Connecticut and having its principal office at 250 West 57th Street, New York, New York.

SEC. 6. The term "dealer" as used herein, shall mean anyone, whether or not a member has a financial interest therein, who purchases a member's brand of tires and/or tubes, from a member or jobber, under contract for sale, either absolute, conditional, or on consignment, and who in turn resells to other than employees or affiliated companies, at least 75% of the tires or tubes so purchased. Company retail stores, whether wholly or partly owned, shall be classified as dealers.

SEC. 7. The term "jobber" as used herein, shall mean anyone who sells at least 75% of his total volume of tires and/or tubes through or to dealers for resale to consumers, whether or not such dealers are owned or affiliated with or controlled by such jobber, and who performs the services of a jobber such as maintaining a stock, selling, shipping, billing, and carrying accounts receivable.

SEC. 8. The term "warehouse dealer" as used herein, shall mean a dealer who acts as a shipping agent for a member of the Industry with sales, credits, and collections handled by that member.

SEC. 9. The term "the President" as used herein, shall mean the President of the United States.

SEC. 10. The term "the Administrator" as used herein, shall mean the Administrator appointed under Title I of the National Industrial Recovery Act.

SEC. 11. The term "the Act", as used herein, shall mean the National Industrial Recovery Act.

SEC. 12. Population for the purposes of this Code shall be determined by reference to the latest Federal Census.

ARTICLE II

A. ADMINISTRATION AND ORGANIZATION

SECTION 1. To further effectuate the policies of the Act, a Tire Code Authority (herein referred to as the Code Authority) is hereby set up for the administration of this Code.

SEC. 2. The Code Authority shall consist of eight persons who shall be selected by the Industry by a fair method of selection, according to such rules as it may determine. The Administrator, in his discretion, may appoint not more than three additional members, without vote, to represent the Administrator, without expense to the Industry or Association. No two of the members of the Code Authority or their alternates shall be affiliated with any single member of the Industry.

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

(b) The President of the Association and its General Manager shall act as ex-officio members of the Code Authority with no voting power. The General Manager of the Association shall act as Chairman of the Code Authority.

(c) One alternate shall be selected for each member of the Code Authority, with full power to vote in the absence of his principal. Provided that no two alternates shall be affiliated with any single member of the Industry.

(d) Should any matter come before the Code Authority which specifically involves acts, conduct, or the interest of a member of the Industry with which any member of the Code Authority is associated or employed, such member of the Code Authority shall be

disqualified to act in such matter. The designated alternate shall act in place of the disqualified member of the Code Authority.

(c) Meetings shall be called by the Chairman either at his discretion, or on the suggestion of any three members of the Code Authority. The Code Authority shall determine its own rules of procedure.

SEC. 3. The Code Authority shall have the duties and powers herein provided subject to the right of the Administrator, on review, to disapprove any action taken by the Code Authority.

(a) The Code Authority shall make investigations as to the functioning and observance of any provisions of this Code at its own instance, or on complaint by any person affected, and report its findings and recommendations to the Administrator.

(b) The Code Authority shall study the trade practice provisions incorporated in this Code, and the operation thereof and shall make such recommendations to the Administrator from time to time which it considers desirable, for modification or addition thereto, provided such recommendations shall have been approved by members of the Code as provided in Article X. Upon approval by the Administrator, after such hearing as he may prescribe, such recommendations shall become a part of this Code and have full force and effect as provisions hereof.

(c) The Code Authority may at its discretion present recommendations to the Administrator, based on conditions in the Industry, as they may develop from time to time, provided such recommendations shall have been approved by members of the Code as provided in Article X. Such recommendations shall be designed to facilitate the operation of the provisions of this Code and the policy of the Act.

(d) The Code Authority may require reports from members of the Industry in respect to hours of labor, wages, conditions of employment, number of employees, plant capacity, production, orders, shipments, inventories, and any other matters pertinent to this Code in order that the President may be kept informed with respect to the observance and performance of the Code.

(e) The Code Authority may, at its discretion, set up any or all of the following committees or any other committees, if their existence will further effectuate the policies of the Act, viz:

Accounting	Industrial Relations
Complaints and Grievances	Statistical
Fair Practices	

(f) The Code Authority may set up a committee on imports whose duty it shall be to investigate and inform the President as to the importation of competitive articles into the United States in substantial quantities or increasing ratio to domestic production, on such terms or under such conditions as to render ineffective or to seriously endanger the maintenance of this Code as provided in Section 3 (e) of the Act. The Committee shall make such reports of its findings to the Code Authority who shall inform the President through the proper channels.

SEC. 4. The Association is hereby designated as the agency for the collection of statistics, data, reports, and information under the

Code, provided that no inequitable restrictions upon membership therein shall at any time be imposed.

(a) Every member of the Industry shall prepare and file with the Association at such times and in such manner and form as the Code Authority may require, statistics of plant capacity, production, sales, orders received, inventories, wage rates, hours of work, and such other data or information as the Administrator may, from time to time, require. Such reports and/or records may be either sworn or unsworn as required.

(b) In addition to information required to be submitted to the Code Authority, every member of the Industry shall furnish directly to governmental agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act.

(c) Except as otherwise provided in the Act, all such statistics, data, and information filed in accordance with this Article shall be confidential, and the reports and records from any individual member of the Industry shall only be revealed to the Administrator or other governmental authority, to the extent necessary for the administration and enforcement of the provisions of this Code.

(d) If the Association shall have reason to believe that any reports submitted by a member are inaccurate, such reports may be verified by a disinterested and impartial agency designated by the Code Authority, and for such purpose such agency shall have access to any and all relevant books and records of such member.

(e) Any refusal or persistent or deliberate neglect by any member of the Industry to file or furnish information required under this Article shall constitute an unfair trade practice and a violation of this Code.

SEC. 5. Each member of the Code shall be entitled to participate in the activities of the Association in connection with the administration of the Code. Any other member of the Industry may become entitled to participate by becoming a member of the Code. Each member of the Code shall bear an equitable share of the cost of maintenance of the Code Authority, either by becoming a member of the Association or by paying to the Association a sum equal to its reasonable share of the expenses incurred in the administration of this Code, as determined by the Code Authority, subject to review by the Administrator.

ARTICLE III

A. INDUSTRIAL-RELATIONS POLICIES

SECTION 1. In compliance with Section 7 (a) of the Act it is provided:

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

(b) That no employee and no one seeking employment shall be required as a condition of employment to join any company union

or to refrain from joining, organizing, or assisting a labor organization of his own choosing; and

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

SEC. 2. No person under 16 years of age shall be employed in the Industry. No person under 18 years of age shall be employed on any milling or calendaring operations or any other operations where there may be recognized hazards connected with the job or operation.

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

ARTICLE IV

A. HOURS

SECTION 1. Except as provided in Section 2, no factory employee shall work or be permitted to work, in excess of an average of 36 hours in any one week, averaged over a calendar year, nor more than 8 hours in any 24-hour period. Provided that no such employee shall work or be permitted to work more than 42 hours in any one week. For all hours worked in excess of 36 hours per week, overtime shall be paid at the rate of time and one third. It is the intent that the hours worked by employees under this Section shall be consecutive, except that reasonable provision may be made for eating period.

SEC. 2. Maintenance crews, engineers, firemen, shipping crews, and tire testers shall not work or be permitted to work in excess of 40 hours in any one week nor more than 8 hours in any 24-hour period. Provided, however, that this limitation of hours shall not apply in cases of emergency, but in such cases all hours worked in excess of 40 hours in any one week or 8 hours in any 24-hour period shall be paid for at the rate of time and one third.

(a) Watchmen shall not work or be permitted to work more than 84 hours in any two weeks' period, provided that such employees shall have one day off in seven.

SEC. 3. Accounting, clerical, office, service, sales, or other employees (excepting outside salesmen) shall not work, or be permitted to work, in excess of an average of 40 hours a week over the period of a month, nor more than 48 hours in any one week.

SEC. 4. The maximum hours fixed in Sections 1, 2, and 3 shall not apply to salaried employees in any managerial, executive, clerical, supervisory, or technical capacity receiving more than \$35.00 per week, nor to any outside salesmen.

SEC. 5. No employee shall work, or be permitted to work, for a total number of hours in excess of the number of hours prescribed for each week and day, whether employed by one or more employers; provided, however, that if any employee works for more than one employer for a total number of hours in excess of such maximum

without the knowledge or connivance of any one of his employers, such employer shall not be deemed to have violated this section.

SEC. 6. No employee shall be classified in any of the foregoing exempted classes unless he performs functions identical with those performed by employees thus classified on June 16, 1933.

B. WAGES

SECTION 1. Except as herein below provided, no employee shall be paid in any pay period less than at the rate of forty cents (\$0.40) per hour. Provided, however, that where the hourly rate for the same or similar class of work on July 15, 1929, was less than forty cents (\$0.40) per hour, no employee shall be paid at less than the rate per hour paid on July 15, 1929, but in no event shall the rate per hour be less than \$0.35.

(a) Apprentices, during a six weeks' apprenticeship may be paid not less than eighty percent of the above specified minimum rates. Such apprentices shall be understood as persons having no previous experience or employment on similar work in the Industry and shall not constitute more than five (5) per cent of the total employees covered by this Section, in the employ of any member.

SEC. 2. No salaried employee (except outside salesmen, office girls and boys, and clerical apprentices) shall be paid less than at the rate of:

\$15.00 per week-----	Cities over 500,000 population or in the immediate trade area of such a city.
\$14.50 per week-----	Cities between 250,000 and 500,000 population or in the immediate trade area of such a city.
\$14.00 per week-----	Cities between 2,500 and under 250,000 population or in the immediate trade area of such a city.
\$12.00 per week-----	Towns of less than 2,500 population.

(a) Clerical apprentices during a six months' apprenticeship and office boys and girls may be paid not less than 80% of the above minimums. Such excepted office employees shall not exceed 5% of the total number of employees covered by Section 2, in the employ of any member.

SEC. 3. The provisions in Article IV-B shall not apply to any employee partially incapacitated through age, injury, or disease; provided, however, that such employee shall receive not less than \$0.25 per hour. Each member of the Industry shall report to the Association monthly the number and names of employees so classified.

SEC. 4. Female employees performing the same work as male employees in manufacturing operations shall receive the same rates of pay as male employees.

SEC. 5. Article IV-B establishes a minimum rate of pay which shall apply, whether an employee is actually compensated on a time rate, piecework, or other basis.

SEC. 6. Equitable adjustments in all pay schedules of factory employees above the minimum shall be made within thirty (30) days after the approval of this Code by any members who have not here-

tofore made such adjustments, and the first monthly reports of wages required to be filed under this Code shall contain full information as to all wage increases made since May 1, 1933.

C. POSTING OF LABOR PROVISIONS

SECTION 1. Every member of the Industry shall post in conspicuous places in all departments of his establishment or establishments copies of Articles III and IV of this Code.

ARTICLE V

A. COST AND MARKET STABILIZATION

SECTION 1. The Code Authority shall immediately upon approval of this Code proceed to a study of a market stabilization plan based on cost control.

(a) A standard uniform system of accounting, for the guidance of each member of the Industry, shall be developed under the direction of the Code Authority.

(b) The Code Authority shall designate, with the approval of the Administrator, a disinterested and impartial agency, to procure and compile the data required to complete the study and to act as the agency through which such compiled data shall be transmitted to the Code Authority, in order that all cost data of members of the Industry shall be kept confidential. Each member of the Industry shall furnish such agency with such reports as may be designated by the Code Authority.

(c) The Code Authority shall confer with the Administrator from time to time in the course of formulating its recommendations as to the plan for such market stabilization herein above proposed. The Code Authority shall make an initial report concerning progress in the formulation of such a plan within thirty (30) days after the approval of this Code. Final recommendation shall be submitted to the Administrator within sixty (60) days from date of approval of this Code.

SEC. 2. After such market stabilization plan based on cost control shall have received approval by the Industry and by the Administrator, such plan shall become a part of this Code. Violation of any provision of such plan shall be considered an unfair trade practice and subject to the penalties of the Act.

ARTICLE VI

A. TRADE PRACTICES

SECTION 1. No member shall use advertising (whether printed, radio, display, or of any other nature) or other representation which is inaccurate in any material particular or which refers inaccurately to competitors or their commodities, prices, values, credit terms, policies, or services. No member shall, in any way, misrepresent any commodity (including its use, trade mark, grade, quality, quantity, origin, size, specifications) or his credit terms, values, policies, services, or the nature or form of the business conducted.

SEC. 2. No member shall use advertising or selling methods or credit terms which tend to deceive or mislead a customer or prospective customer.

SEC. 3. No member shall publish or circularize unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harassing competitors or intimidating their customers.

SEC. 4. No member shall secretly offer or make any payment or allowance of a rebate, refund, commission, credit, unearned discount or excess allowance, whether in the form of money or otherwise, for the purpose of influencing a sale; nor shall a member secretly extend to any customer any special service or privilege not extended to all customers of the same class.

SEC. 5. No member shall give, permit to be given, or offer to give anything of value for the purpose of influencing or rewarding the action of any employee or agent of another, in relation to the business of the employer of such employee, or the principal of such agent without the knowledge of such employer or principal.

SEC. 6. No member shall, directly or indirectly, give or permit to be given or offer to give, money or anything of value, to any customer or prospective customer, or to anyone else upon the instigation and for the benefit of any customer or prospective customer, to induce such customer or prospective customer to purchase tires or tubes from such members.

SEC. 7. No member shall secure confidential information concerning the business of a competitor by a false or misleading statement or representation, by a false impersonation of one in authority, by bribery, or by any other unfair method.

SEC. 8. No member shall unfairly attempt to induce the breach of an existing contract between a competitor and his employee or customer or source of supply; nor shall any such member unfairly interfere with or obstruct the performance of such contractual duties or services.

SEC. 9. No member shall brand or mark or pack any commodity in any manner which tends to deceive or mislead purchasers with respect to the brand, grade, quality, quantity, origin, size, or specification of such commodity.

SEC. 10. After February 1, 1934, no member shall manufacture any automobile, truck, and/or bus pneumatic tires which do not clearly indicate on the side wall of the casing and on the label the number of cord plies from bead to bead, built into the casing. Breaker strips shall not be construed as plies for side wall or label marking. Plies extending from the heel of one bead to the heel of the other bead, if of substantially the same construction as other plies in the tire, shall not be construed as breaker strips. The Code Authority may designate such markings for purposes of this Section.

SEC. 11. The unauthorized use by any member either in writing or oral form, of trade marks, trade names, or slogans identical with or in imitation of, those already in use by any other member, shall be prohibited.

SEC. 12. No member shall withhold from or insert into any invoice anything which would make the invoice a false record, wholly or in part, of the transaction to which it refers, or make any arrangement which contemplates payment or settlement contrary to the face of the

invoice. No member shall postdate or predate orders, invoices, or contracts. This Section shall not prohibit the granting of a bonus in accordance with any member's regular program.

SEC. 13. Within ten days after the effective date of this Code, each member shall file with the Association all Consumers' Preferred Wholesale and State Lists. The Consumers' Lists shall be the lists from which dealer and/or jobber discounts shall be applicable and shall apply to the sale of tires and/or tubes to owners of less than five vehicles. The Preferred Wholesale Lists shall apply to commercial operators of five or more vehicles. The State Lists shall apply to all State, County, and municipal accounts. These lists shall be effective immediately upon such filing.

(a) Thereafter, no member shall change such lists without filing new lists with the Association, stating the effective date of such changes; provided that if such change involves a reduction such effective date shall be not less than ten days from the date of filing of the new lists.

(b) The Association shall, promptly after receipt of such revised lists, notify all members affected. Such affected members may thereupon file with the Association revisions of their lists which, if filed prior to the date when the revised lists first filed shall go into effect, may become effective on said date.

(c) No member shall fill at old prices orders received or showing postmark after 12:01 A.M. of the day upon which his new lists become effective. No member shall give any information to any class of trade regarding price changes prior to the date of filing thereof with the Association.

SEC. 14. No member shall solicit the reinstatement of any order previously cancelled, at other than his own current prices.

SEC. 15. Effective immediately upon the signing of this Code by the President, no member shall sell or offer for sale any tires or tubes which have been, or should be, properly classified as "seconds", except to employees for their own personal use and not for resale purposes. No member shall sell "firsts" as "seconds" under any circumstances.

SEC. 16. No member shall sell or dispose of any tires or tubes of obsolete, discontinued design or change-overs at special prices without first

(a) Notifying the Code Authority two (2) weeks in advance of the number of tires or tubes to be so disposed of, with the reasons therefor.

(b) Stating discount below the regular established price at which they are to be sold.

(c) Branding such tires, other than change-overs, so to be sold with a suitable design that shall be designated by the Code Authority.

(d) Obtaining the approval of the Code Authority for such disposal. If the Code Authority denies approval or fails to notify such member of its decision within ten (10) days, such member may appeal to the Administrator who shall have power to grant approval. The Code Authority shall advise all members of the Industry simultaneously of such authorizations.

SEC. 17. For the purposes of Sections 15 and 16 herein, "seconds", obsolete and discontinued designs and change-overs shall be defined as follows:

(a) "Seconds" shall be defined as all tires and/or tubes which have become defective in the course of manufacture.

(b) Obsolete and discontinued designs shall be defined as all tires and/or tubes which have actually been discontinued from production.

(c) Change-over tires shall be defined as original equipment tires which have been removed from new vehicles and which are practically new or show only slight wear.

SEC. 18. No member shall extend dealers' prices to persons other than dealers as herein defined. If the application of this definition in any particular case should work an unjust hardship on any member of the Industry or customer, such member or customer may appeal to the Code Authority which shall have power to make such exception as justice may require.

SEC. 19. No member shall extend jobbers' prices to dealers as herein defined. If the application of this section in any particular case should work an unjust hardship on any member of the industry or customer, such member or customer may appeal to the Code Authority which shall have power to make such exception as justice may require.

SEC. 20. No member shall take over from any dealer or jobber, either by purchase or exchange, any tires and/or tubes of other members.

SEC. 21. No member shall offer or give any tires or tubes, or sell any such tires or tubes at reduced prices, for test purposes without prior approval by the Code Authority.

SEC. 22. No member shall offer to a dealer the discounts and/or allowances given to a warehouse dealer unless the dealer shall be required to perform the services of a warehouse dealer.

SEC. 23. The Code Authority shall within thirty (30) days after the effective date, obtain from the Tire Committee of the Tire and Rim Association standard specifications for the Industry covering cross sectional diameters, anti-skid depths, total tread thicknesses and such other specifications as in their judgment will standardize manufacturing tolerances within the Industry. When these standards shall have been submitted to the Industry and approved in accordance with Article X, the Association shall send a copy of such standards to every member of the Industry. Such standards shall become effective ninety (90) days thereafter and any deviation in the manufacture of any tires beyond the maximum so established, shall constitute an unfair trade practice unless such tires which exceed these specifications shall be sold at a proportionately higher price which truly reflects their higher cost. The Code Authority upon request of any member shall investigate and rule upon any disputed cases. Should the application of this Section in any particular case work an unjust hardship on any member of the Industry, such member may appeal to the Administrator who shall have power to grant such exception as justice may require.

SEC. 24. Effective immediately upon the signing of this Code by the President no member shall accept written or verbal orders, agreements, or contracts for the sale of tires or tubes to any commercial and/or national account, the effect of which is to guarantee prices on future deliveries.

SEC. 25. Effective immediately upon the signing of this Code by the President no member shall use terms of payment to national or commercial accounts exceeding the customary 10th proximo terms or renew or extend existing orders, agreements, or contracts as a subterfuge, in violation of Section 24. For purposes of interpretation of Section 24 orders delivered within thirty (30) days after date of order may be construed as "immediate delivery"; deliveries after such thirty (30) days' period shall be construed as "future delivery" and billed at prices in effect on delivery date.

SEC. 26. No member shall offer for sale a rebuilt and/or retreaded tire without marking on the sidewall thereof a suitable design to be approved by the Code Authority.

SEC. 27. Violation of any of the provisions of Article VI shall be considered an unfair trade practice and subject to the penalties of the Act.

ARTICLE VII

A. COMPLAINTS AND APPEAL

SECTION 1. Any interested party shall have the right of complaint to the Code Authority and prompt hearing and decision thereon in respect to any matter arising under this Code. Such complaint must be filed in writing with the Code Authority within a reasonable period of time after the complaint arises.

SEC. 2. Any interested party shall have the right of appeal to the Administrator under such procedure as he shall prescribe in respect to any decision, rule, regulation, order, finding, or omission to act by the Code Authority.

SEC. 3. The Code Authority shall be specifically charged with the responsibility for proceeding against any member of the Industry who shall violate any provisions of this Code.

ARTICLE VIII

A. MONOPOLIES

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

ARTICLE IX

A. REVISIONS AND MODIFICATIONS

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the

provisions of Subsection (b) of Section 10 of the National Industrial Recovery Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under Title I of said Act and specifically, but without limitation, to the right of the President to cancel or modify his approval of this Code or any conditions imposed by him upon his approval thereof.

SEC. 2. Such of the provisions of this Code as are not required by the National Industrial Recovery Act to be included herein, may, with the approval of the President, be modified or eliminated as changed circumstances or experiences may indicate.

SEC. 3. By presenting this Code the Industry and others assenting thereto are not consenting to any modification thereof; and each reserves the right to object independently or jointly to any modified Code.

SEC. 4. If any member of the Industry is likewise engaged in part, in any other industry or trade, this Code shall apply only to such of the activities of said member as are comprehended within the Rubber Tire Manufacturing Industry.

SEC. 5. The provisions of this Code now or hereafter adopted with regard to prices, discounts, deductions, allowances, extras, commissions, or methods and/or terms of sale shall not apply to direct export sales. Upon application to the Code Authority, any member of the Industry may secure exemption from such provisions of this Code in regard to sales in the course of export (i.e., sales destined ultimately for export) or sales of materials used in the manufacture of products for export. The term "export" shall include, in addition to shipments to foreign countries, shipments to territories and possessions of the United States except Alaska.

ARTICLE X

A. ALTERATIONS AND AMENDMENTS

SECTION. 1. Any addition, alteration, or amendment to this Code may be proposed by any member of the Code, and after receiving the approval of fifty-one percent of the members of the Code, providing such members represent at least fifty-one percent in volume, shall be presented through the Code Authority to the Administrator for approval after such notice and hearing as he may prescribe. Provided, however, that any addition, alteration, or amendment which has received the approval of either a majority in number or in volume of the members of the Code, may, after due notice to all members of the Code, also be transmitted to the Administrator for his consideration.

ARTICLE XI

A. FURTHER RECOMMENDATIONS BY THE CODE AUTHORITY

SECTION 1. Within sixty days after the effective date of this Code, the Code Authority shall, after such negotiations as may be neces-

sary, make recommendations to the Administrator for the equitable adoption of a uniform Standard Warranty by all members of the Industry and all tire retailers, jobbers, wholesalers, and special brand distributors. In the interim, no member shall change his present form of warranty.

SEC. 2. Since the leasing of tires to taxicab and bus companies on a time or mileage basis is an established practice in the Industry, the Code Authority shall make a complete study of this practice and submit recommendations to the Administrator within ninety days from the approval of this Code for the elimination of any unfair practices which may exist in this field.

SEC. 3. Upon completion of the cost control plan outlined in Article V, the Code Authority shall make recommendations to the Administrator for the simplification of the present number of lines of tires.

SEC. 4. The Code Authority shall proceed with a survey of the productive capacity of the Industry, and submit recommendations to the Administrator not later than March 1, 1934, concerning the desirability of limiting the creation of additional productive capacity in the Industry.

SEC. 5. The Code Authority pledges itself to undertake immediately a study of seasonal fluctuations in production and make recommendations to the Industry designed to afford a greater stability of employment.

SEC. 6. The Code Authority shall, in cooperation with the Code Authority to be set up for the Retail Rubber Tire and Battery Trade, submit recommendations to the Administrator for the establishment of a joint committee for the coordination of the Code for this Industry with that of the Retail Rubber Tire and Battery Trade, with a view to joint consideration and proper determination of any common problems which relate to the distribution of tires and tubes.

SEC. 7. Within ninety days after the approval of this Code, the Code Authority with the approval of the members of the Code, in accordance with Article X, shall make recommendations to the Administrator regarding the establishment of a complete open-price system for the Industry. In the meantime, every member of the Industry, within thirty days after the approval of this Code, shall file with the Administrator, or his designated agent, for his exclusive information, in such manner and form as he may request, all prices, discounts, bonuses, terms, and conditions of sale to all customers, in order that the Administrator may be fully informed as to conditions in the Industry.

(a) Thereafter, no member shall sell any tires or tubes at prices lower or at discounts or bonuses greater or on terms or conditions more favorable than the prices, discounts, bonuses, terms, and conditions filed as aforesaid, unless he shall first file revised prices, discounts, bonuses, terms, and conditions with the Administrator to take effect in not less than ten days from date of filing.

ARTICLE XII

A. EFFECTIVE DATE AND TERMINATION

SECTION 1. This Code shall become effective, except as otherwise specified herein, on the first Monday after it shall have been approved by the President of the United States. It shall continue in effect until June 16, 1935, or until such time prior thereto when the President shall, by proclamation, or the Congress shall, by joint resolution, declare that the emergency recognized by Section 1 of the National Industrial Recovery Act has ended.

Approved Code No. 174.

Registry No. 807-1-06.

○

Approved Code No. 175

CODE OF FAIR COMPETITION

FOR THE

**MEDIUM AND LOW PRICED JEWELRY
MANUFACTURING INDUSTRY**

As Approved on December 23, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Medium and Low Priced Jewelry Manufacturing Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said Code of Fair Competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said Code of Fair Competition complies in all respects with the pertinent provisions of Title I of said Act and that the requirements of clauses (1) and (2) of subsection (a) of Section 3 of the said Act have been met.

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations and findings of the Administrator and do order that the said Code of Fair Competition be and is hereby approved, subject to the following condition:

That the application of the provision of sub-section (b), Section 1, Article III, which provides for the payment of time and one third for all hours worked by any employee in excess of forty (40) per week, shall be stayed until March 1, 1934, at which time such provision shall become effective and have the same force and effect as any other provision of the Code.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 23, 1933.

DECEMBER 13, 1933.

The PRESIDENT,
The White House.

SIR: A Public Hearing on the Code of Fair Competition for the Medium and Low Priced Jewelry Manufacturing Industry, submitted by the Council of Jewelry and Allied Industries, was conducted in Washington on the 10th and 11th of October 1933, in accordance with the provisions of the National Industrial Recovery Act. This Association claims to represent sixty percent (60%) of the Industry.

Upon petition of the Industry, and advice of the Labor Advisory Board, a provision has been included in the Executive Order staying the application of subsection (b) of Section 1 of Article III, which provides for the payment of time and one third for all hours worked by any employee in excess of 40 hours per week, for the period between the effective date of this Code and March 1, 1934, in order to allow them to take care of goods contracted for for this season.

The maximum hours permitted under this Code are forty (40) per week for factory, mechanical workers, or artisans, with a twenty percent (20%) tolerance in seasonal periods. Toolmakers, hub and die cutters may be employed a maximum of forty-eight (48) hours per week, but this type of employee shall not exceed five percent (5%) of the total number of employees. Provision for the payment of overtime is made. All other employees, exclusive of shipping and packing crews, shall not be employed for more than forty (40) hours per week. Shipping and packing crews may be worked forty-four (44) hours per week, but must be paid time and one third for all hours in excess of forty (40) per week.

The minimum wage is thirty-two and a half cents ($32\frac{1}{2}\text{¢}$) per hour. Provision is made for learners being paid eighty percent (80%) of the minimum wage, but this class shall not exceed ten percent (10%) of the total number of regular employees. Aged employees to the extent of two percent (2%) may be employed and shall be paid ten dollars (\$10.00) per week.

The Medium and Low Priced Jewelry group includes the manufacturers of jewelry of less than ten Karat (10 Kt.) fineness and a variety of inexpensive jewelry and other articles, such as cigarette cases, vanity cases, bags, and novelties made of base metals. The principal outlets for the products of this Industry are the 5-and-10-cent stores, variety stores and department stores.

The number of concerns engaged in this Industry declined from 1,100 in 1929 to 650 for 1933 or about 41%. Of the 650 concerns, 80% are located in Massachusetts and Rhode Island.

Employment in 1932 was approximately 60% of the 1929 level. Data for September 1933 indicates more persons employed than the average for any year since 1929. This increase is due both to

the recovery program and to the stimulation of the seasonal peak period. Reports from 62 representative firms indicate a 36.8 percent increase in employment over early 1933 levels.

In contrast to the rate of decline in employment, the rate of decline in pay rolls was greater from 1930 to 1931 than from 1929 to 1930. This comparison indicates that from 1929 through 1931 wages were being reduced more rapidly than employment. From 1931 to 1932 the wage reduction approximated the decline in employment. The 62 representative firms, which reported the 36.8 percent increase in employment, estimate a twenty-five percent (25%) increase in pay rolls for the same period, that is in the latter part of 1933 over the early part. It is evident from figures submitted that an increasing share of the value of product was allotted to labor during the years of depressed business, so that reduction in wage rates were necessary.

FINDINGS

The Administrator finds that:

(a) The Code, as recommended, complies in all respects with the pertinent provisions of Title I of the Act, including, without limitation, subsection (a) of Section 7, and subsection (b) of Section 10 thereof; and that

(b) The Council of Jewelry and Allied Industries, the applicant group herein, imposes no inequitable restrictions on admission to membership and is truly representative of the Medium and Low Priced Jewelry Manufacturing Industry.

(c) The Code as recommended is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

This Industry has cooperated in a most satisfactory manner with the Administration in the preparation of this Code. From evidence adduced during this hearing and from recommendations and reports of the various Advisory Boards it is believed that this Code as now proposed and revised represents an effective, practical, equitable solution for this Industry and its approval as herewith submitted is recommended.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION

FOR THE

MEDIUM AND LOW PRICED JEWELRY MANUFACTURING INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are submitted as a Code of Fair Competition for the Medium and Low Priced Jewelry Manufacturing Industry, and upon approval by the President shall be the standard of fair competition for such industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

1. The term "Jewelry" as used herein, means jewelry commonly or commercially so known and articles of adornment, designed to be worn on apparel or carried or worn on or about the person.

2. The term "Medium and Low Priced Jewelry Manufacturing Industry", as used herein, means the manufacture and sale or distribution by the manufacturer of jewelry made from base metals, rolled plated precious metals, solid silver, plastic, and casein materials, and of gold of a fineness less than ten karat (10 Kt.), and subject to such limitation and description includes—

(a) The manufacture of the following products:

(1) Insignia jewelry and medals for schools, colleges, fraternities, and other educational institutions or divisions thereof.

(2) Fraternal and emblematic jewelry.

(3) Buckles and ornaments for millinery, dresses, bags, and shoes.

(4) Watch bracelets and attachments.

(5) Religious articles of a jewelry nature.

(6) Collar buttons.

(7) Men's jewelry.

(8) Mesh bags and mesh products.

(9) Cigarette cases, vanity cases, and compacts (except those for nationally advertised cosmetic brands).

(10) Medium and low-priced jewelry of all types not specifically mentioned in the foregoing.

(b) Manufacturers, wholesale dealers, and/or assemblers of:

(1) Chatons, marcasites, imitation pearls, imitation pearl beads, imitation precious and semiprecious stones.

(2) Jewelry, beads, bead necklaces, and bead jewelry.

(c) Processors (commonly known as job shops) serving the manufacturers of Medium and Low-Priced Jewelry, including bobbers, buffers, polishers, platers, engine turners, engravers, stonemasons, tool-

makers, hub and die cutters, lacquerers, enamellers, refiners of scrap, and all other employers, the major part of whose work is for this industry.

3. The Medium and Low Priced Jewelry Manufacturing Industry includes the following subdivisions: (a) Flat stock, sheet, wire, and tubing; (b) Raw chain; and (c) Metal findings.

4. The term "employee" as used herein includes anyone employed in the industry in any capacity receiving compensation for his services, irrespective of the nature or method of payment of such compensation.

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

6. The term "factory or mechanical worker or artisan" as used herein includes all workers and assemblers engaged in the process of manufacture.

7. The term "shipping and packing crew" as used herein includes those employees who perform no productive or mechanical operations of any kind; who wrap, package, card, or box the products of this industry and apply the same to customers' orders and ship the same.

8. The term "wholesale dealer" as used herein means any person who manufactures and sells, imports, assembles, or contracts for the manufacture of medium and low priced costume jewelry, and such other products of this industry as come within the definition of this Code, and sells such products to the wholesale and/or retail dealer.

ARTICLE III—HOURS

1. No employer shall employ any factory or mechanical worker or artisan in excess of forty (40) hours in any one week, except in seasonal periods, a twenty percent (20%) tolerance shall be allowed on the basic working schedule.

(a) Toolmakers, hub and die cutters may be employed a maximum of forty-eight (48) hours per week, but they shall not exceed five percent (5%) of the total number of employees employed in any one calendar month; and provided, that any employer may employ at least one toolmaker or hub and die cutter on this basis. In the event that the factory of any person is operated in more than one shift, no employee of this classification shall work more than forty (40) hours in any one week.

(b) Time and one third shall be paid for all hours worked by any employee in excess of forty (40) hours per week.

2. Employees (other than factory, mechanical workers, or artisans) may not be employed in any manner for more than forty (40) hours in any one week; provided, however, that in the case of shipping and packing crews, a tolerance of ten percent (10%) is permitted; provided further, that such shipping and packing crews shall be paid time and one third for all hours worked in excess of forty (40) in any one week.

3. In the event of unusual emergencies requiring an extension of hours, members of the industry through the Code Authority may request permission from the Administrator for an extension of hours beyond those provided for in Sections 1 and 2 of this Article, with such provisions for overtime as the Administrator may prescribe.

4. Employers, including individuals, partners, officers, or stockholders of corporations, or individual manufacturers, whenever engaged in productive work, shall conform to the working hours above prescribed.

5. The above provisions for maximum hours do not apply to employees engaged in a managerial, executive, or supervisory capacity who receive thirty-five dollars (\$35.00) per week or more, nor to outside salesmen, when not engaged in productive labor.

6. The maximum hours fixed in Section 1 shall not apply to any employee on emergency repair work involving break-downs or protection of life or property, but in any such special case at least one and one third times the normal rate of pay shall be paid for all hours worked in excess of the maximum of forty (40) hours herein provided.

7. Watchmen may be employed in pairs and shall work thirty-six (36) and forty-eight (48) hours on alternate weeks, or not more than forty-two (42) hours per week averaged over any period of two weeks.

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

ARTICLE IV—WAGES

1. No employee shall be paid at less than the rate of thirty-two and one half cents ($32\frac{1}{2}\text{¢}$) per hour.

2. Learners, who are persons having had no previous experience or employment in this industry, shall be paid not less than eighty percent (80%) of the minimum hourly rate of thirty-two and one half cents ($32\frac{1}{2}\text{¢}$) per hour; such period of learning not to exceed six (6) weeks; and the number of learners employed by any one employer in any one month shall not exceed ten percent (10%) of the total number of employees of such employer; provided that every employer shall be entitled to employ at least one learner.

(b) Where, because of infirmities due to age or other causes, it is not possible for an employee working on a piecework basis to earn the hourly rates herein provided, the Code Authority may, upon petition of an employer, and with the approval of the Administrator, permit such employee to continue in employment, provided, that the wages paid to such employee shall be not less than ten dollars (\$10.00) per week; and provided further, that they shall be paid at the same rate per piece as other workers; such employees shall not in any case exceed two percent (2%) of the total number of employees regularly employed. This provision shall apply only to those in the employ of the member of the industry, so desiring their retention, who were so employed prior to the passage of the National Industrial Recovery Act.

2. This Article establishes a minimum rate of pay, regardless of whether an employee is compensated on a time-rate, piecework, or other basis.

3. It is the policy of the members of this industry to refrain from reducing the compensation for employment which compensation was

prior to June 16, 1933, in excess of the minimum wage herein set forth, notwithstanding that the hours of work in such employment may be reduced; and all members of this industry shall endeavor to increase the pay of all employees in excess of the minimum wage, as herein set forth, by an equitable adjustment of all pay schedules.

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

ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under sixteen (16) years of age shall be employed in the industry; nor anyone under eighteen (18) years of age at operations or occupations hazardous in nature or detrimental to health. The Code Authority shall submit to the Administrator a list of such occupations. In any State an employer shall be deemed to have complied with this provision if he shall have on file a certificate or permit duly issued by the authority in such State empowered to issue employment or age certificates or permits, showing that the employee is of the required age.

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

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

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

5. Within each State this Code shall not supersede any laws of such State imposing more stringent requirements on employers regulating the age of employees, wages, hours of work, or general working conditions than under this Code.

6. Employers shall not reclassify employees or duties of occupations performed by employees so as to defeat the purposes of the Act.

7. Each employer shall post and keep posted in conspicuous places copies of the wage and hour provisions of the Code.

ARTICLE VI—HOME WORK

1. Employers in this industry shall not directly or indirectly permit work of any kind to be done in the home or homes.

ARTICLE VII—ADMINISTRATION

To further effectuate the policies of the Act, a Code Authority is hereby established to cooperate with the Administrator in the administration of this Code.

1. Organization and constitution of Code Authority.

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

(b) In addition to membership as above provided there may be not more than three (3) members, without vote and without compensation from the Industry, to be appointed by the Administrator, to serve for such time as he may designate.

(c) Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall submit to the Administrator true copies of its articles of association, bylaws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities, as the Administrator may deem necessary to effectuate the purposes of the Act.

(d) In order that the Code Authority shall at all times be truly representative of the Industry and in other respects comply with the provisions of the Act, the Administrator may provide such hearings as he may deem proper; and, if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, he may take such action as may be necessary under the circumstances.

2. The Code Authority shall have the following duties and powers to the extent permitted by the Act, subject to the right of the Administrator on review to disapprove any action taken by the Code Authority.

(a) Such agency may from time to time present to the Administrator for his approval recommendations, based on conditions in the industry as they may develop, which tend to effectuate the policy of the National Industrial Recovery Act, and it shall be the duty of the Code Authority, when experience under the code may require, to make such specific recommendations with reference to statistical reports; keeping of uniform accounts; as to methods and conditions of trading; regulations for disposal of distress merchandise; and such further recommendations for dealing with any other inequalities that may arise to endanger the stability of the industry and/or production or employment, and as may appear necessary or expedient to effectuate the purposes of Title I of the National Industrial Recovery Act.

3. The Code Authority shall cooperate with the Administrator in making investigations as to the functioning and observance or non-observance of any of the provisions of this code, at its own instance or on complaint by any person affected, and to report the same to the Administrator.

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

5. No inequitable restrictions on admission to membership in the Council of Jewelry and Allied Industries, or any other trade asso-

ciation or organized group, participating in the activities of the Code Authority, shall be imposed, and any member of the industry shall be eligible for membership in any such trade association or organized group upon compliance with the provisions of the bylaws relating to membership, provided that any person applying for such membership shall, in addition to the payment of such dues as are imposed and paid by all other members, accept a reasonable and equitable share of the cost of code development and administration. Such members of the industry who do not choose to become members of any trade association or organized group may participate in the activities of the Code Authority as herein provided by paying to the Code Authority such proportionate part of the cost of code development and administration as the Code Authority, subject to the Administrator's approval, shall prescribe as fair and equitable.

ARTICLE VIII—TRADE PRACTICES

The following practices constitute unfair methods of competition for members of the industry and are prohibited:

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

(b) Securing confidential information, other than information pertaining to a violation of any provision of this Code, concerning the business of a competitor by a false or misleading statement or representation, by a false impersonation of one in authority, by bribery, or by any other unfair method.

(c) To use or to substitute any material differing in quality, design, weight, or construction from that specified by the purchaser or representations made by the manufacturer prior to securing the order without the consent of the purchaser to such substitutions.

(d) The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations or by the false disparagement of the grade or quality of their goods.

(e) Maliciously inducing or attempting to induce the breach of an existing oral or written contract between a competitor and his customer or source of supply, or interfering with or obstructing the performance of any such contractual duties or services.

(f) To aid or abet any person, firm, association, or corporation in any unfair practice established in this Code.

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

1. For an employer to contribute all or part of the cost of customers' advertising, unless the employer's name, trade name or trademark, clearly and distinctly appears in such advertising at some conspicuous place.

(h) To grant quantity prices or quantity discounts for orders less in quantity than those for which the said prices or discounts are specified.

1. To delay shipments of orders for which quantity prices or quantity discounts are granted beyond the time necessary to make delivery except in cases where a single future shipment of an entire order is agreed upon.

(i) To withhold from or to insert in any invoice, statements which make the invoice a false record, wholly or in part, of the transaction reported on the face thereof.

(j) To make repairs or to refinish any products of the industry without a fair charge therefor, unless defective in material or manufacture.

(k) To stamp, brand, mark, or invoice with any word, symbol, mark, or quality mark any article of merchandise in violation of Federal or State Stamping laws (or any commercial standards covering such articles issued by the United States Department of Commerce) governing the stamping and marking of gold, gold filled, rolled gold plate, gold plate, gold electro-plate, and other gold-covered articles, or articles of other precious metals.

(l) To grant trade discounts in any form except as provided in this Code.

(m) To deliver (except to buyers and district offices of chain stores with a retail selling limit of \$1.00 or less and except samples of findings for catalogue use, which shall remain the property of the producer, and except fraternal emblem pins and buttons) sample lines of complete or partially complete articles to distributors, unless charged for at the regular prices and on regular terms of sale and discount.

(n) To imitate or simulate the mark or brand of a member of the industry, without permission of the owner.

(o) To imitate or simulate any original design without the permission of the originator. "Design" is defined as follows:

"A design is a pattern applied to, or a shape or form of a manufactured product which is not of itself a work of art, and shall include dies, molds, or devices by which such a pattern, shape, or form may be produced, original in its application to or embodiment in such manufactured product by reason of an artistic or intellectual effort, and which produces an artistic or ornamental effect or decoration, but shall not include patterns or shapes or forms which have merely a functional or mechanical purpose. Regulations for the administration of the above provisions shall be set up in accordance with Article VII of this Code."

(p) No persons governed by this Code shall either directly or indirectly loan, consign, place on memo, or otherwise deliver any merchandise into the control or custody of any person for the purpose of placing same in any distributor's stock without transferring title to the same.

(q) Bills shall not be dated more than five (5) days after actual shipment of merchandise.

(r) A note settlement or trade acceptance even if effected on or prior to the discount date shall not be considered as a cash payment.

(s) No merchandise, except samples of findings, shall be delivered as samples, except upon condition that same shall be returned or charged within fifteen (15) days following receipt. This provision shall not apply to merchandise delivered to catalogue houses or to buyers and district offices of chain stores having a retail selling limit of \$1.00 or less; provided, however, that all such merchandise shall be returned or charged within sixty (60) days following delivery.

(t) No article of jewelry or findings, finished or unfinished, when filled in accordance with customers' orders and sold by any person shall be accepted for credit, exchanged, or in any other way returned by a purchaser unless such article is defective in material or manufacture, and then within five (5) days of receipt of goods, provided this shall not apply to settlements made with any insolvent or embarrassed debtor.

(u) Synthetic, reconstructed, doublet, or imitation stones, cultured and imitation pearls, sold either loose or mounted, shall be designated as such on invoices, tags, or other descriptive medium.

(v) Nothing in this Code shall limit the effect of any adjudication by the Courts or holding by the Federal Trade Commission on complaint, finding, and order, that any practice or method is unfair, providing that such adjudication or holding is not inconsistent with any provision of the Act or this Code.

ARTICLE IX—SALES PROVISIONS

1. No member of the Industry shall sell, exchange, or offer for sale any product of this Industry at a price below his own individual cost as determined by an adequate cost-finding system, capable of uniform application to the Industry and approved by the Administrator, provided, however, that any member of the Industry may meet competition in any specific instance by selling his product at a price not less than the lowest price of a comparable article on file with the Code Authority and provided further that:

(a) "Discontinued" merchandise, which is not deliberately manufactured or acquired in such a manner as to frustrate the spirit and intent of this section, may be sold at less than cost; provided, that all such sales shall be reported to the Code Authority not later than thirty (30) days thereafter.

ARTICLE X—DISCOUNTS

1. Effective as of January 1, 1934, the maximum cash discount shall be three percent (3%) for payment on or before the tenth (10th) day of the month following the date of invoice.

2. The maximum credit period shall not exceed ninety (90) days.

3. A tolerance of thirty (30) days may be allowed to wholesalers.

ARTICLE XI—PRICE LISTS

1. Each member of the industry shall, on request of the Code Authority, ten days prior to the effective date of his price list, file his net current price lists and/or price lists with discount sheets, as the case may be, with the Code Authority.

2. Revised price lists, except in case of increases of each and every item, with discounts thereon, shall be filed with the Code Authority ten (10) days prior to the effective date.

ARTICLE XII—CHANGES AND ADDITIONS

1. In order to enable the industry to conduct its operations subject to the provisions of this Code, to establish their trade within the industry and with those dealing with the industry, and otherwise to effectuate the purposes of Title I of the National Industrial Recovery Act, supplementary provisions or amendments of the Code, or additional Codes, may be submitted from time to time for the approval of the President by the Code Authority, or by any of the divisional groups, through the Code Authority. Such supplementary provisions or amendments, when approved, shall have the same force and effect as the major code upon the group or groups from which they originate.

ARTICLE XIII—MODIFICATION

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

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

ARTICLE XIV—MONOPOLIES, ETC.

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

ARTICLE XV—PRICE INCREASES

1. Whereas the policy of the Act to increase real purchasing power will be made impossible of consummation if prices of goods and services increase as rapidly as wages, it is recognized that price increases should be delayed and that, when made, the same should, so far as reasonably possible, be limited to actual increases in the seller's costs.

ARTICLE XVI—EFFECTIVE DATE

1. This Code, together with the schedules attached hereto and made a part hereof, shall become effective on the day following the date of its approval by the President.

ARTICLE XVII—SUPPLEMENTARY PROVISIONS

1. The following divisions (A, B, C, D, E, F, G, H, and I, inclusive) are supplementary to, and constitute part of, the Code of Fair Competition for the Medium and Low Priced Jewelry Manufacturing Industry. Such schedules apply only in those particular divisions of the Jewelry Industry indicated by the specific headings, and where such provisions conflict with the provisions of the basic code the provisions of the schedule, as to the particular division covered thereby, shall control.

Approved Code No. 175.
Registry No. 1215-1-01.

SCHEDULE A

DIVISION FOR THE MANUFACTURERS AND DISTRIBUTORS OF JEWELRY FOR SCHOOLS, COLLEGES, FRATERNITIES, AND OTHER EDUCATIONAL INSTITUTIONS

1. CONTRACTS

(a) In order to meet the increased cost of gold following the Executive Order of the President of August 28, 1933, it is recognized that prices in contracts for purchase of gold products, which were made prior to said Executive Order and are in full force and effect between members of this Division and their customers, should be increased to such an extent as is necessary to allow for the actual increased cost of gold in such products.

(b) No member of this Division shall induce or attempt to induce the breach of a bona fide existing contract between a competitor and the customer of such competitor during the term covered by such contract, or interfere with or obstruct the performance of any duty or service provided by the terms thereof.

(c) Where a fraternity controls the manufacture and distribution of its insignia under contract, it is an unfair trade practice for unauthorized persons to manufacture, solicit, or accept orders for such insignia.

2. DISCOUNTS

(a) Discounts on all orders sold direct from any manufacturer of this Division to retail stores, where no salesman works on such order, shall be uniform as to purchasers of the same class, grade, quality, and/or quantity and at such amount off of the list price filed with the Code Authority, as may, with the approval of the Administrator, be determined by such Code Authority.

(b) Discounts on all orders placed through local dealers by salesmen shall be uniform as to purchasers of the same class, grade, quality, and/or quantity and at such amount off of the list price filed with the Code Authority, as may, with the approval of the Administrator, be determined by such Code Authority.

(c) Cash and trade discounts, other than provided for in sections (a) and (b) of this Article, are hereby prohibited.

3. DEPOSITS

(a) Deposits on the purchase price of class emblems and fraternity jewelry shall be required with the order, as follows:

(1) On each class emblem order, not less than one dollar (\$1.00) deposit where the retail selling price exceeds three dollars (\$3.00) but is less than ten dollars (\$10.00).

(2) On each class emblem order, not less than three dollars (\$3.00) deposit where the retail selling price exceeds ten dollars (\$10.00).

Provided, however, that no deposit shall be forfeited except for arbitrary cancellation or rejection of the order, or any part thereof.

(3) Not less than ten percent (10%), and in no case less than one dollar (\$1.00) deposit on all regular orders for fraternity jewelry at least fifty percent (50%) of the purchase price thereof.

4. SPECIAL CHARGES AND COMMISSIONS

(a) On all orders for high-school rings and pins the actual cost of the necessary dies shall be charged in accordance with a schedule submitted by the Code Authority and approved by the Administrator.

(b) Commissions in any form allowed or paid to any salesman representing a member of this Division shall be filed with the Code Authority in the same manner as provided for the filing of net current price lists and discount sheets, and no salesman shall give to a purchaser any deduction from his commission as shown by the schedule thereof filed with the Code Authority.

5. SALES PROVISIONS

(a) No member of this Division shall sell, exchange, or offer for sale, any product of this Division at a price below his own individual cost, as determined by an adequate cost-finding system, capable of uniform application to the industry, to be developed and set up by the Code Authority, subsequent to the effective date of this Code, and when approved by the Administrator, shall be used by all members of this Division as the basis for determining their individual cost.

6. PRICE LISTS

(a) Each member of this Division shall, within five (5) days after the effective date of this Code, file with the Code Authority a schedule of his net current price lists and discount sheets on forms prescribed by the Code Authority and approved by the Administrator.

(b) Revised schedules of price lists and discount sheets may be filed from time to time thereafter with the Code Authority by any member of this Division, to become effective upon the date specified by such member, which date shall be not less than ten (10) days after the filing of such revised schedules with the Code Authority.

(c) No member of this Division shall sell, exchange, or offer for sale any product of this Division at a price less than set forth in the schedule of such member on file with the Code Authority.

(d) Members of this Division shall keep accurate records of their individual costs, which records shall upon request, with the approval of the Administrator, be available to the Code Authority.

(e) No member of this Division shall submit a price list in which the price of any particular article is less than the individual cost of such member, as determined by the uniform cost accounting system provided for in Section 5 (a) of this schedule, and such submitted price list representing the price of any particular article below the individual cost of the member submitting the same, as shown by his certified cost sheets, shall be held in abeyance by the Code Authority pending submission of a revised price list based on the individual cost of each article to such member.

7. TRADE PRACTICES

In addition to the Trade Practices set forth in the Basic Code, the following constitute unfair methods of competition for members of this Division and are prohibited:

(a) The giving of gratuities of every description, such as keys, plaques, cups, and any article of merchandise or anything of value, as well as all gratis rings or pins, bribes, special discounts, or rebates.

(b) To guarantee a cash payment or installment payments as an inducement to secure a contract.

(c) Advertising allowances, which have the effect of a concession in price, provided that this provision shall not be so interpreted as to prohibit legitimate advertising, or the purchase of a reasonable space in a school or college publication, based on approximately three percent (3%) of the business secured by the member of the Division, as advertising, from such school or college.

(d) Where no standard or special design has been adopted by any school or institution, and suggested designs are requested by such school or institution, that will require a special shank die, no member of this Division shall submit a special sample of the design without first receiving a bona fide and definite signed order.

(e) Making repairs or refinishing any products of the Industry without a fair charge unless defective in material or manufacture.

8. CONSIGNMENT

(a) Nothing contained in the basic Code relative to the prohibition of delivery of goods on consignment or memorandum shall apply to members of this Division.

SCHEDULE B

DIVISION FOR MANUFACTURERS OF FRATERNAL AND EMBLEMATIC JEWELRY

TRADE PRACTICES

In addition to the Trade Practices set forth in the basic Code, the following constitute unfair methods of competition for the members of this Division and are prohibited:

- (a) To prepay any shipping charges on merchandise.
- (b) To accept a note or notes in payment which do not bear interest at the prevailing contract rate as provided by the law of the State in which said note may be executed.

SCHEDULE C

DIVISION FOR IMPORTERS AND DEALERS OF CHATONS, MARCASITES, AND IMITATION PRECIOUS AND SEMIPRECIOUS STONES

1. No marcasites, chatons, or imitation precious or semiprecious stones of any kind or description, suitable for the manufacture of jewelry or ornamentation of other material of any kind shall be sold on any terms more advantageous than the following:

(A) DISCOUNTS

(1) A discount not exceeding three percent (3%) shall be allowed for payment within fifteen (15) days from the end of the month in which the merchandise is delivered, with a tolerance of ten (10) days, and no discount of any amount shall be allowed after the expiration of the discount period.

(2) No discount or rebate or any other direct or indirect consideration or gratuity of any sort shall be allowed other than the discount stated in subsection (1) of this article.

(B) DATINGS

(1) No datings shall be allowed, except that merchandise sold after the 25th of any month may be dated as of the first of the month immediately following.

(C) MEMORANDUM MERCHANDISE

(1) Merchandise on memorandum shall be submitted for a period no longer than five (5) days from the day of delivery of such merchandise. Upon the expiration of five (5) days, such merchandise shall be returned or invoiced.

(D) PAYMENT OF ACCOUNTS

(1) Interest at the rate of six percent (6%) per annum, unless otherwise provided by state law, shall be charged on all accounts not paid for within sixty (60) days from the end of the month in which delivery of merchandise was made.

(2) A note settlement, even if effected on or prior to the discount date, shall not be considered as payment within the meaning of this subdivision, and no account shall be considered paid until the proceeds of any note given in settlement shall have actually been collected.

SCHEDULE D

DIVISION FOR THE MANUFACTURERS OF AMERICAN-MADE IMITATION PEARLS AND IMITATIONS OF PRECIOUS AND SEMI-PRECIOUS STONES AND BEADS, ASSEMBLED INTO NECKLACES, CLASPS, BRACELETS, EARRINGS, CLIPE, RINGS, BROOCH PINS, HAIRPINS AND HAT PINS

1. LABELS

(a) All jewelry of this class, manufactured in the United States under the provisions of this Code shall be entitled to bear an NRA label, which shall be

attached to such jewelry by the manufacturer, upon application approved by the Administrator, to be accompanied by a statement of compliance with the provisions of this Code; provided that the privilege of using such labels may be suspended by the Administrator in respect to any such manufacturer whose operations shall be found to be in violation of this Code. The Imitation Pearl and Imitation Stone division may establish appropriate plans for the issuance of such labels in accordance with the foregoing provisions.

SCHEDULE E

DIVISION FOR THE MANUFACTURERS OF BUCKLES AND ORNAMENTS FOR MILLINERY, DRESS, BAGS, AND SHOES

1. All shipments made by any member of this Division shall be f.o.b. point of shipment excepting to the five (5) boroughs of Manhattan.

SCHEDULE F

DIVISION FOR MANUFACTURERS SELLING TO CHAIN STORES WITH A RETAIL SELLING LIMIT OF ONE DOLLAR (\$1.00) OR LESS

1. TERMS

(a) No product of this Division shall be sold on terms more favorable than net ten (10) days delivered.

SCHEDULE G

DIVISION FOR MANUFACTURERS OF MACHINE CHAIN

1. DEFINITIONS

(a) An "Unfinished Chain Manufacturer" is a person, firm, or corporation producing soldered and unsoldered chain by the use of machines, or automatic tools, operated by skilled mechanics.

(b) The term "soldered chain" means chain made of any metal, precious or nonprecious, in any form, shape, or design, each link formed or linked by machine or automatic tools and soldered or welded.

(c) The term "unsoldered chain" means chain made of any metal, precious or nonprecious, in any form, shape, or design, formed, shaped, or linked or hooked by machine or automatic tools.

2. MACHINE HOURS

(a) Chain machinery, including automatic tools to produce chain, shall not be operated more than forty (40) hours in any one week; provided, however, that upon application to the Code Authority the period of time during which chain machinery may be operated, for good cause shown, may be extended for such period as the Code Authority, subject to the approval and final decision of the Administrator, may deem necessary.

3. TERMS

(a) All unfinished chain shall be sold net thirty (30) days, f.o.b. factory.

(b) No discounts of any kind shall be allowed.

(c) No express or parcel post or insurance charges shall be allowed or deducted from invoices.

(d) No cash allowances shall be made.

(e) No rebates shall be allowed or gratuities given.

4. SALES PROVISIONS

(a) No distress, so-called job lot unfinished chain shall be sold at less than cost, except upon application to the Code Authority and its approval of such sale.

(b) No more unfinished chain, whether partially manufactured or not, shall be given than is charged on invoice.

(c) No unfinished chain, soldered, welded, or unsoldered, shall be sold below actual cost of production.

 SCHEDULE H

DIVISION FOR MANUFACTURERS OF FINDINGS

1. DISCOUNTS

(a) No discount shall be allowed for cash in excess of two percent (2%) and for a period of payment not later than the fifteenth (15th) of the month following date of invoice, or with not due terms for a period beyond the end of the month following date of invoice.

TRADE PRACTICES

(a) No member of this Division shall make free delivery of merchandise except within the city where the producing manufacturer is located, or from any branch shipping point of said manufacturer.

(b) No member of this Division shall date any bills in advance.

(c) No member of this Division shall allow anticipation.

(d) No member of this Division shall furnish, without charge, findings samples in excess of twenty-five cents (25¢) in value in any one shipment; provided, however, that the provisions of this section shall not apply to samples in catalogue form or for catalogue use.

 SCHEDULE I

DIVISION FOR THE MANUFACTURERS OF COLLAR BUTTONS

1. This division shall include those manufacturers of collar buttons whose products are made of gold of a grade less than ten karat (10 Kt.) fineness and shall not include manufacturers of solid pearl buttons, but shall include only manufacturers who sell to the jobbing trade.

2. In addition to the unfair trade practices of the basic Code, the following practices shall constitute unfair competition for the members of this Division and are prohibited:

(a) To manufacture or sell a metal collar button without the manufacturers' trademark plainly stamped thereon.

(b) To stamp metal collar buttons with other than the trademark of the manufacturer producing the same.

(c) To furnish, without extra charge, any packaging or display material other than regular cards.

(d) To make price allowance for collar buttons sold and shipped in bulk.

(e) To manufacture or sell any Inlaid Pearl Collar Buttons other than 22/back, or other than White Pearl Domed.

(f) To manufacture or sell any Swaged Pearl Collar buttons other than 22/back or other than all white quality.

Approved Code No. 176

CODE OF FAIR COMPETITION

FOR THE

PAPER DISTRIBUTING TRADE

As Approved on December 23, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Paper Distributing Trade, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said Code of Fair Competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said Code of Fair Competition complies in all respects with the pertinent provisions of Title I of said Act and that the requirements of clauses (1) and (2) of subsection (a) of Section 3 of the said Act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations, and findings of the Administrator and do order that the said Code of Fair Competition be, and it is hereby, approved.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 23, 1933.

DECEMBER 20, 1933.

The PRESIDENT,
The White House.

SIR: This is a report of the hearing on the Code of Fair Competition for the Paper Distributing Trade conducted in Washington on September 28, 1933, in accordance with the provisions of Title I of the National Industrial Recovery Act.

The Code contains a provision that in the event that a general Wholesale Trade Code shall be approved, this Code shall automatically become a divisional code thereunder.

HOURS AND WAGES

The Code provides for a standard forty-hour week for all employees except watchmen, outside delivery men, and executives, with a provision for not more than eight extra hours in a week for which time and one third shall be paid.

Practically all of the employees of this Trade are of the warehouse and office class, and are paid on a weekly basis. This minimum wage under the Code will be from \$14.00 to \$15.00, depending on the size of the city in which the employer's business is situated.

A minimum wage of 37½¢ for men and 34¢ for women is prescribed for about 100 employees engaged in incidental processing who are employed on an hourly basis.

OTHER PROVISIONS

Provision is made for the Code Authority to file such reports with the Administrator as he may require, for the establishment of a uniform accounting and costing system, for the open publication of prices and adherence thereto, and for the prohibition of specific unfair trade practices.

ECONOMIC EFFECT OF THE CODE

The business of this Trade is the wholesale distribution of paper and paper products. It comprises about 1,000 establishments and employs approximately 20,000 persons. The Code reduces maximum hours from about 49 to 40, and increases minimum wages. No figures are available as to employment in 1929, but the Trade estimates that the Code will increase employment by about 15% and restore it to approximately the 1929 level.

FINDINGS

The Administrator finds that:

(a) The Code as recommended complies in all respects with the pertinent provisions of Title I of the Act, including without limitation, subsection (a) of Section 7 and subsection (b) of Section 10 hereof; and that

(b) The applicant group imposes no inequitable restrictions on admission to membership therein and is truly representative of the Paper Distributing Trade; and that

(c) The Code as recommended is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

It is recommended, therefore, that this Code be approved.

Respectfully submitted.

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION

FOR THE

PAPER DISTRIBUTING TRADE

ARTICLE I

To effectuate the policies of Title I of the National Industrial Recovery Act the following is hereby submitted as a code of fair competition for the paper distributing trade, and upon approval by the President its provisions shall be the standards of fair competition for such trade and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

Trade.—The business of distribution by “wholesalers” or “distributors” of any or all lines of paper and paper products in the United States, its territories and possessions, with the incidental processing of such products usual and ordinary in such trade. A “wholesaler” or “distributor” for the purpose of this code shall be defined as a person or firm, or a definitely organized division thereof, which buys and maintains at his or its place of business a stock of the lines of merchandise which it distributes, or which although not maintaining such stock buys such merchandise and in the sales thereof assumes credit risk; and which through salesmen, advertising and/or sales promotion devices sells to retailers and/or institutional, commercial and/or industrial users, but which does not sell in significant amounts to ultimate consumers.

Member.—A natural person, partnership, corporation, association, trust, trustee, trustee in bankruptcy, or receiver engaged in such trade.

Ultimate Consumer.—The term “ultimate consumer” as used herein is defined as a purchaser for home and personal use and not for use or consumption in trade or business or by institutions.

Employee.—The term “employee” as used herein includes anyone engaged in the trade in any capacity receiving compensation for his services, irrespective of the nature or method of payment of such compensation.

Employer.—The term “employer” as used herein includes anyone by whom such employee is compensated or employed.

President, Act, Administrator.—The terms “President”, “Act”, and “Administrator” as used herein shall mean, respectively, the President of the United States, the National Industrial Recovery Act, and Administrator appointed under Title I of said Act.

Association.—The National Paper Trade Association of the United States.

Population for the purposes of this Code shall be determined by reference to the 1930 Federal Census.

ARTICLE III—SUBORDINATION

1. If and when a General Code for the Wholesaling or Distributing Trade, hereinafter referred to as the General Code, shall have

been approved by the President and shall become effective, this Code shall become subordinate to such General Code and shall be deemed a supplemental Code for the Paper and Paper Products Commodity Division thereunder.

2. Such General Code shall, when so approved, be recognized as binding in this Trade upon all the members thereof, and the Code Authority designated in this Code shall constitute the Divisional Code Authority for the Paper and Paper Products Commodity Division under the General Code, and shall have the powers prescribed for such Divisional Code Authority in the General Code.

3. In the event that any provision of this Code shall be found to be inconsistent with the provisions of such General Code, the provisions of such General Code shall prevail (except as to the maximum hours and minimum wages herein prescribed which are more favorable to the employee), and this Code shall be deemed to have been modified accordingly.

ARTICLE IV—ADMINISTRATION

1. The creation of a Code Authority to cooperate with the Administrator in administering the provisions of this code is hereby authorized.

2. The Code Authority shall be composed of seven members selected by the Board of Directors of the Association with a view to geographical representation, two additional members selected by the members of the trade who are not members of the Association but who assent to this code and who agree to comply with the requirements thereof and to sustain their reasonable share of the proper expenses of its administration in an equitable way with the approval of the Administrator (or such two members may be selected by the Administrator), and not more than three members designated by the Administrator who shall act in an advisory capacity without vote.

3. (a) The Association shall (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of Association, bylaws, regulations, and amendments thereof when made, together with such information as to membership, organization, and activities, which the Administrator may deem necessary to effectuate the purposes of the Act.

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

4. Members of the trade shall be entitled to participate in and share the benefits of the activities of the Code Authority by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the proper expenses of its administration. Such reasonable share of the proper expenses of its administration shall be determined by the Code Authority, subject to review by the Administrator, and shall be collected by the Code Authority from the members of the Trade.

5. Powers of the Code Authority: The Code Authority (1) shall require from members of the Trade such reports as are necessary to effectuate the purposes of this Code, and (2) may upon its own motion or upon complaint of any member of the Trade make investigation as to the functioning and observance of any provisions of this Code, and (3) may hear and attempt to adjust such complaints, and report any violation of the Code to the Administrator, and (4) may from time to time appoint such committees as it shall deem necessary or proper with a view to geographical requirements, make rules and regulations for the organization and functioning of such committees which shall be known as Regional Committees, and delegate to any such committee or committees generally or in particular instances such of its powers under the Code as it shall deem necessary or proper, subject to the approval of any actions of the said Regional Committee or committees by the Code Authority, and (5) shall generally administer this Code under the sanction and with the approval of the Administrator.

6. All acts of the Code Authority shall be subject to review by the Administrator and to suspension, modification, or cancellation by him in any case in which he shall determine such act violates the purposes of the National Industrial Recovery Act.

7. The Administrator may from time to time after consultation with the Code Authority issue such administrative interpretations of the various provisions of this Code as are necessary to effectuate their purpose.

ARTICLE V—HOURS

1. Employees engaged in the Trade shall not be required or permitted to work hours in excess of the limits prescribed in the following schedule:

SCHEDULE OF WORKING HOURS

(a) Watchmen: 56 hours per week but not more than six days in any one week.

(b) Outside deliverymen: 9½ hours in any one day and 48 hours in any one week; provided, however, that time worked in excess of 9½ hours in any one day and 48 hours in any one week shall be overtime and shall be paid for at not less than time and one third, and no such employee shall work over 4 hours overtime in any one week.

(c) Executives and their personal secretaries and other employees regularly engaged in a supervisory capacity receiving \$35 or more per week, and outside salesmen: no limitation.

(d) All other employees: 8 hours in any one day and 40 hours in any one week; provided, however, that time worked in excess of 8 hours in any one day and 40 hours in any one week shall be overtime and shall be paid for at not less than time and one third, and no such employee shall work over 8 hours overtime in any one week.

Provided, however, that no limitation on hours of work contained in said schedule shall apply to employees of any class when engaged in emergency repairs or emergency maintenance work involving break-downs or protection of life and property, in which case time and one third shall be paid for hours worked in excess of the said schedule.

ARTICLE VI—WAGES

1. The minimum rates of pay shall be as follows:

(a) In cities of over five hundred thousand population or in the immediate trade area thereof at the rate of \$15 per week.

(b) In cities of between two hundred fifty thousand and five hundred thousand population or in the immediate trade area thereof at the rate of \$14.50 per week.

(c) In cities, towns, or places under two hundred fifty thousand population or in the immediate trade area thereof at the rate of \$14 per week.

(d) The aforementioned minimum rates of pay shall be the minimum rates of pay for a 40-hour week, except for the employees specified under subdivision (b) of Section 1 of Article V hereof, and for such employees said minimum rates of pay shall be the minimum rates of pay for a 48-hour week.

(e) In the case of employees on an hourly, part-time, or piece-work basis, at a rate which will not yield less for a full week than the minimum rate of weekly pay above prescribed.

(f) In the case of employees continuously engaged in a mechanical or factory operation at the rate of \$0.37½ per hour for male employees, and \$0.34 per hour for female employees.

2. Office boys and girls between the ages of sixteen (16) and eighteen (18) years inclusive may be paid at the rate of not less than 80% of the minimums above mentioned otherwise applicable to them. The number of employees classified as office boys and girls shall not exceed 3% of the total number of employees of any employer provided that every employer having at least ten (10) employees shall be entitled in any event to one office boy or girl hereunder.

3. A person whose earning capacity is limited because of age or physical or mental handicap may be employed at light work at a wage of not less than 80% of the minimum prescribed by this Code provided the State Authority designated by the United States Department of Labor shall have issued a certificate authorizing his employment on such basis. Each member shall file with the Code Authority a list of all such persons employed by him. The provision of this section requiring a certificate of authority shall not become effective until sixty (60) days after the effective date of this Code.

4. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees. The Code Authority shall within ninety (90) days after the effective date of this Code file with the Administrator a description of all occupations in the Industry in which both men and women are employed.

5. The wage rates of all employees receiving more than the minimum rates herein prescribed shall be reviewed, and such adjustments, if any, made therein as are equitable in the light of all the circumstances, and within sixty (60) days after the effective date hereof the Code Authority shall report to the Administrator the action taken by all members of the Trade under this Section.

6. Every employer shall make reasonable provisions for the safety and health of his employees at the place and during the hours of their employment. Standards for safety and health shall be sub-

mitted by the Code Authority to the Administrator within six (6) months after the effective date of this Code.

ARTICLE VII—GENERAL LABOR PROVISIONS

1. No person under 16 years of age shall be employed by any member of the Trade (provided, however, that where permitted by law persons between 14 and 16 years of age may be employed not in manufacturing or mechanical departments not to exceed three hours per day and those hours between 7 A.M. and 7 P.M. in such work as will not interfere with hours of day school), nor any one under 18 years of age at operations or occupations hazardous in nature. The Code Authority shall submit to the Administrator within 60 days from the effective date hereof a list of such occupations. In any State an employer shall be deemed to have complied with this provision if he shall have on file a certificate or permit duly issued by the Authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

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

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

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

3. Within each State this Code shall not supersede any laws of such State imposing more stringent requirements on employers regulating the age of employees, wages, hours of work, or health, fire, or general working conditions than under this Code.

4. Employers shall not reclassify employees or duties of occupations performed by employees so as to defeat the purposes of the Act.

5. Each employer shall keep posted in conspicuous places accessible to employees the labor provisions of this Code.

ARTICLE VIII—ACCOUNTING, SELLING

1. The Code Authority shall, as soon as practicable formulate a standard method of accounting and costing for the Trade and submit the same to the Administrator. When it shall have been approved by the Administrator, every member of the Trade shall use an accounting and costing system which conforms to the principles of, and is at least as detailed and complete as such standard method.

2. (a) In any geographical region in which the Code Authority in its discretion believes the condition of competition in any article or articles of merchandise to require it, the Code Authority may by order put into effect a price reporting plan. Such plan shall be administered through a Regional Committee appointed as provided in Section 5 of Article IV hereof. Notice of such order shall be sent

to every known member of the Trade selling the article or articles specified in said order in the said geographical region. Every member of the Trade selling such articles in such geographical region may at its option within the time specified by the Code Authority in said order file with the Regional Committee a list showing the current prices and terms and conditions of sale (including all differentials, discounts, trade allowances and special charges), of such articles offered for sale by such member in such region. Such member of the trade may from time to time file revisions of its price list; a revision, however, shall not be effective until 5 days after the same shall have been filed, unless a shorter period be permitted by the Regional Committee. When any member of the Trade shall file any such schedule or any revision thereof, any other member of the Trade selling in the said geographical region may also file a revision of his own schedule to become effective as of the same time as such first mentioned schedule. The Regional Committee shall send to each member of the Trade selling such articles in such geographical region requesting the same, a copy of all such schedules and of all changes and revisions thereof. Such information shall also be available to any other persons concerned requesting the same. No member of the Trade filing a list of prices and terms shall sell such articles within such geographical regions at prices lower or terms more favorable than those set forth in its price list aforesaid or in the revision thereof.

After 25% in number and dollar volume of the known members of the Trade selling the articles specified by the Code Authority as aforesaid in such geographical region shall have filed their lists of prices and terms as aforesaid, notice to that effect shall be given by the Regional Committee to all known members of the Trade selling such articles in said geographical region. Thereafter no member of the Trade shall sell within the said geographical region any article or articles so specified by the Code Authority directly or indirectly by any means whatsoever at a price lower, or discounts greater, or on terms and conditions more favorable to the purchaser, than the lowest filed price, the highest filed discounts, or terms and conditions most favorable to the purchaser, then filed but nothing herein contained shall prevent such member of the Trade from at any time filing a list of his own prices, terms, and conditions of sale.

(b) Each schedule filed under this section shall state whether the prices, terms, and conditions specified are justified under subdivision (a) or under subdivision (b) (1) of Section 4 hereof, and in the case of justification under subdivision (b) (1) shall identify the schedule or schedules of the other member or members of the Trade justifying such prices, terms, and conditions. A schedule justified upon the basis of the schedule or schedules of another member or members shall become void forthwith upon the cancellation or revision upwards of such justifying schedule or schedules. If Section 4 of this Article be suspended the provisions of this subdivision shall be suspended for the same period.

3. The Code Authority shall have power on its own initiative, or on the complaint of any member, to investigate any price for any product shown in any schedule filed hereunder, and for such purpose to require the member who filed such schedule to furnish

such information concerning the cost of such product as the Code Authority shall deem necessary or proper for such purpose. If the Code Authority, after such investigation shall determine that such price violates any of the provisions of this Article, the Code Authority shall so notify such member, and thereupon such price shall become void and of no effect. All such decisions by the Code Authority shall be filed with and be subject to review by the Administrator.

4. Except in performance of bona fide contracts in existence on the effective date of this Code no member of the Trade shall sell or permit the sale of any merchandise at less than the lower of the following:

(a) In order to prevent unfair competition in the Trade and to avoid the demoralization of the market for paper and paper product, the practice of selling any merchandise below the replacement cost thereof to the seller is hereby declared to be an unfair trade practice. This practice results in speculative buying for a rise in the market and encourages periodical overproduction by manufacturers. Such overproduction in turn eventually makes for shut-downs in the paper manufacturing industry. It works back against the labor employed in manufacturing and distributing, and against the consumer. This declaration against sales below replacement cost by a member of the Trade does not prohibit him from selling any merchandise without adding to such replacement cost any profit to himself. But the selling price of merchandise should include an allowance for actual wages of labor, to be fixed and published from time to time by the Administrator.

(b) 1. The lowest price then scheduled for such merchandise under the provisions of this Article VIII by any other member of the Trade when sold in a geographical region where a price reporting plan is in effect.

2. Or, the lowest price for which such merchandise is being then bona fide offered under the provisions of this Article VIII by any other member of the Trade in a geographical region where a price reporting plan is not in effect; provided that a complete description of any offer or sale pursuant thereto shall immediately be made to the Code Authority in such form and detail as it may prescribe.

Bona fide quotations made hereunder may be maintained by the seller for five days after the making thereof.

The provisions of this Section shall remain in effect until July 1, 1934, at which time it shall terminate and come to an end without further order unless renewed or extended by the Administrator.

5. The restrictions specified in Sections 2 and 4 hereof shall not apply: (a) To any sale made in closing out in good faith any stock, in whole or in part, for the purpose of discontinuing its sale, provided a statement is made to that effect on the invoice and provided such close-out stock is first listed with the Code Authority, and no close-out stock shall be offered without the approval of such Authority.

(b) To sales of goods that are damaged or deteriorated in quality, provided that such goods are properly described by a statement to that effect on the invoice, and provided they shall be listed with the

Code Authority, and no damaged merchandise shall be offered without the approval of such Authority.

(c) To transactions with other members of the Trade, provided that the same shall be listed with the Code Authority, and no such transactions shall be conducted without the approval of such Authority.

(d) To merchandise classified by the manufacturers thereof prior to its sale by them to the Trade as job lots or seconds, provided such merchandise is properly described by a statement to that effect on the invoice when sold by a member of the Trade.

(e) To sales of distress merchandise sold to liquidate a defunct business, providing that such sales shall be made in such manner and on such terms and conditions as the Code Authority may approve.

Powers prescribed for the Code Authority in subsections (a), (b), (c), and (e) hereof may be delegated by the Code Authority to the Regional Committees to be appointed under Section 5 of Article IV of this Code.

6. The Code Authority may suspend for any period of time and from time to time, all of Section 4 of this Article but not part thereof, as to any article or articles sold by the Trade in any geographical region.

ARTICLE IX—REPORTS, STATISTICS

1. Each member of the Trade shall prepare and file with the Executive Secretary of the Code Authority at such time and in such manner as it may prescribe such reports and statistical information as it, subject to the approval of the Administrator, or the Administrator may require from time to time to reflect conditions in the Trade. Any or all information so furnished by any members shall be subject to checking for the purpose of verification by an examination of the books and accounts and records of such member by any disinterested accountant or accountants or qualified person or persons designated by the Code Authority.

2. Except as otherwise provided in the Act, or in this Code, all statistics, data, and information filed or required in accordance with the provisions of this Code shall be confidential, and the statistics, data, and information of one member shall not be revealed to another member. No such data or information shall be published except in combination with other similar data and in such a manner as to avoid the disclosure of confidential information. The Code Authority shall arrange in such manner as it may determine for the publication currently to members of reports and statistics hereunder.

3. The Code Authority shall make such reports to the Administrator as he may from time to time require.

4. In addition to information required to be submitted to the Code Authority, there shall be furnished to Government Agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act.

ARTICLE X.—TRADE PRACTICES

1. No member of the Trade shall publish advertising (whether printed, radio, display, or of any other nature), which is misleading or inaccurate in any material particular, nor shall any member in

any way misrepresent any goods (including, but without limitation, its use, brand, trade mark, grade, quality, quantity, origin, size, substance, character, weight, strength, thickness, nature, finish, material, content, or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted.

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

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

4. No member of the Trade shall publish advertising which refers inaccurately in any material particular to any competitors or their goods, prices, values, credit terms, policies, or services.

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

6. No member of the Trade shall secretly offer or make any payment or allowance of a rebate, refund, commission, credit, unearned discount, or excess allowances, whether in the form of money or otherwise, nor shall a member of the Trade sell below published prices or terms or secretly offer or extend to any customer any special service or privilege not extended to all customers of the same class, for the purpose of influencing a sale.

7. No member of the Trade shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the actions of any employee, agent or representative of another in relation to the business of the employer of such employee, or the principal of such agent or the represented party, without the knowledge of such employer, principal or party. Nothing herein contained shall prohibit the free distribution of articles commonly distributed for advertising.

8. No member of the Trade shall attempt to induce the breach of any existing contract between a competitor and his customer or source of supply; nor shall any such member interfere with or obstruct the performance of such contractual duties or services.

9. No member of the Trade shall guarantee to sell below the price of a competitor.

10. No member of the Trade shall interfere with a competitor's business through enticing of employees from the employment of such competitor, provided, however, that nothing in this paragraph shall prevent an employee of one employer from offering his services to a competitor, nor prevent any employer from employing the employee of another employer.

11. No member of the Trade shall deliberately misrepresent "firsts" as "seconds" or "seconds" as "firsts."

12. No member of the Trade shall execute instruments for the sale of merchandise purporting to be contracts in which only one of the parties is understood to be bound to perform.

13. No member of the Trade shall neglect to observe in letter and in spirit obligations assumed or contracts entered into as buyer or seller.

14. No member of the Trade shall sell goods on consignment or place goods in the possession of the buyer to be paid for when sold, unless authorized by the Code Authority due to special circumstances.

15. No member of the Trade shall misrepresent to any manufacturer or his agent either as to price, terms, or other considerations the offerings of a competitive manufacturer.

ARTICLE XI—RECOMMENDATIONS

1. The Code Authority may, from time to time, present to the Administrator recommendations based on conditions in the Trade which will tend to effectuate the operation of this Code and the policy of the Act, and in particular along the following lines:

(a) For the establishment of rules of fair trade practice and simplified practice recommendations for the Trade and for the codification of its trade customs, and the enforcement thereof.

(b) For the establishment of rules relating to selling and accounting in addition to or in substitution for the rules prescribed by Sections 2, 3, 4, and 5 of Article VIII hereof, or any of them.

Such recommendations when approved by the Administrator shall have the same force and effect as the provisions of this Code.

ARTICLE XII—MODIFICATION

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

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

ARTICLE XIII—MONOPOLIES

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

ARTICLE XIV—EFFECTIVE DATE

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

Approved Code No. 176.
Registry No. 405-3-07.

Approved Code No. 177

CODE OF FAIR COMPETITION

FOR THE

SILVERWARE MANUFACTURING INDUSTRY

As Approved on December 23, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Silverware Manufacturing Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said Code of Fair Competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said Code of Fair Competition complies in all respects with the pertinent provisions of Title I of said Act and that the requirements of clauses (1) and (2) of subsection (a) of Section 3 of the said Act have been met.

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations and findings of the Administrator and do order that the said Code of Fair Competition be and is hereby approved.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 23, 1933.

DECEMBER 17, 1933.

The PRESIDENT,
The White House.

SIR: A Public Hearing on the Code of Fair Competition for the Silverware Manufacturing Industry, submitted by the Silverware Manufacturers Institute, 20 West 47th Street, New York, N.Y., was conducted in Washington on the 2nd of October, 1933, in accordance with the provisions of the National Industrial Recovery Act. This Association claims to represent ninety percent (90%) of the Industry.

The maximum hours permitted under this Code are forty (40) per week. During peak demand periods employees may be permitted to work forty-eight (48) hours per week, provided that the average for any three months period does not exceed forty (40) hours per week. Provision is made for the employment of hub and die-cutters for forty-eight (48) hours per week, but this class of employee shall not exceed five percent (5%) of the total number of employees. Watchmen and engineers may work forty-two (42) hours when averaged over any two week period. Members of the Industry while doing productive work shall come under the maximum hours provided for in the Code.

The minimum wage is thirty-five cents (35¢) per hour. Provision is made for learners, who are to be paid eighty percent (80%) of the minimum wage for a three months learning period, but this class of employee shall not exceed 5% of the total number of employees. Aged employees to the extent of 2% of the total employees shall be paid not less than eighty percent (80%) of the minimum wage. Provision is made for an equitable adjustment of all wages above the minimum.

Silverware is a luxury. The raw materials which are used are costly and this must be recognized in considering the problems of production. This should undoubtedly be given much consideration in seeking to account for the rapid decline of the industry since 1929, at which time the total value of the products of the industry were \$85,800,000.00. This had declined in 1932 to \$33,000,000.00. There was a loss of 29 firms operating in the industry from 1929 to 1933.

It should also be emphasized that the business is largely seasonal since the sales are mostly made at certain seasons, viz, Fall, May and June for Weddings, and Christmas. For that reason it is important that the hours be averaged down to forty (40) per week over a three-months period rather than a flat forty (40) hour week.

Style, fluctuations in price of silver, and other materials and demand play a large part in this industry, and it is almost impossible to anticipate demands, thus leaving no possible way of so spreading out the work and the sales over several months so as to relieve con-

gestion and give steady employment to the workers and thus prevent the "dull" season.

In April 1933 there were 1,572 unemployed workers in this industry. Between April and October 1933 there has been a 20% increase in employment and approximately 17% increase in the average hourly rate of pay.

FINDINGS

The Administrator finds that:

(a) The Code as recommended complies in all respects with the pertinent provisions of Title I of the Act, including, without limitation, subsection (a) of Section 7 and subsection (b) of Section 10 thereof; and that

(b) The Silverware Manufacturers Institute, the applicant group herein, imposes no inequitable restrictions on admission to membership and is truly representative of the Silverware Manufacturing Industry.

(c) The Code as recommended is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

This Industry has cooperated in a most satisfactory manner with the Administration in the preparation of this Code. From evidence adduced during this hearing and from recommendations and reports of the various Advisory Boards it is believed that this Code as now proposed and revised represents an effective, practical, equitable solution for this Industry and its approval as herewith submitted is recommended.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION

FOR THE

SILVERWARE MANUFACTURING INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Industry, and upon approval by the President, its provisions shall be the standards of fair competition for such Industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

1. The term the "Industry" as used herein shall mean the manufacture of Sterling Silverware, Platedware, Pewter; the manufacture of table knives, forks, spoons, and other flatware, hollow ware, toiletware, ornaments, Ecclesiastical ware, novelties, etc., where such articles are composed of solid silver, of metal plated with silver, gold, or other metal, or of nickel silver, or of pewter.

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

3. The term "Institute" as used herein shall mean the Silverware Manufacturers Institute.

4. The term "division" refers to the several parts of the industry which are or may be established by the Institute under the definitions in Section 1, as follows:

1. Plated Flatware
2. Plated Hollow Ware
3. Plated Toiletware and Novelties
4. Hotelware—Flatware and Hollow Ware
5. Pewter, Chromium Plate and Miscellaneous
6. Sterling Flatware
7. Sterling Hollow Ware
8. Sterling Toiletware
9. Sterling Novelties

5. The term "employee" as used herein includes anyone engaged in the industry in any capacity receiving compensation for his services, irrespective of the nature or method of payment of such compensation.

6. The term "learner" as used herein shall mean any employee with not more than three months' experience or employment in this industry.

7. The term "hotelware" (hollow ware and flatware) as used herein shall include that merchandise customarily sold to the hotel, club, restaurant, railroad, and steamship trade.

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

ARTICLE III—HOURS

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

(a) This limitation shall not apply to seasonal peak demand periods during which, however, no employee shall be permitted to work in excess of forty-eight (48) hours in any one calendar week; nor shall the average hours of employment for any three (3) months' period exceed forty (40) hours per week.

(b) Hub and die cutters may be employed a maximum of forty-eight (48) hours per week, but the total number of such employees working shall not exceed one in number, or five percent (5%) of the total number of employees engaged by such member of the Industry, whichever is the higher.

(c) Watchmen and engineers, who may be employed in pairs, and shall work not more than thirty-six and forty-eight hours in alternate weeks, or not more than forty-two (42) hours per week averaged over any period of two weeks.

(d) Officers, executives, and employees engaged in a managerial capacity who receive more than thirty-five dollars (\$35.00) per week, and outside salesmen, shall be exempt from the maximum hours herein established.

(e) The maximum hours fixed in this Article shall not apply to any employee on emergency repair work involving break-downs or protection of life or property, but in any such special case the average hours worked by any employee, when averaged over a period of six months, shall not exceed forty (40) hours per week.

(f) Employers while working as producers shall adhere to the working hours above prescribed in Section 1.

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

ARTICLE IV—WAGES

1. No employee shall be paid at a rate less than thirty-five cents (35¢) per hour, except as follows:

(a) Learners, who shall be employed as such for not more than three (3) months, shall be paid not less than eighty percent (80%) of the minimum hourly rate of compensation established in this Code. The number of learners employed by any one employer in any one month shall not exceed one in number or five percent (5%) of the total number of employees of such employer, whichever is the higher.

(b) Where, because of age, physical or mental handicap, a person's capacity is limited, the Code Authority may, upon petition

of an employer, and with the approval of the Administrator, permit such persons to be engaged in performing light work, provided, that the wages paid to such employee shall be not less than eighty percent (80%) of the minimum rate of pay herein established; provided, however, that he shall be paid the same rate per piece as other employees; and provided further, that such persons shall not in any case exceed two percent (2%) of the total number of persons regularly employed by the employer so petitioning.

(c) In the case of employees performing work for which they are paid per piece of work performed, the minimum rate of pay shall be sufficient to produce a weekly wage not less than the minimum rate prescribed in this Code for work on a time basis.

2. It is the policy of the members of this Industry to refrain from reducing the weekly rate of compensation of employees whose said rate of compensation is above the minimum rate established in this Article. As far as practicable, the rates of compensation for various labor operations which receive more than the minimum shall be equitably adjusted, due account being taken of the number and extent of such downward adjustments as may have been made in any individual case prior to May 1, 1933, as well as of the number and extent of such upward adjustments as may have been made subsequent to that date. Within thirty (30) days each manufacturer shall report to the Administrator, through the Code Authority, all readjustments of wage rates made in accordance with this section.

ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under sixteen (16) years of age shall be employed in the Industry, nor anyone under eighteen years of age at operations or occupations hazardous in nature or detrimental to health. In any State an employer shall be deemed to have complied with this provision if he shall have on file a certificate or permit duly issued by the authority in such State empowered to issue employment or age certificates or permits, showing that the employee is of the required age.

2. In compliance with Section 7 (a) of the Act it is provided:

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

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

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

3. No provisions in this Code shall supersede any State or Federal Law which imposes on employer more stringent requirements as to age of employees, wages, hours of work, or as to safety, health,

sanitary, or general working conditions than are imposed by this Code.

4. No employer shall reclassify employees or duties or occupations performed as they existed on October 1, 1933, or engage in any other subterfuge for the purpose of defeating the purposes or provisions of the Act or of this Code.

5. Each employer shall post and keep posted full copies of this Code in conspicuous places, accessible to all employees.

6. If any employer of labor in the Silverware Manufacturing Industry is also an employer of labor in any other Industry the provisions of this Code shall apply to and affect only that part of his business which is engaged in the manufacture of Silverware, as herein defined.

ARTICLE VI—HOME WORK

No member of the Industry shall distribute or permit to be distributed, directly or indirectly, work of any kind to be done in home or homes.

ARTICLE VII—ADMINISTRATION

To further effectuate the policies of the Act, a Code Authority is hereby established to cooperate with the Administrator in the administration of this Code.

1. Organization and constitution of Code Authority.

(a) The Code Authority shall consist of the Executive Council of the Silverware Manufacturers Institute, and in addition thereto, not more than three (3) members, without vote and without compensation from the Industry to be appointed by the Administrator and to serve for such time as he may designate.

(b) Vacancies in the personnel of the Code Authority selected by the Industry shall be filled through the appointment by the Administrator upon nomination of the Code Authority.

(c) In order that the Code Authority shall at all times be truly representative of the industry and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper, and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may take such action as he may deem necessary under the circumstances.

(d) Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall submit to the Administrator true copies of its articles of association, bylaws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

(e) Any action of the Code Authority or of any agency thereof, which the Administrator may deem unfair or improper, or which may be represented to him by any interested party, as unfair to any private interest, improper, or contrary to the public interest, may be suspended by the Administrator for such period of time, not to exceed thirty days, as he may deem necessary to afford an opportunity for investigation into such action. Further action by the Code Author-

ity, on the matter under investigation, shall be held in abeyance pending final determination by the Administrator.

2. The Code Authority shall have the following duties and/or powers in addition to those elsewhere provided in this Code, subject to the right of the Administrator to disapprove any action taken by the Code Authority.

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

(b) To adopt bylaws and rules and regulations for its procedure and for the administration and enforcement of the Code.

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

(d) To establish an adequate system of cost accounting, capable of uniform application within the Industry, which, when approved by the Administrator, shall be used by all members of the Industry as a basis for cost finding.

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

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

(g) To secure from members of the Industry who assent to this Code and/or participate in the activities of the Code Authority an equitable and proportionate payment of the reasonable expenses of maintaining the Code Authority and its activities.

(h) To recommend to the Administrator further fair trade practice provisions to govern members of the Industry in their relations with each other, or with other industries, and to recommend to the Administrator measures for industrial planning, including stabilization of employment.

3. No inequitable restrictions on admission to membership in the Silverware Manufacturers Institute, or any other trade association or organized group participating in the activities of the Code Authority, shall be imposed, and any member of the Industry shall be eligible for membership in any such trade association or organized group upon compliance with the provisions of the bylaws relating to membership, provided that any person applying for such membership shall, in addition to the payment of such dues as are imposed upon and paid by all other members, accept a reasonable and equi-

table share of the cost of code administration. Such members of the Industry who do not choose to become members of any such trade association or organized group may participate in the activities of the Code Authority by paying to the Code Authority such proportionate part of the cost of code administration as the Code Authority, subject to the disapproval of the Administrator, shall prescribe to be fair and equitable.

4. The Code Authority shall, within sixty (60) days after the effective date of this Code, establish a series of quality standards to mark the various grades and qualities of the products of the industry, which when approved by the Administrator, may be used by all members of the industry.

ARTICLE VIII—TRADE PRACTICES

The following practices constitute unfair methods of competition for members of the Industry and are prohibited:

1. No member of the Industry shall sell any product of the Industry below his individual cost figure, as determined by the cost accounting system to be established by the Code Authority and approved by the Administrator; or fail in the case of "group" sales to price and bill separately the individual prices of the articles comprising said "groups", provided, however, that any member of the Industry may, in order to meet bona fide competition in any specific instance, sell at the lowest reasonable cost within the Industry, as determined by the Code Authority and approved by the Administrator, notwithstanding such lowest reasonable cost may be less than his individual cost, and provided further, that obsolete and/or discontinued merchandise may be sold at less than cost if it is not deliberately manufactured in such manner as tends to frustrate the spirit and intent of this Code. All sales below cost as permitted above, and all sales of such obsolete and/or discontinued merchandise shall be reported to the Code Authority within five (5) days of the date of the sale, giving the name and address of the purchaser, the date and the amount of the sale, together with any other pertinent information requested by the Code Authority.

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

3. No member of the Industry shall secure or cause to be secured confidential information concerning the business of a competitor by a false or misleading statement or representation, by a false impersonation of one in authority, or by bribery, or by any other unfair method.

4. No member of the Industry shall procure, or cause to be procured, any information concerning the business of any other member

of the Industry which is properly regarded as a trade secret or as confidential, without such member's consent, provided that this Section shall not include information relating to a violation of any provision of this Code.

5. No member of the Industry shall imitate or copy any original design, mark, or brand exclusively owned by any other member of the industry, or simulate the quality markings as established by the Code Authority and approved by the Administrator, on goods inferior in quality to the standards established for the marks so simulated.

6. No member of the Industry shall use or substitute any material differing in quality from that specified by the purchaser.

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

8. No member of the Industry shall cause the defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations or false disparagement of the grade or quality of their goods.

9. No member of the Industry shall disseminate, publish, or circulate false or misleading information relative to products manufactured by such member or knowingly encourage or continue to sell to any distributor who persists in such practice.

10. No member of the Industry shall make or give any guaranty or protection in any form against advance or decline in the market price of any product, except as specifically permitted by the Code Authority subject to the approval of the Administrator.

11. No member of the Industry shall misdate any invoice in such manner as to result in the customer procuring the merchandise at a price below the current price.

12. No member of the Industry shall grant to any retail distributor special discounts or rebates or any allowances, direct or indirect, for advertising purposes, unless granted to all retail distributors under like terms and conditions.

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

14. No member of the Industry shall fail to adequately mark all products with the manufacturer's name or registered trade mark or with some other such mark which shall have been registered with the Code Authority for the purpose of identifying the maker, but no member of the Industry shall falsely mark or brand any product of the Industry which has the tendency to mislead or deceive customers or prospective customers, whether as to the grade, quality,

quantity, substance, character, nature, origin, size, finish, or preparation of any product of the Industry or otherwise.

15. No member of the Industry shall permit any buyer to return any merchandise, other than nationally advertised merchandise or samples not intended for resale, when the agreement of sale is fully performed by such member. No member of the Industry shall permit articles which carry a nationally advertised price to be returned by virtue of this section unless the buyer is charged with the cost of transportation and a minimum refinishing and/or rehandling charge of ten percent (10%) in the case of plated ware and five percent (5%) in the case of all sterling ware returned as provided for in this section. Nothing in this section shall be construed to prevent a member of the Industry from accepting the return of merchandise for legitimate credit reasons, when the return is approved by the Code Authority and/or the Administrator.

16. No member of the Industry shall ship any merchandise having a cost of less than ten dollars (\$10.00) net unless there shall be added to the invoice and collected from the customer a package charge of twenty-five cents (25¢).

17. No member of the Industry shall sell or offer for sale any article on which the manufacturer has stamped any quality mark established by the Code Authority and approved by the Administrator as provided for in Section 4 of Article VII unless the actual quality of said article conforms in all respects to the standard so established: Provided, however, that this provision shall not become effective for a period of ninety (90) days after the approval of such established quality marks by the Administrator.

18. No member of the Industry shall ship any merchandise except sterling ware on memorandum or consignment or sell such merchandise with the privilege of returning all or any portion of same. The provisions of this section shall not apply to merchandise shipped for exhibition purposes only and not intended for resale.

19. No member of the Industry shall ship any sterling ware on memorandum or consignment to remain in the dealer's hands for a period longer than fourteen (14) days. On all such memorandum or consignment shipment the dealer shall be charged with all transportation charges, and if such sterling ware is not returned within the period herein specified, the dealer shall immediately be billed for same and the invoice therefor shall clearly set forth the original shipping date and the date of receipt of such sterling ware by the dealer, and shall not be subject to return, except for legitimate credit reasons, when such return is approved by the Code Authority and/or the Administrator. The provisions of this section shall not apply to sterling ware shipped for exhibition purposes only and not intended for resale.

20. No member of the Industry shall publish or otherwise announce any guaranty, whether limited or unlimited, for a specified period of time in connection with the lasting or wearing qualities of plated ware, or encourage or continue to sell to any distributor or dealer who persists in publishing or otherwise announce such a guarantee in connection with the plated ware of the manufacturer concerned.

21. No member of the Industry shall submit contract proposals for hotel ware on other than standard forms to be established by the Code Authority, which shall include definite specifications in regard to base metal, weights of blanks of flatware for patterns that are regularly made in more than one weight, solder, silver plating standard, patterns, special markings, terms, and unit prices, and the date of such proposal, and unless specifications have been changed, no member of the Industry shall change his unit price on proposals already submitted, when such change is made to secure award of the contract by reducing such prices below one or more other bidders. Nothing in this section shall be construed to alter any right of any bidder to withdraw his proposal before acceptance thereof.

(a) No member of the Industry shall fail to charge for the cost of special consumer marking dies or stamps for hollow ware or flatware, or for the cost of marking consumer's names, monogram, or crest, whether stamped, hand engraved, etched, or applied on hotel hollow ware and flatware. Cost shall be determined as in Article VIII, Section (1) of this Code.

(b) No member of the Industry shall participate in connection with the sale of silverware in the financing in any form of hotels, clubs, restaurants, railroads, or steamship lines.

(c) Where a special pattern in hotel ware is made for the exclusive use of a consumer, no member of the Industry shall fail to charge for the cost of dies or tools necessary to produce the same, but upon payment thereof, such dies or tools for which such charge is made shall become the property of the consumer who pays for them. Costs shall be determined as set forth in Article VIII, Section (1) of this Code.

ARTICLE IX—MODIFICATION

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

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

ARTICLE X—MONOPOLIES, ETC.

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

ARTICLE XI—PRICE INCREASES

Whereas the policy of the Act to increase real purchasing power will be made impossible of consummation if prices of goods and

services increase as rapidly as wages, it is recognized that price increases should be delayed and that, when made, the same should, so far as reasonably possible, be limited to actual increases in the seller's costs.

ARTICLE XII—EFFECTIVE DATE

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

Approved Code No. 177.

Registry No. 1223-1-02.



Approved Code No. 178

CODE OF FAIR COMPETITION

FOR THE

WATCH CASE MANUFACTURING INDUSTRY

As Approved on December 23, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Watch Case Manufacturing Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said code of fair competition, together with his recommendations and findings with respect thereto, and the Administrator having found that the said code of fair competition complies in all respects with the pertinent provisions of Title I of said Act and that the requirements of clauses (1) and (2) of subsection (a) of section 3 of the said Act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations, and findings of the Administrator and do order that the said code of fair competition be and is hereby approved.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 23, 1933.

DECEMBER 18, 1933.

The PRESIDENT,
The White House.

SIR: A Public Hearing on the Code of Fair Competition for the Watch Case Manufacturing Industry of the United States, submitted by the National Watch Case Manufacturers Association, 20 West 47th Street, New York City, was conducted in Washington on the 29th of September 1933 in accordance with the provisions of the National Industrial Recovery Act. The Association claims to represent approximately 79 percent of the industry.

The maximum hours established in this code are forty (40) per week, with a provision for peak demand periods of 96 hours per year in excess of the maximum, provided time and one third is paid for all hours per week over forty (40).

The establishment of a 40-hour week by the code will not reabsorb any of the unemployed in this industry, numbering approximately 2,250 workers. The amount of production as well as the number of workers employed in this industry has steadily fallen since 1923, with the result that where 4,325 workers were employed in 1923, only 1,150 were employed in the industry during the first six months of 1933.

In order to reemploy the workers who have become detached from the industry since 1923 it would be necessary to establish an eleven-hour week, assuming that production will be maintained as of April 1933.

The average for all factory employees in this industry in 1929 was 55.5 hours per week. In April 1932 average hours had dropped to 29 per week. A slight improvement was registered in April 1933, when the average rose to 32 hours per week.

The minimum wage established in the code is 35¢ per hour, or \$14.00 per week. It is estimated that raising the wages of employees receiving below this minimum (approximately 26 percent of the total) would add about 5 percent to the pay roll of the industry. However, the code also provides that the wages of those employees receiving compensation in excess of the minimum shall be equitably adjusted where practicable, which will undoubtedly increase the pay roll to some extent.

The effect of wage increases on selling prices should not amount to more than three or four percent. However, the increasing price of gold will undoubtedly have a considerable effect on the prices of the products of this industry.

At the Public Hearing all factors were in complete agreement that the present loose stamping standards are woefully inadequate and operate to the distinct and definite disadvantage of the consumer, the employer, and the employee. The Code, therefore, provides standards for the products of this industry which will eliminate these evils and work to the advantage of everyone concerned.

FINDINGS

The Administrator finds that:

(a) The Code as recommended complies in all respects with the pertinent provisions of Title I of the Act, including, without limitation, subsection (a) of Section 7 and subsection (b) of Section 10 thereof; and that

(b) The Watch Case Manufacturers Association, the applicant group herein, imposes no inequitable restrictions on admission to membership and is truly representative of the Watch Case Manufacturing Industry; and that

(c) The Code as recommended is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

The Watch Case Manufacturing Industry has cooperated in a most satisfactory manner with the Administration in the preparation of this Code. From the evidence adduced during this hearing and from recommendations and reports of the various Advisory Boards it is believed that this Code as now proposed and revised represents an effective, practical, equitable solution for this industry, and its approval as herewith submitted is recommended.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION
FOR THE
WATCH CASE MANUFACTURING INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, this code is submitted as a Code of Fair Competition for the Watch Case Manufacturing Industry, and upon approval by the President its provisions shall be the standard of fair competition for such industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

1. The term "Watch Case Manufacturing Industry" as used herein is defined to mean the manufacture and sale by the manufacturer, of any case, covering, or housing, of any quality or description, for a time-keeping device intended to be worn on or about the person.

2. The term "employee" as used herein shall include all persons employed in any capacity in the conduct of any branch of the watch case manufacturing industry, as defined above, receiving compensation for his services, irrespective of the nature or method of payment of such compensation.

3. The term "employer" as used herein shall include all those who employ labor in the conduct of any branch of the watch case manufacturing industry as defined above, and anyone by whom such employee is compensated or employed.

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

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

ARTICLE III—HOURS

1. No employee shall be permitted to work in excess of forty (40) hours in any one week, or eight (8) hours in any twenty-four (24) hour period, except that due to seasonal peak demand periods, with the approval of the Administrator, an aggregate of ninety-six (96) hours per year in excess of the maximum shall be allowed provided, however, that time and one third shall be paid for all hours per week over forty (40).

2. The maximum hours fixed in the foregoing shall not apply: to executives and employees in managerial capacities who now receive thirty-five dollars (\$35.00) per week or more; nor to outside salesmen; nor to emergency repair crews while engaged in emergency

repair work, involving breakdowns or protection of life and property; provided, however, that emergency repair crews shall be paid one and one half times their normal rate of pay for all hours in excess of forty (40) per week.

ARTICLE IV—WAGES

1. No employee in the Watch Case Manufacturing Industry shall be paid at less than the rate of fourteen dollars (\$14.00) per week of forty (40) hours or thirty-five cents (35¢) per hour.

2. In the case of employees performing work for which they are paid per piece of work performed, the minimum pay which each member of the industry shall pay for such work shall not be less than thirty-five cents (35¢) per hour of labor. This Article establishes a minimum rate of pay, regardless of whether an employee is compensated on time rate, piecework performance, or other basis.

3. It is the policy of the members of this industry to refrain from reducing the weekly rate of compensation of employees whose said rate of compensation is above the minimum rate established in this Article. As far as practicable the rates of compensation for various labor operations which receive more than the minimum shall be equitably adjusted, due account being taken of the number and extent of such downward adjustments as may have been made in any individual case prior to May 1, 1933, as well as of the number and extent of such upward adjustments as may have been made subsequent to that date. Within thirty (30) days each manufacturer shall report to the Administrator through the Code Authority all readjustments of wage rates made in accordance with this section.

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

ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under sixteen (16) years of age shall be employed in the industry, nor anyone under eighteen (18) years of age at operations or occupations which are hazardous in nature or detrimental to health. The Code Authority shall submit to the Administrator before January 1, 1934, a list of such occupations. In any State an employer shall be deemed to have complied with this provision if he shall have on file a certificate or permit duly issued by the authority in such State empowered to issue employment or age certificates or permits, showing that the employee is of the required age.

2. In compliance with Section 7 (a) of the Act, it is provided:

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

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

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

3. Within each State this Code shall not supersede any laws of such State imposing more stringent requirements on employers regulating the age of employees, wages, hours of work, or general working conditions than under this Code.

4. Employers shall not reclassify employees or duties of occupations performed by employees so as to defeat the purposes of the Act.

5. Each employer shall post in conspicuous places full copies of this Code.

6. On and after the effective date of this Code all home work shall be prohibited.

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

8. If any employer in the Watch Case Manufacturing Industry is also an employer of labor in any other industry, the provisions of this Code shall apply to and affect only that part of the business of such employer which is included in the Watch Case Manufacturing Industry.

ARTICLE VI—ADMINISTRATION

To further effectuate the policies of the Act, a Code Authority is hereby established to cooperate with the Administrator in the administration of this Code.

SECTION 1. *Organization and Constitution of Code Authority.*—
(a) The Code Authority shall consist of five members of the Industry, or such other number as may be approved from time to time by the Administrator, to be chosen by a fair method of selection, approved by the Administrator. The Administrator, at his discretion, may appoint not more than three additional members, without vote and without compensation from the industry, to represent the Administrator and to serve for such time as he may designate.

(b) The National Watch Case Manufacturers' Association shall be the agency under the Code Authority for administering the provisions of this Code. This Association or any other industrial association directly or indirectly participating in the selection or activities of the Code Authority shall submit to the Administrator true copies of its articles of association, bylaws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

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

(d) No inequitable restrictions on admission to membership in the National Watch Case Manufacturers' Association or any other trade association or organized group, participating in the activities of the Code Authority shall be imposed, and any member of the industry shall be eligible for membership in any such trade association or organized group upon compliance with the provisions of the bylaws relating to membership, provided that any person applying for such membership shall, in addition to the payment of such dues as are imposed and paid by all other members, accept a reasonable and equitable share of the expenses of administration. Such members of the industry who do not choose to become members of any trade association or organized group may participate in the activities of the Code Authority as herein provided by paying to the Code Authority such proportionate part of the expenses of administration as the Code Authority, subject to the Administrator's approval, shall prescribe as fair and equitable.

SEC. 2. *Powers and Duties.*—The Code Authority shall have the following further powers and duties, the exercise of which shall be reported to the Administrator and shall be subject to his right, on review, to disapprove any action taken by the Code Authority.

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

(b) To adopt bylaws and rules and regulations for its procedure and for the administration and enforcement of the Code.

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

(d) To regulate the disposal of distress, obsolete and/or discontinued merchandise in a way to secure the protection of the owners and to promote sound conditions in the Industry.

SEC. 3. For the purpose of administering the provisions of this Code, the Code Authority, by its duly authorized representatives, not engaged in the Industry, shall have access to any and all statistical data that may be furnished in accordance with the provisions of this Code, and wherever such representatives may discover supporting facts indicating a violation of this Code, they shall furnish any and all statistical data pertaining to such violation to the Code Authority and the Administrator.

ARTICLE VII—TRADE PRACTICES

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

SECTION 1. To sell or offer for sale any product of the industry below cost, as determined by an adequate cost accounting system to be formulated by the Code Authority and approved by the Administrator. However, any member of the industry shall be permitted to sell below cost when necessary to meet the competitive price of a lower cost producer.

SEC. 2. To manufacture any merchandise so as to simulate obsolete and/or discontinued merchandise, and to sell or offer to sell the same in such a manner as to frustrate the spirit of this Code. Provided that any actually obsolete and/or discontinued merchandise may be sold at less than cost; such sales to be reported to the Code Authority within five days of the date thereof giving the quantity and price, together with any pertinent facts requested by the Code Authority.

SEC. 3. No member of the industry shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent, or the represented party, without the knowledge of such employer, principal, or party. Commercial bribery provisions shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

SEC. 4. The making, or causing, or knowingly permitting to be made or published, any false, substantially inaccurate, or deceptive statement, by way of advertisement or otherwise, whether concerning the grade, quality, quantity, substance, character, nature, origin, size, finish, or preparation of any product of the industry; or the credit terms values, policies, or services of any member of the industry, or otherwise, tending to mislead or deceive customers or prospective customers.

SEC. 5. The imitation of the trade marks, trade names, slogans, original designs, or brands, or other marks of identification of competitors, having the tendency and capacity to mislead or deceive purchasers or prospective purchasers.

SEC. 6. To make and supply exclusive models without including in the invoice as a separate item, the cost of any dies and tools especially made for the production.

SEC. 7. To supply, without charge, crystals, straps, bracelets, crowns, bows, pendants, or other parts; or to repair, without charge except for manufacturing defects, worn cases, crystals, straps, bracelets, or parts.

SEC. 8. To disseminate, publish, or circulate any false or misleading information relative to the conditions of employment of any member or to any product or price for any product of any member of the industry, or the credit standing or ability of any member thereof to perform any work, or manufacture or produce any product.

SEC. 9. To make or give any guaranty of protection in any form against advance or decline in the market price of any product.

SEC. 10. To grant secret payments or allowances of rebates, refunds, commissions, credits, or unearned discounts, whether in the

form of money or otherwise, or to grant any secret extension to certain purchasers of special services or privileges not extended to all purchasers on like terms and conditions.

SEC. 11. To ship goods, except samples, on consignment or memorandum.

SEC. 12. To sell on terms greater than two (2) percent tenth (10th) of month following, net sixty (60) days.

ARTICLE VIII—STANDARDS

1. No member of the Industry shall manufacture, sell, or offer for sale, any watch case, on the outside surface of which he has not indelibly and legibly stamped in some visible place his name or duly registered trade mark, accompanied by a quality mark equally indelible and legible, in accordance with the following standards and conditions.

(a) No watch case may be stamped, tagged, or described with the word "Quality" or with any other words or form of words denoting "quality", other than with one of the six specific quality marks as follows:

(1) No watch case may be stamped, tagged, or described with the quality mark "Platinum" unless every part of said case, free from solder, and excepting the crown, shall consist of at least 985/1000th parts of platinum, iridium, palladium, ruthenium, rhodium and/or osmium, and unless in addition the entire watch case, exclusive of the crown, shall consist of at least 950/1000th parts of pure platinum. In no case may the word "Platinum" be abbreviated.

(2) No watch case may be stamped, tagged, or described with the quality mark "Solid Gold" unless accompanied by its proper karat mark, and unless every part of the case, free from solder, shall assay in actual fineness, within three one-thousandth (3/1000th) parts of the fineness indicated by said karat mark; and unless in addition, the entire case exclusive of the crown, shall assay within one half karat fineness of the fineness indicated by said karat mark. In no case may the words "Solid Gold" be abbreviated.

(3) No watch case may be stamped, tagged, or described with the quality mark "Sterling" unless every part of the case, free from solder, shall assay nine hundred and twenty-five one-thousandths (925/1000th) pure silver with a tolerance of four one-thousandths (4/1000th), and unless in addition, the entire watch case exclusive of the crown, shall assay nine hundred and twenty-five one-thousandths (925/1000th) pure silver, with a tolerance of ten one-thousandths (10/1000th). In no case may the word "Sterling" be abbreviated.

(4) No watch case may be stamped, tagged, or described with the quality mark "Gold Filled" unless accompanied by its proper karat mark, and unless the sheet of gold affixed, brazed, or fused to the outer surface of the back, center, lugs, open face bezel, pendant, crown, and bow, shall be three one-thousandths (3/1000th) of an inch in thickness as a minimum; and unless the sheet of gold affixed, brazed, or fused to the inner surface of the back, the inner and

outer surfaces of the cap, and the outer surface of the hunting bezel, shall be one one-thousandth ($1/1000$ th) of an inch in thickness as a minimum. In no case may the words "Gold Filled" be abbreviated.

(5) No watch case may be stamped, tagged, or described with the quality mark "Rolled Gold Plate" unless accompanied by its proper karat mark, and unless the sheet of gold affixed, brazed, or fused to the outer surface of the back, center, lugs, open face bezel, pendant, crown and bow, shall be one and one-half one-thousandths ($1\frac{1}{2}/1000$ th) of an inch in thickness as a minimum. In no case may the words "Rolled Gold Plate" be abbreviated.

(6) No manufacturer shall make or offer for sale any watch case which does not contain Platinum, Gold, or Silver in quantity as determined by the Code Authority, unless he shall stamp the words "Base Metal" legibly and indelibly on the outside surface of said watch case, as provided in the first paragraph of this Article. In no case may the words "Base Metal" be abbreviated.

2. The quality marks "Solid Gold", "Gold Filled", and "Rolled Gold Plate" shall be accompanied in every instance with the proper karat mark: provided, however, that no watch case may be stamped with any such quality mark, unless it shall be of a quality of 10 karat fineness or greater. Such marks shall mean that the gold employed in all component parts of such watch case are of the fineness so stamped.

3. For the purpose of determining the legitimate use of specific trade names or marks on or in connection with watch cases of any given quality, each manufacturer shall file with the Code Authority a complete list of trade names or marks specifying in each case the grade or quality of the cases on which he proposes to stamp such names or marks; and the Code Authority, with the approval of the Administrator, shall decide as to the proper use of such names or marks.

4. It is hereby specifically provided that watch cases completely manufactured prior to the effective date of this Code shall be exempt from the provisions of this Article, provided that each member of the Industry shall, within thirty days after said effective date, certify under oath to the Code Authority, the number, type, markings, quality, and serial numbers, if any, of such completed watch cases as he has in finished stock on that date, and that sales of all such watch cases shall be reported monthly to the Code Authority, by the manufacturer, in detail, as to the date of sale, name of purchaser, number, type, markings, quality, and serial number, if any; and provided further that unless stamped in compliance with the provisions of this Article, regardless of the date of its manufacture, no watch case shall be sold, or offered for sale, after July 1, 1934, or such reasonable extension beyond said date as may be granted by the Administrator upon application therefor.

ARTICLE IX—MODIFICATION

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of subsection (b) of Section 10 of the Act, from time to

time to cancel or modify any order, approval, license, rule, or regulation issued under said Act.

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

ARTICLE X—MONOPOLIES

SECTION 1. No provision of this Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

ARTICLE XI—PRICE INCREASES

SECTION 1. Whereas the policy of the Act to increase real purchasing power will be made more difficult of consummation if prices of goods and services increase as rapidly as wages, it is recognized that price increases, except such as may be required to meet individual cost, should be delayed, but when made such increases should, so far as possible, be limited to actual additional increases in the seller's costs.

ARTICLE XII—EFFECTIVE DATE

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

Approved Code No. 178.

Registry No. 1225-01.



Approved Code No. 179

CODE OF FAIR COMPETITION

FOR THE

**ELECTROTYPING AND STEREOTYPING
INDUSTRY**

As Approved on December 23, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Electrotyping and Stereotyping Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said Code of Fair Competition, together with his recommendations and findings with respect thereto, and the Administrator having found that the said Code of Fair Competition complies in all respects with the pertinent provisions of Title I of said Act, and that the requirements of clauses (1) and (2) of subsection (a) of Section 3 of the said Act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do hereby adopt and approve the report, recommendations and findings of the Administrator and do order that the said Code of Fair Competition be and it is hereby approved, subject to the following conditions:

1. That the maximum hours of work specified in Article III of the Code and/or any other provisions of the Code relating to hours of work, shall not be construed as a minimum work day or work week;

PROVIDED, that if at any time in any locality, employees engaged in any trade or craft, through their chosen representatives, express by written request to their employer or employee, a desire

to share available work with bona fide resident competent mechanics in their particular trade or craft, the number of hours may be adjusted by mutual agreement;

PROVIDED further, that if local agreement proves impossible within fifteen (15) days after such request, the question may be appealed by either party to a local Board set up by mutual agreement of the parties, or to the Labor Board established in Article VIII of the Code.

2. That my approval of the Code as a separate Code is limited to a period of three (3) months from the effective date thereof, and the Administrator is hereby authorized, after such public notice and hearing as he may prescribe, to require the Electrotyping and Stereotyping Industry to operate under the Code of Fair Competition for the Graphic Arts Industries.

PROVIDED, however, that if the Administrator so orders, no changes in any provisions of the Code of Fair Competition for the Electrotyping and Stereotyping Industry other than appropriate modifications of the definitions and of the Administrative provisions of said Code, are authorized by this Order of Approval.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 23, 1933.

DECEMBER 22, 1933.

The PRESIDENT,
The White House.

SIR: Hearings were held on a Code for Electrotyping and Stereotyping coincidentally with the hearings on the other Graphic Arts Codes.

The Electrotyping and Stereotyping Industry was reluctant to come under the scope of such a basic code. Its attitude was the same as that of the Photo-Engraving Industry and the reasons for it are discussed at some length in my reports on the Graphic Arts and Photo-Engraving Codes and in the memorandum by Deputy Administrator Lindsay Rogers which is part of the Graphic Arts record. I recommend the approval of a separate code for Electrotyping and Stereotyping and suggest that your Executive Order make two conditions of approval of the code which will be more specifically referred to later.

EXTENT OF THE INDUSTRY

In the year 1929, according to the Census of Manufactures, there were 230 trade stereotyping and electrotyping establishments employing during the year an average of 6,487 wage earners at an average annual salary of approximately \$2,100. The total value of production during this year was in excess of \$35,000,000. In common with other branches of the Graphic Arts Industries these wage earners are for the most part highly skilled mechanics.

By 1931, employment in this branch of the industry had declined to 4,857 representing a decrease of over 25% from the 1929 level. It has not been possible to determine the extent to which unemployment has further grown at the present time, but there is no question that in common with other branches of the Graphic Arts it presents a very serious problem.

HOURS AND WAGES

In common with the Photo-Engraving Code a 40-hour work week is established as a maximum for productive employees. As I emphasized in my report to you on that trade the application of these provisions cannot be expected to reduce unemployment to any appreciable extent. It is to be hoped that voluntary work-sharing programs will be instituted, and continued where now prevalent to take up the slack and to ameliorate to some extent the conditions now prevailing among this highly skilled group of workers.

A basic minimum wage rate of \$1.00 per hour for electrotyping and stereotyping journeymen is specified in this Code with an increase of 10% for night workers. As in the case of the Photo-Engraving Code this represents substantial agreement between the industry

and the representatives of organized labor. The provisions for other employees conform essentially to those adopted in codes previously approved.

TRADE PRACTICES

The provisions regulating trade practices appear to be intelligently designed to prevent unsound competition in this industry, and involve no unsound economic policies.

ANALYSIS OF CODE

The Code as recommended may be summarized as follows:

Article I states the purposes of the Code.

Article II sets forth various definitions.

Article III prohibits the employment of persons under 16 years of age in this industry, embodies the mandatory provisions of Section 7 (a) of the National Industrial Recovery Act, and contains other provisions relating to general labor conditions.

Article IV provides a standard work week of 40 hours with certain exceptions.

Article V sets minimum wage scales.

Article VI establishes a standard basis of estimating and pricing and of determining costs of production.

Article VII constitutes a Code Authority and gives it certain powers.

Article VIII establishes a joint Labor Board to consider and pass upon any alleged violations, disputes or nonobservance of the Labor Provisions of this Code.

Article IX regulates trade practices.

Article X provides for the modification of this Code in accordance with the provisions of subsection (b) of Section 10 of the National Industrial Recovery Act.

Article XI specifies that no provision of this Code shall be so applied as to permit monopolies or monopolistic practices; and

Article XII fixes the effective date of the Code.

CONDITIONS OF APPROVAL

I recommend that your Executive Order suggest to the Industry the desirability of reducing the work week below forty hours when this can be done by agreement between representatives of the employers and representatives of the employees and that you empower the Labor Board, which the Code sets up, to act as an agency in using its good offices to effect proper adjustments below the maximum of forty hours per week.

The desire of the Graphic Arts Industries to have the basic code cover Electrotyping and Stereotyping has already been referred to. The present code does not cover privately owned electrotyping and stereotyping establishments (that is, operated in connection with commercial printing establishments and not making electrotyping and stereotyping for sale). Such privately owned establishments are covered under the Graphic Arts Code. Conflicts of jurisdiction are bound to arise.

Under these circumstances, I recommend that your Executive Order approving this Code make, as a condition of approval, the stipulation that the separateness of the Code for the industry be reconsidered at the expiration of a three-months period. When this period elapses the Code will be continued as a separate code or its provisions will be incorporated unchanged in the Graphic Arts basic code. The industry agrees to this condition of approval.

I am making the same recommendation in respect of the separate code for Photo-Engraving and in respect of the Graphic Arts Code, since it may turn out that certain industries and groups are improperly under this Code.

FINDINGS

The Administrator finds that:

(a) The Code complies in all respects with the pertinent provisions of Title I of the National Industrial Recovery Act, including without limitation subsection (a) of Section 7 and subsection (b) of Section 10 thereof; and

(b) The International Association of Electrotypers imposes no inequitable restrictions upon the membership therein and is truly representative of the Electrotyping and Stereotyping Industry; and

(c) The Code is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policies of Title I of the National Industrial Recovery Act.

I recommend that the Code be approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION
FOR THE
ELECTROTYPING AND STEREOTYPING INDUSTRY

ARTICLE I—PURPOSES

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

ARTICLE II—DEFINITIONS

The term "electrotyping and stereotyping industry" as used herein, includes all plants engaged in the production or partial production of electrotypes, stereotypes, matrices, wax engravings (running shells, casting and finishing), aluminotypes, and rubber plates, used in relief printing and/or made for sale or for the use and benefit of the producers or of others than the person, firm, or corporation that produces such products, and all persons, firms, or corporations that purchase the above-named products for the purpose of resale; excepting newspaper and periodical publishers who own and print their own publication or publications and who manufacture the product or products of the electrotyping and stereotyping industry for their own publications only.

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

The term "employee" or "employees" as used herein, is defined to include all persons hired or employed by any employer, as above defined, and the members of the family of any employer who are engaged in carrying on any operations within the Electrotyping and Stereotyping Industry, whether employed or not; excepting those persons who serve in executive, administrative, supervisory, and sales capacities.

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

The term "Standard Scale" shall mean the Standard Scale of electrotypes as published and approved by the International Association of Electrotypers September 24, 1931, or any subsequent reissues of same.

Population for the purposes of this Code shall be determined by reference to the latest Federal Census.

ARTICLE III—GENERAL LABOR CONDITIONS

1. No person under sixteen years of age shall be employed in the industry. No person under eighteen years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health.

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

3. In compliance with Section 7 (a) of the Act it is provided—

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

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

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

4. Nothing in this Code shall be construed or applied to supersede or interfere with existing agreements arrived at by bona fide collective bargaining.

5. Every employer shall make reasonable provision for the safety and health of his employees at the place and during the hours of their employment.

6. Standards for safety and health shall be submitted by the Code Authority to the Administrator for approval within three months after the effective date of this Code.

7. A placard containing all the provisions of this Code relating to hours, wages, and employment shall be posted in a prominent place in the workrooms of each establishment operating under this Code.

8. The Code Authority of the Industry will regulate or standardize conditions of employment other than hours and wages.

ARTICLE IV—HOURS OF LABOR

1. No mechanical employee including proprietors, supervisors, foremen and/or others for the time actually engaged in mechanical work, shall be permitted to work in excess of forty (40) hours in any one week, or eight (8) hours in any twenty-four (24) hour period, except as hereinafter provided. The total number of hours worked in any twenty-four (24) hour period shall be continuous except for lunch period of not less than thirty minutes and not more than one hour. It is not intended that any of the foregoing provisions shall limit the number of days per week a plant may operate, nor the number of shifts per day.

2. When necessary, overtime shall be permitted, but no person shall work more than a total of 520 hours in any consecutive 13 weeks; provided that when, due to the special character of the work, or when suitable help is unavailable, overtime shall be permitted in excess of the maximum hours herein provided. Overtime shall consist of all work performed in excess of the current daily schedule of working hours and maximum weekly hours, and shall be paid for at not less than time and one half of the employee's regular rate; for work on Sundays and customarily observed holidays, at not less than double time.

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

4. The provisions of this article shall not apply to outside salesmen and persons employed in a managerial or executive capacity, who receive more thirty-five dollars (\$35.00) per week, excepting those engaged in the production of electrotyping and stereotyping, nor to emergency maintenance and repair men, janitors, drivers, and delivery men, provided that such employees shall not be permitted to work in excess of 48 hours per week.

ARTICLE V—WAGES

1. The minimum wages to be paid shall be as follows:
 Electrotpe and Stereotype Journeymen, \$1.00 per hour.
 Branchmen (if before June 16, 1933), \$0.90 per hour.
 Laborers, \$0.40 per hour.

The minimum rate for night shifts shall be not less than 10% above day rate.

2. Each establishment, with the exception of those—

- (1) Which are operating under wage agreements arrived at by collective bargaining; and

- (2) Those which are paying not less than the wage rates which they were paying on July 15, 1929—

shall make increases in its average hourly compensation for all classes of skilled labor within 30 days after this Code becomes effective, on the following basis:

Including increases made under Section 1 of this Article, each plant shall increase the hourly rates to a point where (including increases made since July 1, 1933) they are 10 percent higher than the hourly rates in effect on July 1, 1933, with this limitation, that they need not increase rates above those paid on July 15, 1929, in the same plant or in similar plants in the same locality coming within the above clauses (1) and (2).

3. Within 30 days after this Code becomes effective any rate increases under Sections 1 and 2 must be further augmented, if necessary to bring the average hourly compensation paid above the compensation paid in each establishment up to 90 percent of the hourly rate prevailing on July 1, 1933, in the same locality, for those base classes of skilled labor named in the schedule set forth in Section 1 hereof.

Prevailing rates shall be the average of the hourly rates paid to the employees constituting that 50 percent of each class of skilled employees coming under this Code in that locality which was receiving the higher hourly wage rates on July 1, 1933. For example, if in a locality, a total of thirty journeymen were employed, ten of whom were receiving \$1.20 per hour and twenty of whom were receiving \$1.05 per hour, the prevailing rate would be the weighted average of \$1.20 for ten journeymen and of \$1.05 for five journeymen (making together 50 percent of the total number) or \$1.15, and 90 percent thereof would be \$1.035.

4. It is specifically understood that the foregoing provisions are intended to establish only minimum and not maximum wage requirements.

5. The ratio of apprentices shall be not more than one apprentice to three journeymen regularly employed, provided that this provision shall not apply to apprentices employed on or before December 1, 1933. The minimum wages for apprentices shall be based upon length of experience as follows; First year, 30¢ per hour; second year, 35¢ per hour; third year, 45¢ per hour; fourth year, 60¢ per hour; fifth year, 75¢ per hour. All apprentices employed by employers in this Industry shall be registered with the Code Authority.

6. Employees not otherwise covered by this Article shall be paid at not less than the following rates: \$15.00 per week in any city of over 500,000 population or in the immediate trade area of such city; \$14.50 per week in any city of between 250,000 and 500,000 population or in the immediate trade area of such city; \$14.00 per week in any city between 2,500 and 250,000 population or in the immediate trade area of such city; \$12.00 per week in towns of less than 2,500 population. No errand or messenger boy shall be paid less than 80% of the minimum wages specified in this section for the applicable area.

ARTICLE VI—COSTS

1. The basis of estimating and pricing in the Electrotyping and Stereotyping Industry shall be the Standard Scale, which scale was adopted on September 24, 1931, or such revisions thereof as may from time to time be approved by the Code Authority and the Administrator.

2. The principle of pricing shall be one price from any member to all of his customers for like services and like conditions of production and costs.

3. Every electrotype and stereotype establishment shall maintain the Standard Cost Finding System and Standard Accounting System approved by the International Association of Electrotypers and by the Administrator; or systems comparable therewith when approved by the Code Authority or by the Administrator.

4. Selling below the cost of production shall be a violation of this Code, provided, however, that any producer may sell at below his cost to meet the competition by any other producer who does not violate the Code.

5. Cost of production as herein used should include all direct labor and material at cost or market, whichever is lower, plus a pro-

portionate share of all indirect expenses, inclusive of depreciation and/or depletion computed according to the maximum rates of the Income Tax Procedure; but exclusive of any reserves for purposes other than depreciation, exclusive also of interest paid and developmental expenses, provided that the distribution of such indirect expenses per unit of product should be on the basis of an average rate of utilization of plant facilities by efficient producers during the period 1927-32.

ARTICLE VII—ADMINISTRATION

1. There shall be constituted a Code Authority consisting of five (5) persons who shall be truly representative of the employers, and who shall be selected by the Executive Committee of the International Association of Electrotypers.

2. In addition to membership as above provided, there may be three (3) members, without vote, to be appointed by the Administrator to serve without expense to the Industry.

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

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

5. Members of the Industry shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the selection of the members thereof by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the expenses of its administration. Such reasonable share of the expenses of administration shall be determined by the Code Authority, subject to review by the Administrator, on the basis of the number of mechanical employees employed and/or such other factors as the Code Authority may deem equitable.

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

7. The Code Authority shall have the following further powers and duties, the exercise of which shall be reported to the Administrator and shall be subject to his right, on review, to disapprove any action taken by the Code Authority.

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

(b) To adopt bylaws and rules and regulations for its procedure and for the administration and enforcement of the Code.

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

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

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

(f) To secure from members of the Industry an equitable and proportionate payment of the reasonable expenses of maintaining the Code Authority and its activities.

(g) To recommend to the Administrator further fair trade practice provisions to govern members of the Industry in their relations with each other or with other industries; to recommend to the Administrator measures for industrial planning, including stabilization of employment. Such recommendations when approved by the Administrator shall have full force and effect as provisions of this Code.

(h) In the absence of cost data and pending the compilation of such data in all electrotype and stereotype establishments, to prescribe regulations for determining the cost of production in each establishment, based upon that establishment's own actual expenses, for the purpose of enforcing Section 4 of Article VI.

(i) Any regional agency or agencies established in a locality as provided by the bylaws of the Code Authority shall have the right to prescribe credit terms for all establishments in such locality, subject to review by the Code Authority and the Administrator.

(j) Such regional agency or agencies shall also have power to establish standard forms of invoicing and billing, subject to the approval or review of the Code Authority and the Administrator.

ARTICLE VIII—LABOR BOARD

A Labor Board to consist of three members shall be established, two members truly representative of the Industry to be selected by the International Association of Electrotypers, and one member to be selected by the International Stereotypers and Electrotypers Union of North America. This Board shall consider and pass upon alleged violations, disputes, or nonobservance of the labor provisions of this Code. All decisions of the Labor Board shall, if unanimous, be final. In the event that no agreement is reached the matter shall be referred to the appropriate governmental agency.

ARTICLE IX—TRADE PRACTICE RULES

1. Violation of credit terms agreed upon in a given locality shall be a violation of this Code, provided that it shall not be a violation of this Section to offer credit terms in any locality other than that in which any establishment is situated as favorable as those provided for establishments in such other locality according to the provisions of Section (i) of Article VII.

2. Failure to apply rules respecting legitimate charges for extras and misrepresentation of classified work as set forth in the Standard Scale shall be a violation of this Code.

3. Estimates made upon work done by another electrotyping or stereotyping concern for the purpose of a check estimate shall only be furnished when the estimator has access to all copies and specifications involved in the original order.

4. Electrotypers or Stereotypers who secure an order on a competitive-bid basis may be required by the Code Authority, upon request of any unsuccessful bidder, to file their specifications and prices with the Code Authority so that it may determine whether any infraction of this Code has been committed.

5. The sale or invoicing of the manufactured product without the use of the Standard Scale, together with suitable discounts or additions, shall be a violation of this Code.

6. The payment or allowance of rebates, commissions, credits or unearned discounts, whether in the form of money or otherwise, or extending to certain purchasers special services or privileges not extended to all purchasers under like terms or conditions, shall constitute a violation of this Code.

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

8. Offers, secret or otherwise, to furnish electrotypes or stereotypes or other products of the electrotyping or stereotyping Industry free of charge or below cost to influence the sale of other products or services, shall constitute a violation of this Code.

9. Offers, secret or otherwise, to furnish other products or services free of charge or below cost to influence the sale of electrotypes or stereotypes or other products of the electrotyping or stereotyping industries, shall constitute a violation of this Code.

10. Inducing breach of contracts or agreements, espionage, imitation of trade names, or enticement of employees for the purpose of injuring a competitor, shall constitute a violation of this Code.

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

12. No member of the Industry shall knowingly withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any material particular.

13. No member of the Industry shall attempt to induce the breach of an existing contract between a competitor and his employee or customer or source of supply; nor shall any such member interfere with or obstruct the performance of such contractual duties or services, provided that nothing in this section shall be construed as preventing any employer from otherwise offering or giving employment to any person in the employ of another; and provided that nothing in this section shall prevent any employee from offering his services to a competitor, nor preventing any employer from employing the employee of another member of the Industry where the initiative in such change is taken by the employee.

14. Willful or malicious defamation of competitors or the disparagement of competitors' products, policies, equipment, or personnel shall constitute a violation of this Code.

ARTICLE X—MODIFICATION

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

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

ARTICLE XI—MONOPOLIES

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

ARTICLE XII—EFFECTIVE DATE

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

Approved Code No. 180

CODE OF FAIR COMPETITION

FOR THE

PHOTO-ENGRAVING INDUSTRY

As Approved on December 23, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Photo-Engraving Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said Code of Fair Competition, together with his recommendations and findings with respect thereto, and the Administrator having found that the said Code of Fair Competition complies in all respects with the pertinent provisions of Title I of said Act, and that the requirements of clauses (1) and (2) of subsection (a) of Section 3 of the said Act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do hereby adopt and approve the report, recommendations and findings of the Administrator and do order that the said Code of Fair Competition be and it is hereby approved, subject to the following conditions:

1. That the maximum hours of work specified in Article III of the Code and/or any other provisions of the Code relating to hours of work, shall not be construed as a minimum work day or work week;

PROVIDED, that if at any time in any locality, employees engaged in any trade or craft, through their chosen representatives, express by written request to their employer or employers, a desire to share available work with bona fide resident competent mechanics in their particular trade or craft, the number of hours may be adjusted by mutual agreement;

PROVIDED, further, that if local agreement proves impossible within fifteen (15) days after such request, the question may be appealed by either party, to a local Board set up by mutual agreement of the parties, or to the Labor Board established in Article VIII of the Code.

2. That my approval of the Code as a separate Code is limited to a period of three (3) months from the effective date thereof, and the Administrator is hereby authorized, after such public notice and hearing as he may prescribe, to require the Photo-Engraving Industry to operate under the Code of Fair Competition for the Graphic Arts Industries.

PROVIDED, however, that if the Administrator so orders, no changes in any provisions of the Code of Fair Competition for the Photo-Engraving Industry other than appropriate modifications of the definitions and of the Administrative provisions of said Code, are authorized by this Order of Approval.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator

THE WHITE HOUSE,
December 23, 1933.

DECEMBER 22, 1933.

The PRESIDENT,
The White House.

SIR: During the week of September 18, hearings were held on codes that had been presented for various branches of the Graphic Arts Industries. It was the suggestion of the Administration that all the Graphic Arts be brought under one basic code, with the autonomous administration to which they could lay proper claim.

The photo-engraving branch of the industry is essentially a service branch, selling its product to commercial printers. It was reluctant to enter into any arrangement whereby its customers would have a measure of control over the conduct of its business. For reasons which are outlined in the Report which has been made to me by Deputy Administrator Lindsay Rogers, I have deemed it desirable to present for your approval a separate code for this branch of the industry. I recommend, however, that your Executive Order make two conditions of approval of the Code, which will be more specifically referred to later.

EXTENT OF THE INDUSTRY

In the year 1931, according to the Census of Manufacturers, there were 617 trade photo-engraving establishments employing an average of 10,095 wage earners at an average annual wage of approximately \$2,500. The total value of production during this year was in excess of \$56,000,000. The employees of all branches of the Graphic Arts Industries are highly skilled and of all these groups the skill required of the Photo-Engraving journeyman is certainly not the least. Recognition of this condition is implied in the fact that the annual wage above mentioned compared with an average for commercial printers in 1931 of only \$1,585.

It has not been possible to separate unemployment in photo-engraving separate from unemployment in commercial printing as a whole. During the month of August 1933, after the general adoption of the President's Reemployment Agreement, the seasonally adjusted index of employment in the Book and Job branch of the Graphic Arts was 67.6 (based on 100 for 1929) which indicated a reduction in the number of fully employed wage earners of approximately one third ($\frac{1}{3}$) from the 1929 level. There is no reason for inferring that photo-engraving presents an exception to this condition. Figures presented at the public hearing by union representatives of the International Photo-Engravers Union, which embraces more than 90 percent of the photo-engravers workers in this country, conclusively showed that unemployment in this branch of the industry was if anything worse than in the graphic arts as a whole. In the month of June, 1933, 3,143 photo-engraving journeymen, representing 36.9 percent of union membership, were totally

unemployed, and 3,529, representing 41.4 percent of union membership, had only part-time employment.

HOURS AND WAGES

The Code in its present form provides a 40-hour week as a maximum for productive employees. There are few establishments at present operating over this limitation. The application of codal provisions cannot, therefore, be expected to reduce unemployment to any appreciable extent. It is to be hoped, therefore, that voluntary work-sharing programs will be instituted, and continued where now prevalent, to take up the slack and to ameliorate to some extent the conditions now prevailing among this highly skilled group of workers.

A basic minimum wage rate of \$1.00 per hour for journeymen photo-engravers working during the day and of \$1.10 for night work is specified in this Code. This represents substantial agreement between the industry and the representative of organized labor. The provisions for nonproductive employees conform essentially to those adopted in codes previously approved.

TRADE PRACTICES

The provisions regulating trade practices appear to be intelligently designed to promote fair competition in this industry and involve no unsound economic policies.

ANALYSIS OF CODE

The Code as recommended may be summarized as follows:

Article I states the purposes of the Code.

Article II sets forth various definitions.

Article III provides a standard work week of 40 hours with certain exceptions.

Article IV sets minimum wage scales.

Article V prohibits the employment of persons under 16 years of age in this industry, embodies the mandatory provisions of Section 7(a) of the National Industrial Recovery Act, and contains other provisions relating to general labor conditions.

Article VI establishes a standard basis of cost accounting.

Article VII constitutes a Code Authority and gives it certain powers.

Article VIII establishes a joint Labor Board to consider and pass upon any alleged violations, disputes, or nonobservance of the Labor Provisions of this Code.

Article IX regulates trade practices.

Article X provides for the modification of this Code in accordance with the provisions of subsection (b) of Section 10 of the National Industrial Recovery Act.

Article XI specifies that no provision in this Code shall be so applied as to permit monopolies or monopolistic practices; and

Article XII fixes the effective date of the Code.

CONDITIONS OF APPROVAL

I recommend that your Executive Order specify that the normal work week of forty hours is not to be construed as a minimum; suggest to the Industry the desirability of reducing the work week below forty hours when this can be done by agreement between representatives of the employers and representatives of the employees; and empower the Labor Board, which the Code sets up, to act as an agency in using its good offices to effect proper adjustments below the maximum of forty hours per week.

The desire of the Graphic Arts Industries to have the basic code cover Photo-Engraving has already been referred to. The present code does not cover privately owned photo-engraving establishments (that is, operated in connection with commercial printing establishments and not making photo-engravings for sale). Such privately owned establishments are covered under the Graphic Arts Code. Conflicts of jurisdiction are bound to arise.

Under these circumstances, I recommend that your Executive Order approving this code make, as a condition of approval, the stipulation that the separateness of the code for the industry will be reconsidered at the expiration of a three months' period. When this period elapses the Code will be continued as a separate code or its provisions will be incorporated unchanged in the Graphic Arts basic code. The industry agrees to this condition of approval. I am making the same recommendation in respect of the separate code for Electrotyping and Stereotyping and in respect of the Graphic Arts Code, since it may turn out that certain industries and groups are improperly under this Code.

FINDINGS

The Administrator finds that:

(a) The Code complies in all respects with the pertinent provisions of Title I of the National Industrial Recovery Act, including without limitation subsection (a) of Section 7 and subsection (b) of Section 10 thereof; and

(b) The American Photo-Engravers Association imposes no inequitable restrictions upon the membership therein and is truly representative of the Photo-Engraving Industry; and

(c) The Code is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policies of Title I of the National Industrial Recovery Act.

I recommend that the Code be approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION
FOR THE
PHOTO-ENGRAVING INDUSTRY

ARTICLE I—PURPOSES

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

ARTICLE II—DEFINITIONS

The term "photo-engraving industry" as used herein includes all plants engaged in the production or partial production of photo-engraved plates for sale or for the use and benefit of others than the person, firm, or corporation that produces such plates, and all persons, firms, or corporations that purchase photo-engraved plates for purposes of resale.

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

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

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

Population for the purposes of this Code shall be determined by reference to the latest Federal Census.

ARTICLE III—HOURS

1. No employee, or member of the industry, engaged in the production of photo-engravings shall be permitted to work in excess of forty (40) hours in any one week, or eight (8) hours in any twenty-four (24) hour period, except as hereinafter provided. The total number of hours worked in any twenty-four (24) hour period shall be continuous except for lunch periods of not less than thirty minutes and not more than one hour.

2. When necessary, overtime shall be permitted, but no person shall work more than a total of 520 hours in any consecutive 13 weeks; provided, that when, due to the special character of the work, or when suitable help is unavailable, overtime shall be permitted in

excess of the maximum hours herein provided. Overtime shall consist of all work performed in excess of the current daily schedule of working hours, and maximum weekly hours and shall be paid for at not less than time and one half of the employee's regular rate; for work on Sundays and customarily observed holidays, at not less than double time.

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

4. The provisions of this article shall not apply to outside salesmen and persons employed in a managerial or executive capacity, who receive more than \$35.00 per week, excepting those engaged in the production of photo-engraving; or to emergency maintenance and repair men, janitors, drivers, and delivery men, provided that such employees shall not be permitted to work in excess of 44 hours per week.

ARTICLE IV—WAGES

1. No journeyman of five (5) years or more experience, and no worker of more than three (3) years experience who regularly performs journeymen's duties, shall be paid at less than the rate of \$1.00 per hour for hours worked between 8 A.M. and 6 P.M.; nor shall any such employee be paid less than \$1.10 per hour for work performed regularly between the hours of 6 P.M. and 8 A.M. In no instance shall the foregoing be applied in a manner to reduce the present hourly rate paid to any employee. It is specifically understood that the foregoing provision is intended to establish only minimum and not maximum wage requirements.

2. The ratio of apprentices shall be not more than one apprentice to three journeymen regularly employed, provided that this provision shall not apply to apprentices employed on December 1, 1933. The minimum wages for apprentices shall be based upon length of experience as follows: First year, 30¢ per hour; second year, 40¢ per hour; third year, 50¢ per hour; fourth year, 65¢ per hour; fifth year, 80¢ per hour. All apprentices employed by employers in this industry shall be registered with the Code Authority.

3. Employees not covered by Sections 1 and 2 of this article shall be paid at not less than the following rates: \$15.00 per week in any city of over 500,000 population, or in the immediate trade area of such city; \$14.50 per week in any city of between 250,000 and 500,000 population, or in the immediate trade area of such city; \$14.00 per week in any city of between 2,500 and 250,000 population, or in the immediate trade area of such city; \$12.00 per week in towns of less than 2,500 population. No errand or messenger boy shall be paid less than 80% of the minimum wages specified in this section for the applicable area.

ARTICLE V—GENERAL LABOR CONDITIONS

1. No person under sixteen years of age shall be employed in the industry. No person under eighteen years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health.

2. In compliance with Section 7 (a) of the Act it is provided:

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

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

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

3. No employer shall reclassify employees or duties of occupations performed or engaged in any other subterfuge for the purpose of defeating the purposes or provisions of the Act or of this Code.

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

5. Nothing in this Code shall be construed or applied to supersede or interfere with existing agreements arrived at by bona fide collective bargaining, unless the same are revised by mutual consent of the contracting parties.

6. Every employer shall make reasonable provision for the safety and health of his employees at the place and during the hours of their employment.

7. Standards for safety and health shall be submitted by the Code Authority to the Administrator for approval within sixty days after the effective date of this Code.

8. A placard containing all the provisions of this Code relating to hours, wages, and employment shall be posted in a prominent place in the workroom of each establishment operating under this Code.

ARTICLE VI—Costs

1. The basis of estimating and pricing in the photo-engraving industry shall be the Standard Scale for Photo-Engravings, Form H, and the Standard Scale for Color Process Plates, Form G, which scales were in effect August 1, 1932, and prior thereto; or such revisions thereof as may from time to time be approved by the Code Authority and the Administrator.

2. The principle of pricing shall be one price to all customers for like services and like conditions of production and costs.

3. Every photo-engraving establishment shall maintain the Standard Cost Finding System and Standard Accounting System approved by the American Photo-Engravers Association and by the Administrator; or systems comparable therewith when approved by the Code Authority and the Administrator.

4. Selling below the cost of production shall be a violation of this Code, provided that the producer may sell below his own cost to meet competition by a producer who does not violate the Code.

5. The term "cost of production" as used in this Code shall include all expenses of manufacturing, distribution, administration and financing incident to the conduct of business, ascertained in accordance with the Accounting and Cost Finding Systems provided in Section 3 of this article, and the wages, salaries of proprietors, partners, and stockholders shall be the wages and salaries paid for like services and under like conditions, but in no case less than the standards provided in this Code.

ARTICLE VII—ADMINISTRATION

1. There shall forthwith be constituted a Code Authority consisting of five (5) persons, to be selected in the following manner: four members shall be selected by the Executive Committee of the American Photo-Engravers' Association; one member shall be selected by the Executive Committee of the Employing Photo-Engravers' Association of America.

2. In addition to membership as above provided, there may be three (3) members, without vote, to be appointed by the Administrator to serve without expense to the Industry.

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

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

5. Members of the industry shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the selection of the members thereof by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the expenses of its administration. Such reasonable share of the expenses of administration shall be determined by the Code Authority, subject to review by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable.

6. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Code Authority. Nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be

liable to anyone for any action or omission to act under this Code, except for his own willful misfeasance or nonfeasance.

7. The Code Authority shall have the following further powers and duties, the exercise of which shall be reported to the Administrator and shall be subject to his right, on review, to disapprove any action taken by the Code Authority.

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

(b) To adopt bylaws and rules and regulations for its procedure and for the administration and enforcement of the Code.

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

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

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

(f) To secure from members of the industry an equitable and proportionate payment of the reasonable expenses of maintaining the Code Authority and its activities.

(g) To recommend to the Administrator further fair trade practice provisions to govern members of the industry in their relations with each other or with other industries and to recommend to the Administrator measures for industrial planning, including stabilization of employment.

(h) In the absence of cost data and pending the compilation of such data in all photo-engraving establishments, to prescribe regulations for determining the cost of production in each establishment, based upon that establishment's own actual expenses, for the purpose of enforcing Section 4 of Article VI.

(i) To designate which regional agency, or agencies, shall have jurisdiction over complaints involving unfair competition arising between members of the industry located in different districts.

ARTICLE VIII—LABOR BOARD

A Labor Board to consist of one member selected by the American Photo-Engravers' Association, one member selected by the Employ-

ing Photo-Engravers' Association of America, and one member selected by the International Photo-Engravers' Union of North America shall consider and pass upon any alleged violations, disputes, or nonobservance of the labor provisions of this Code. All decisions of the Labor Board shall, if unanimous, be final. In the event that no agreement is reached the matter shall be referred to the appropriate governmental agency.

ARTICLE IX—TRADE PRACTICE RULES

1. Estimates made upon work done by another photo-engraving concern for the purpose of a check estimate shall only be furnished when the estimator has access to all copies and specifications involved in the original order.

2. Photo-engravers who secure an order on a competitive-bid basis may be required by the Code Authority, upon request of any unsuccessful bidder, to file their specifications and prices with the Code Authority so that it may determine whether any infraction of this Code has been committed.

3. The granting of cash discounts in excess of 2%, or for payment later than the 15th day of the month following date of invoice, shall constitute a violation of this Code.

4. The secret payment or allowance of rebates, commissions, credits, or unearned discounts, whether in the form of money or otherwise, or extending to certain purchasers special services or privileges not extended to all purchasers under like terms or conditions, shall constitute a violation of this Code.

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

6. Offers, secret or otherwise, to furnish photo-engravings or other products of the photo-engraving industry free of charge or below cost to influence the sale of other products or services shall constitute a violation of this Code.

7. Offers, secret or otherwise, to furnish other products or services free of charge or below cost to influence the sale of photo-engravings or other products of the photo-engraving industry shall constitute a violation of this Code.

8. Inducing breach of contracts or agreements, espionage, imitation of trade names, or enticement of employees for the purpose of injuring a competitor shall constitute a violation of this Code.

9. No member of the industry shall publish advertising (whether printed, radio, display, or of any other nature), which is misleading or inaccurate in any material particular, nor shall any member, in any way misrepresent any goods (including, but without limitation, its use, trade mark, grade, quality, quantity, origin, size, sub-

stance, character, nature, finish, material, content, or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted.

10. No member of the industry shall knowingly withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any material particular.

11. No member of the industry shall attempt to induce the breach of an existing contract between a competitor and his employee or customer or source of supply; nor shall any such member interfere with or obstruct the performance of such contractual duties or services, provided that nothing in this section shall be construed as preventing any employer from otherwise offering or giving employment to any person in the employ of another; and provided that nothing in this section shall prevent any employee from offering his services to a competitor, nor preventing any employer from employing the employee of another member of the Industry where the initiative in such change is taken by the employee.

12. Willful or malicious defamation of competitors or the disparagement of competitors' products, policies, equipment, or personnel, shall constitute a violation of this Code.

ARTICLE X—MODIFICATION

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

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

ARTICLE XI—MONOPOLIES, ETC.

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

ARTICLE XII—EFFECTIVE DATE

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

Approved Code No. 180.
Registry No. 504-1-04.

Approved Code No. 181

CODE OF FAIR COMPETITION
FOR THE
COMMERCIAL REFRIGERATOR INDUSTRY

As Approved on December 23, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Commercial Refrigerator Industry, and hearings having been held thereon, and the Administrator having rendered his report containing an analysis of the said Code of Fair Competition, together with his recommendations and findings with respect thereto, and the Administrator having found that the said Code of Fair Competition complies in all respects with the pertinent provisions of Title I of said Act, and that the requirements of Clauses (1) and (2) of sub-section (a) of Section 3 of said Act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations and findings of the Administrator and do order that the said Code of Fair Competition be and it is hereby approved.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

The WHITE HOUSE,
December 23, 1933.

DECEMBER 5, 1933.

The PRESIDENT,
The White House.

SIR: 1. This is a report on the Code of Fair Competition for The Commercial Refrigerator Industry in the United States as revised after the hearing conducted in Washington on November 9, 1933, in accordance with the provisions of the National Industrial Recovery Act.

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

ARTICLE III—HOURS

2. This Article stipulates that no employee shall work in excess of forty (40) hours a week, nine (9) hours a day, and five (5) days a week, excepting that in peak periods, and for times not to exceed eight (8) weeks in any six (6) months' period, employees may work forty-eight (48) hours per week, provided, however, that at least one and one half ($1\frac{1}{2}$) times the normal rate of pay is paid for hours in excess of forty (40) hours a week and eight (8) hours per day. There are certain exceptions. The first of these covers employees in emergency maintenance and emergency repair work involving breakdowns or protection of life and property with one and one half ($1\frac{1}{2}$) for overtime. The second exception is travelling salesmen and employees engaged in managerial and executive work who receive more than thirty-five dollars (\$35.00) per week. The third exception from the general rule covers the week of office and clerical employees, which is made five and one half ($5\frac{1}{2}$) days instead of five (5) days. The fourth exception is firemen, who shall not work more than forty-eight (48) hours per week or more than ten hours per day. The fifth exception is watchmen whose hours per week are limited to forty-eight (48). The final exception is truck drivers, installation, repair and/or erection employees who are allowed a tolerance of ten (10) percent in any week and receive one and one half ($1\frac{1}{2}$) for time worked in excess of nine (9) hours per day.

ARTICLE IV—WAGES

3. The minimum wage is forty cents (\$0.40) per hour except that in the South thirty-seven and one-half cents ($\$0.37\frac{1}{2}$) per hour may be paid. The Industry has agreed and it is provided in the Code that this differential deserves study and investigation by the Code Authority with a view to its elimination at the earliest time practicable for the industry. The minimum wage provided for clerical and office employees is a flat rate of fifteen dollars (\$15.00) per week. Wages for learners are thirty-two cents (\$0.32) per hour

with the proviso that no member of the industry shall allow this category of workers to exceed 5% of the total number of workers which the member employs. Learners are defined as beginner employees requiring instruction and/or experience for a period of three (3) months and employees can be classified as learners only once.

This Article establishes a minimum rate of pay regardless of whether the employee is compensated on a time rate, piece work, or other basis; prohibits any evasion of the wage schedules through dismissals and reemployment; provides for an equality of pay as between males and females; limits the employment of handicapped persons to such persons and conditions of employment prescribed by such State authority as is designated by the United States Department of Labor; and provides, finally, for an equitable readjustment of all wages above the minimum.

ARTICLE V—GENERAL LABOR PROVISIONS

4. This Article provides that no person under sixteen (16) years of age shall be employed in the industry, nor anyone under eighteen (18) years of age at operations or occupations which are hazardous in nature or dangerous to health.

This Article embodies subparagraph (a) of Section 7 of Title I of the National Industrial Recovery Act.

This Article further provides that employers shall not reclassify employees or the duties of occupations so as to defeat the purpose of the Act and requires every employer to make reasonable provision for the safety and health of his employees, to post complete copies of this Code in accessible places and to make payment of all wages at regular pay periods and in lawful currency or by negotiable check payable on demand.

ECONOMIC EFFECT OF THE CODE

5. The members of this industry manufacture commercial refrigerators and the state of the industry is necessarily dependent upon factors outside the industry, such as the demand for vegetable and animal products whose retail distribution requires refrigeration. According to the report of the Division of Research and Planning the decline in employment in this industry since 1929 has been 31%, which represents a numerical decline of 1,250 men. Assuming that demand returns to the 1931 level, this same report indicates that the forty-hour week provided in this Code will re-absorb at least 450 workers and create employment at least 14.2 percent greater than the 1931 level, or 91.4 percent of the 1929 level.

In addition to the re-employment which should, in this Industry, follow approval of this Code, the purchasing power of the employees should also be developed. The report of the Research and Planning Division shows a decline in the wages of this Industry since 1929 of approximately 21 percent for unskilled and skilled labor alike. This represents a decline from 67.3 in 1929 to 53.3 in 1933 in the average hourly earnings for skilled labor, and from 43.7 in 1929 to 34.5 in 1933 in the average hourly earnings for unskilled labor. The members of the Industry have been as desirous as anyone of

stemming this decline. By cooperating through the President's Re-employment Agreement they have stemmed it, and the wage rates provided in this Code promise, with such adjustments as are outlined in the Code, to fulfill the objects of the Act. The minimum wage stipulated is five and one half cents ($\$0.05\frac{1}{2}$) higher than the average wage now paid and but three and seven tenths cents ($\$0.037$) lower than the average paid in 1929. This is a substantial increase over the wage levels of last spring.

FINDINGS

The Administrator finds that:

(a) The Code as recommended complies in all respects with the mandatory provisions of Title I of the Act, including, without limitation, subsection (a) of Section 7 and subsection (b) of Section 10 thereof, and that

(b) The applicant group imposes no inequitable restrictions on admission to membership therein and is truly representative of the Commercial Refrigerator Industry; and that

(c) The Code as recommended is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

It is recommended, therefore, that this Code be approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION
FOR THE
COMMERCIAL REFRIGERATOR INDUSTRY

ARTICLE I—PURPOSES

To effect the policies of Title I of the National Industrial Recovery Act this Code is submitted as a Code of Fair Competition for the Commercial Refrigerator Industry, and upon approval by the President its provisions shall be the standards of fair competition for such industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

SECTION 1. The term "Commercial Refrigerator Industry" or "Industry", as used herein, is defined to include the manufacturing and the installing, and/or repairing (by the manufacturer) of commercial refrigerators, and such branches or subdivisions thereof as may from time to time be included under the provisions of this Code.

SEC. 2. The term "Commercial Refrigerator" as used herein is defined to mean an insulated room, box, chest, cabinet, display case or counter, when not a part of the fixed construction, for the storage and/or display of perishable food or other products under refrigeration, in meat markets, grocery and delicatessen stores, florists' shops, hotels, restaurants, clubs, institutions, and such other similar establishments where such food or other products are retained or stored in large quantities for purposes of sale or service; provided, however, that this term does not include the refrigerating unit or agent.

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

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

SEC. 5. The term "learner" as used herein is defined to mean and include all beginner employees requiring instruction and/or experience in their duties and/or occupations for a period not to exceed three (3) months.

SEC. 6. The term "trade" as used herein shall mean all channels of distribution of the products.

SEC. 7. The term "Association" as used herein is defined to mean "The Commercial Refrigerator Manufacturers Association."

SEC. 8. The term "South" as used herein shall mean the States of South Carolina, Georgia, Florida, Arkansas, Alabama, Mississippi, Louisiana, Arizona, Oklahoma, Texas, and New Mexico.

SEC. 9. The terms "Act" and "Administrator" as used herein mean, respectively, Title I of the National Industrial Recovery Act and the Administrator for Industrial Recovery.

ARTICLE III—HOURS

SECTION 1. *Maximum hours.*—No employee shall be permitted to work in excess of forty (40) hours per week (except that in cases of peak demand employees may work forty-eight (48) hours for eight (8) weeks in any six (6) months period), or nine (9) hours in any twenty-four (24) hour period, or more than five (5) days in any week (seven (7) day period). At least one and one half ($1\frac{1}{2}$) times the normal rate shall be paid for hours worked in excess of eight (8) hours in any twenty-four (24) hour period and forty (40) hours in any five (5) day period.

SEC. 2. *Exceptions as to hours.*—The maximum hours otherwise fixed herein shall not apply to employees in emergency maintenance or emergency repair work involving breakdowns or protection of life or property, but in any such special case at least one and one half ($1\frac{1}{2}$) times the normal rate shall be paid for hours worked in excess of the maximum hours otherwise herein provided.

SEC. 3. Excepted also shall be travelling salesmen and employees engaged in managerial or executive work who receive more than thirty-five dollars (\$35.00) per week (seven (7) day period).

SEC. 4. Excepted also shall be office or clerical employees, who shall not work or be permitted to work in excess of forty (40) hours per week (seven (7) day period), or nine (9) hours in any one twenty-four (24) hour period, or more than five and one half ($5\frac{1}{2}$) days in any week.

SEC. 5. Excepted also shall be firemen who shall not be permitted to work more than forty-eight (48) hours per week (seven (7) day period) or more than ten (10) hours in any twenty-four (24) hour period.

SEC. 6. Excepted also shall be watchmen who shall not be permitted to work more than forty-eight (48) hours in any week (seven (7) day period).

SEC. 7. Excepted also shall be truck drivers, installation, repair, and/or erection employees who shall be permitted a tolerance of ten percent (10%) in any week (seven (7) day period, provided, however, that such employees who work in excess of nine (9) hours in any twenty-four (24) hour period or more than forty-four (44) hours per week shall be paid not less than one and one half ($1\frac{1}{2}$) times their normal rate of pay for said excess.

SEC. 8. *Employment by several employers.*—No employer shall knowingly permit any employee to work for any time which, when totaled with that already performed with another employer or employers in this industry, exceeds the maximum permitted herein.

ARTICLE IV—WAGES

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

SEC. 2. Employees in the South may be paid not less than at the rate of thirty-seven and one half cents ($37\frac{1}{2}\text{¢}$) per hour. This differential shall be a subject of study and investigation by the Code Authority with a view to its elimination at the earliest time practicable for the industry.

SEC. 3. *Minimum wage for clerical and office employees.*—No clerical or office employee shall be paid in any pay period less than at the rate of fifteen dollars (\$15.00) per week.

SEC. 4. *Wages for learners.*—No employee shall be engaged as a learner more than once nor be paid in any pay period less than at the rate of thirty-two cents (32¢) per hour, provided, however, that the total number of all such employees employed by any one member of the industry during any calendar month shall not exceed five percent (5%) of the total number of all employees employed by such employer (exclusive of office and clerical employees).

SEC. 5. *Piecework compensation, minimum wages.*—This article establishes a minimum rate of pay which shall apply, irrespective of whether an employee is actually compensated on a time rate, piecework, or other basis.

SEC. 6. *Evasion through reemployment.*—No employee now employed at a rate in excess of the minimum shall be discharged and reemployed at a lower rate for the purpose of evading the provisions of this Code.

SEC. 7. *Wages above minimum.*—Employers shall not reduce the rates of wages for employees whose rates are now in excess of the minimum rate of wages herein provided (notwithstanding that the number of hours worked in such employment may be hereby decreased), and where in any case an employer has not increased the rates of wages for such employees prior to the effective date of this Code by an equitable readjustment of all wage rates such employer shall readjust all such wage rates. This provision shall be interpreted in the same manner that paragraph 7 of the President's Reemployment Agreement has been interpreted by the Administrator in Interpretations Nos. 1 and 20.

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

SEC. 9. *Female employees.*—Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. *Child labor provision.*—No person under sixteen (16) years of age shall be employed in the industry. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. The Code Authority shall submit to the Administrator before February

1, 1934, a list of such operations or occupations. In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly issued by the Authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

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

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

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

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

SEC. 3. *Reclassification of employees.*—No employer shall reclassify employees or duties of occupations performed for the purpose of defeating the provisions of the Act or of this Code.

SEC. 4. *Standards for safety and health.*—Every employer shall make reasonable provision for the safety and health of his employees at the place and during the hours of their employment. Standards for safety and health shall be submitted by the Code Authority to the Administrator within six (6) months after the effective date of this Code.

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

SEC. 6. *Posting.*—Each employer shall post complete copies of this Code in conspicuous places accessible to employees.

SEC. 7. *Payment of wages.*—Each employer shall make payment of all wages due in lawful currency or by negotiable check therefor, payable on demand. Wages shall be paid at the end of each regular pay period but not to exceed semimonthly intervals. These wages shall be exempt from any payment for pensions, insurance, or such benefits other than those voluntarily paid by employees. No employer or his agent shall accept, directly or indirectly, any rebate on such wages or give anything of value or extend any favors to any person for the purpose of influencing rates of wages or working conditions of their employees.

The provisions of this section regarding payment of wages at the end of each pay period shall not apply to persons employed in a managerial or executive capacity who earn not less than thirty-five dollars (\$35.00) per week, nor to persons employed in clerical or office work. The wages for persons employed in clerical or office work shall be paid at the end of pay periods not to exceed semi-monthly periods.

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

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

SEC. 2. The Code Authority shall consist of seven (7) individuals to be selected as follows: Members of the industry shall elect the industry members of the Code Authority by a majority vote of the members of the industry. As many (but not exceeding two (2)) of such industry members of the Code Authority shall be selected from those members of the industry which are not members of the Association as may be eligible to such representation as provided by Section 8 of this Article at the time of election. The complement of the industry members of the Code Authority shall be selected from members of the industry which are members of the Association. Each industry member of the Code Authority shall be a director, officer, or executive of the member of the industry.

SEC. 3. The Association is hereby designated as the agency to conduct an election of the members of the Code Authority within fifteen (15) days after the effective date of this Code, and any other elections of members of the Code Authority which may thereafter be held. Members of the Code Authority shall be elected to serve for a term of one (1) year or until their successors are elected at the next annual meeting of the members of the industry. In the event of any vacancy in the membership of the Code Authority, a special meeting of the members of the industry for an election to fill the incomplete terms of such members shall be called by the Association. Notice of the time and place of each election shall be sent to each member of the industry at his address as registered in accordance with Article XII, at least ten days in advance of such election, and voting at such election may be by person, by proxy, or by letter ballot. Each member of the industry shall have one (1) vote at each election.

SEC. 4. In addition to membership as above provided there may be three (3) members, without vote, to be appointed by the Administrator, to serve for terms of from six (6) months to one (1) year so arranged that the terms do not expire at the same time.

SEC. 5. The representatives who may be appointed by the Administrator, together with the Administrator, shall be given notice of and shall be permitted to sit at all meetings of the Code Authority.

SEC. 6. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of association, bylaws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

SEC. 7. In order that the Code Authority shall at all times be truly representative of the industry and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter if he shall

find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Code Authority.

SEC. 8. Members of the industry shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the selection of the members thereof by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the expenses of its administration. Such reasonable share of the expenses of administration shall be determined by the Code Authority, subject to review by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable.

SEC. 9. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Code Authority. Nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own wilful misfeasance or nonfeasance.

SEC. 10. *Powers and Duties.*—The Code Authority shall have the following further powers and duties, which shall be subject to the right of the Administrator, on review, to disapprove:

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

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

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

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

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

(f) To secure from members of the industry an equitable and proportionate payment of the reasonable expenses of maintaining the Code Authority and its activities.

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

(h) To recommend to the Administrator further fair trade practice provisions to govern members of the industry in their relations with each other or with other industries, and to recommend to the Administrator measures for industrial planning, including stabilization of employment.

ARTICLE VII—TRADE PRACTICE RULES

GENERAL DEFINITION

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

Rule 1. Inaccurate Reference to Competitors, etc.—No member of the industry shall publish advertising which refers inaccurately in any material particular to any competitors or their goods, prices, values, credit terms, policies, or services.

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

Rule 3. Commercial Bribery.—No member of the industry shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent, or the represented party, without the knowledge of such employer, principal or party. Commercial bribery provisions shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

Rule 4. Interference with Another's Contracts.—No member of the industry shall induce or attempt to induce the breach of an existing contract between a competitor and his employee or customer or source of supply; nor shall any such member interfere with or obstruct the performance of such contractual duties or services.

Rule 5. Secret Rebates.—No member of the industry shall offer or make any secret or discriminatory payment or allowance of a rebate, refund, commission, credit, unearned discount or excess allowance, whether in the form of money or otherwise, nor shall a member of the industry offer or extend to any customer any secret or discriminatory service or privilege for the purpose of influencing a sale.

Rule 6. Giving Prizes, Premiums, or Gifts.—No member of the industry shall offer or give prizes, premiums, or gifts in connection with the sale of products, or as an inducement thereto, by any scheme which involves lottery, misrepresentation, or fraud.

Rule 7. Defamation.—No member of the industry shall defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations or by the false disparagement of the grade or quality of their goods.

Rule 8. Threats of Lawsuits.—No member of the industry shall publish or circulate unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harassing competitors or intimidating their customers. Failure to prosecute in due course shall be evidence that any such threat is unwarranted or unjustified.

Rule 9. Espionage of Competitors.—No member of the industry shall secure or attempt to secure confidential information concerning the business of a competitor by a false or misleading statement or representation or by false impersonation of one in authority by bribery or any other unfair method.

Rule 10. Selling below cost.—No member of the industry shall sell below his allowable cost. Pursuant to the provisions of Article VI, the Code Authority shall formulate or cause to be formulated standard methods or systems of cost accounting for use in this industry, which methods or systems shall be adaptable to the cost-accounting procedure of and to the business of this industry. Such methods or systems shall specify the factors that shall determine the allowable cost for each member of the industry pursuant to the provisions of this section. Upon approval of such methods or systems by the Administrator the Code Authority shall furnish to each member of the industry complete details of such methods or systems. Thereafter in determining costs each member of the industry shall use a cost-accounting system which shall be at least as complete and detailed as the cost-accounting method or system recommended by the Code Authority and approved by the Administrator.

The cost of a used refrigerator or other product of this industry for which a trade-in allowance has been made by the seller of new equipment to replace that taken in exchange shall be not less than the amount of the allowance shown on the purchase contract for such new equipment. This provision does not apply to the sale of obsolete or damaged products, which products may be sold only at such prices and under such terms and conditions of sale as shall be established by the Code Authority.

Rule 11.—No member of the industry shall, directly or indirectly, discriminate in price between different purchasers of the products of this industry; provided, however, that nothing contained in this section shall prevent discrimination in price between purchasers of the same class on account of differences in the trade, quality, or quantity of the product sold, or which makes only due allowance for difference in the cost of selling or transportation.

Rule 12.—No member of the industry shall resell refrigerating units, accessories, equipment, or other products of other industries,

without the addition to the invoice cost of all other elements of cost as determined in accordance with Rule No. 10 of this Article.

Rule 13.—No member of the industry shall sell any commercial refrigerator or other product of this industry of special design or size at less than the estimated cost of such pursuant to Rule 10 of this Article.

Rule 14.—No member of the industry shall, directly or indirectly, permit or allow his employees, agents, or representatives to lend money or anything of value to any purchaser for the purpose or with the effect of financing or assisting to finance any contract for the purchase of the products of this industry.

Rule 15.—No member of the industry shall postdate or predate any contract, invoice, quotation or receipt, or withhold from or insert in any contract, invoice, quotation, or receipt any statement which makes such contract, invoice, quotation, or receipt a false statement either in whole or in part.

Rule 16.—Nothing in this Code shall limit the effect of any adjudication by the Courts or holding by the Federal Trade Commission on complaint, finding, and order, that any practice or method is unfair; provided, that such adjudication or holding is not inconsistent with any provision of the Act or of this Code.

ARTICLE VIII—PUBLICITY OF PRICES, TERMS, AND CONDITIONS OF SALE

SECTION 1. Within ten (10) days after the effective date of this Code each member of the industry shall file and shall maintain on file with the Code Authority, or with such agency as the Code Authority may designate, such member's current and most recently published catalogue and specifications and a full and complete price list with discounts applicable thereto for all his standard products. Such price lists shall be based on the net retail selling price f.o.b. manufacturing point and include all discounts, terms, and conditions of sale to the consumer trade, provided, however, that no such price list and/or discount applicable thereto shall provide for prices less than the member's individual cost as determined by Rule 10 of Article VII. A schedule of all such specifications, price lists, discounts, and terms and conditions of sale shall be immediately distributed by the Code Authority to all interested members of the industry.

SEC. 2. In the event of any change by any member of the Industry in any price, discount, specification, term, or condition of sale, he shall file full and complete copies of every such change with the Code Authority ten (10) days in advance of the effective date of any such change. Copies thereof, with notice of the effective date of such change, shall be immediately published and distributed by the Code Authority to the interested members of the Industry who may file, if they so desire, revisions of their prices, discounts, specifications, terms, or conditions of sale, which, if filed not less

than five (5) days prior to such effective date, shall be effective on the same such effective date.

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

SEC. 4. No member of the Industry shall sell, pay a rebate, or allow a deduction at any time to any person except in accordance with his prices, discounts, terms, and conditions of sale filed in the manner described hereinabove. Each member of the Industry shall have the right, individually, to file new prices, discounts, terms, and conditions of sale, from time to time, as herein provided.

SEC. 5. No member of the industry shall render any service other than advice and consultation to any purchaser of any product of the industry in connection with the sale, installation or repair of any product unless not less than the cost of such services to the member shall be charged such purchaser.

SEC. 6. The following rules shall be observed in the making of contracts by the members of this industry. Action of the Code Authority under this section shall be subject to the right of the Administrator to approve or disapprove.

(a) Charges for time payments extending more than three (3) months shall in no event be more liberal than those established by the Code Authority.

(b) The allowance value of any trade-in together with a detailed description of such shall be clearly stated in the sales contract for which such trade-in is received as a part payment.

(c) Trade-ins shall not be accepted in lieu of cash down or arrival payments.

(d) Down payments shall be based on the net delivered price, after deduction of credit for any trade-in made.

(e) Down payments, arrival payments, monthly payments or other periodic payments shall represent only payments in cash made or to be made by the purchaser.

(f) Payments in kind shall not be accepted in lieu of cash.

(g) The last payment in any series of payments shall not be substantially larger than any other payment in the same series.

(h) The first monthly installment payment shall be due and payable not more than forty-five (45) days from the date of shipment.

(i) Each contract for the sale of products of this industry shall include complete and exact specifications of the product and the equipment to be furnished; provided, however, that if a standard new product of a member of the industry is to be furnished, reference shall be made to the member's standard model number, specifications of which are on file with the Code Authority pursuant to Section 1 hereof. Any deviation from the specifications of standard products shall be clearly set forth on a specification form to be approved by the Code Authority which shall be attached to and made a part of the sales contract.

SEC. 7. No member of the Industry shall provide more favorable time and terms of payment for installment sales than:

(a) Cash amounting to at least ten percent (10%) of the net sales price to accompany the order.

(b) Cash amounting to at least twenty percent (20%) of the net sales price to be paid prior to delivery to the purchaser.

(c) Balance due on any contract for sale to be paid in not more than twenty-four (24) months from the date of such contract.

(d) Each monthly installment shall amount to not less than fifteen dollars (\$15.00), except on sales of used equipment not exceeding three hundred dollars (\$300.00) in value.

ARTICLE IX—MODIFICATION

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

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

ARTICLE X—MONOPOLIES, ETC.

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

ARTICLE XI—PRICE INCREASES

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

ARTICLE XII—REGISTRATION OF MEMBERS OF THE INDUSTRY

Each member of the Industry shall within thirty (30) days of the effective date of this Code register with the Code Authority. All members of the Industry who may engage in the Industry thereafter shall likewise register with the Code Authority. Registration of a member of the Industry shall include the full name and mailing address of the member. The time limit for the registration by any member of the Industry may be extended whenever, in the opinion

of the Administrator, the time limit as provided herein might cause an injustice to any member of the Industry.

ARTICLE XIII—REPORTS

In addition to information required to be submitted to the Code Authority, all or any of the persons subject to this Code shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in section 3 (a) of the Act to such Federal and State Agencies as the Administrator may designate; and nothing in this Code shall relieve any person of any existing obligation to furnish reports to Government agencies.

ARTICLE XIV—EFFECTIVE DATE

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

Approved Code No. 181.

Registry No. 1328-02.



Approved Code No. 182

CODE OF FAIR COMPETITION

FOR THE

RETAIL FOOD AND GROCERY TRADE

As Approved on December 30, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

A Code of Labor Provisions for the Retail Food and Grocery Trade was approved by me November 15, 1933. Application is now made, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of further provisions for the Retail Food and Grocery Trade and for the incorporation of said provisions with provisions heretofore approved into a single Code of Fair Competition for the Retail Food and Grocery Trade, to become effective in place of the Code of Labor Provisions heretofore approved. Hearings having been held and the Administrator having rendered his report on said Code of Fair Competition together with his recommendations and findings with respect thereto, and the Administrator having found that said Code of Fair Competition complies in all respects with the pertinent provisions of Title I of said Act and that the requirements of clauses (1) and (2) of subsection (a) of Section 3 of said Act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, and otherwise, do adopt and approve the report, recommendations and findings of the Administrator and do hereby approve said further provisions for the Retail Food and Grocery Trade and do order that said Code of Fair Competition as submitted be and it is hereby approved, to become effective in place of the Code of Labor Provisions heretofore approved, subject to the following conditions:

(1) Paragraph 3 of Section 1 of Article VIII shall not be effective until 30 days after the date this code becomes effective. A hearing

shall be called as soon as practicable for the consideration and determination of the advisability of said paragraph.

(2) Paragraph L of Section 1 of Article IX is eliminated from the code.

(3) The Administrator shall have power, upon review, to disapprove any act of the code authority.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,

December 30, 1933.

DECEMBER 18, 1933.

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Retail Food and Grocery Trade.

The labor provisions as included in this Code are substantially the same as the Code of Labor Provisions which you approved on November 15, 1933. The comments and reports covering these provisions are therefore omitted.

Incorporated with the labor provisions, there are presented for your approval certain fair trade practice provisions. A public hearing was held on these provisions by the Agricultural Adjustment Administration on October 9, 1933, at which the National Recovery Administration was represented. The Code as recommended has been prepared from the information received at that hearing.

I call your attention particularly to the loss-limitation provision in Article VIII, which is based upon a similar provision in the general Retail Code. I recommend, however, that the provisions respecting transportation charges be suspended pending further hearing.

I also recommend that the provision forbidding violations of the food and drugs act be eliminated. Provision in codes for jurisdiction ancillary to penal laws seems to me questionable.

I further recommend that the Administrator be given power, upon review, to disapprove any act of the Code Authority.

A transcript of the hearing conducted by the Agricultural Adjustment Administration is transmitted herewith. On the basis of these proceedings,

I find that:

(1) The Code of Fair Competition for the Retail Food and Grocery Trade submitted herewith complies in all respects with the pertinent provisions of Title I of the National Industrial Recovery Act, including, without limitation, subsection (a) of Section 7 and subsection (b) of Section 10 thereof; and that

(2) The Associations submitting the Code impose no inequitable restrictions on admission to membership and are truly representative of the Retail Food and Grocery Trade; and that

(3) The Code is not designed to promote monopolies or monopolistic practices or to eliminate or oppress small enterprises, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

Accordingly, I hereby recommend the approval of the Code of Fair Competition for the Retail Food and Grocery Trade.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION

FOR THE

RETAIL FOOD AND GROCERY TRADE

To effect the policies of Title I of the National Industrial Recovery Act, this Code is submitted as a Code of Fair Competition for the Retail Food and Grocery Trade, and upon approval by the President, its provisions shall be the standards of fair competition for such trade and shall be binding upon every member thereof.

ARTICLE I—REQUEST FOR SEPARATE CODE

Any division of the retail food and grocery trade which has not participated in the formation or establishment of this Code may make application to the Administrator to operate under a separate Code of Fair Competition. The Administrator shall determine whether such division of the retail food and grocery trade shall operate under this Code or under a separate Code, and may, if justice requires, stay the application of this Code to such division pending his decision or pending the approval by the President of the United States of a Code of Fair Competition for such division.

ARTICLE II—DEFINITIONS

SECTION 1. *Retail Food and Grocery Trade.*—The term “retail food and grocery trade” as used herein shall mean all selling of food and/or grocery products to the consumer and not for purposes of resale in any form, but shall not include the selling of food in restaurants for consumption upon the premises, or the selling of confections in confectioners’ stores, or the selling of milk or its products by delivery from house to house upon regular routes, or the selling of bakery products in bakery stores. It is provided, further, that the term shall not include the selling of any food or grocery product which is now or may hereafter be governed by a separate code approved by the President of the United States.

SEC. 2. *Food and Grocery Retailer.*—The term “food and grocery retailer” as used herein shall mean any individual or organization engaged wholly or partially in the retail food and grocery trade.

SEC. 3. *Retail Food and Grocery Establishment.*—The term “retail food and grocery establishment” or “establishment” as used herein shall mean any store, department of a store, shop, stand, or other place where a food and grocery retailer carries on business other than those places where the principal business is the selling at retail of

products not included within the definition of retail food and grocery trade.

SEC. 4. *Food and Grocery Wholesaler*.—The term “food and grocery wholesaler” as used herein means any person wholly or partially engaged in the business of selling or supplying to retailers, industrial buyers, restaurants, or institutions of food and/or grocery products.

SEC. 5. *Employee*.—The term “employee” as used herein shall mean any person employed by any retail food and grocery establishment, but shall not include persons employed in establishments engaged principally in the selling at retail of products not included within the definition of retail food and grocery trade.

SEC. 6. *Executive*.—The term “executive” as used herein shall mean an employee responsible for the management of a business or a recognized subdivision thereof.

SEC. 7. *Maintenance Employee*.—The term “maintenance employee” as used herein shall mean an employee essential to the upkeep and/or preservation of the premises and property of a retail food and grocery establishment.

SEC. 8. *Outside Service Employee*.—The term “outside service employee” as used herein shall mean an employee engaged primarily in delivering merchandise outside the store, and shall include stable and garage employees.

SEC. 9. *Outside Salesman*.—The term “outside salesman” as used herein shall mean a salesman who is engaged not less than sixty (60) percent of his working hours outside the establishment, or any branch thereof, by which he is employed.

SEC. 10. *Watchman*.—The term “watchman” as used herein shall mean an employee engaged primarily in safeguarding the premises and property of a retail food and grocery establishment.

SEC. 11. *Junior Employee*.—The term “junior employee” as used herein shall mean an employee under eighteen (18) years of age.

SEC. 12. *Apprentice Employee*.—The term “apprentice employee” as used herein shall mean an employee with less than six (6) months' experience in any division of the retail food and grocery trade.

SEC. 13. *Part-time Employee*.—The term “part-time employee” as used herein shall mean an employee who works for less than the maximum workweek.

SEC. 14. *South*.—The term “South”, as used herein, shall mean Virginia, West Virginia, Maryland, North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, New Mexico, Texas, and the District of Columbia.

SEC. 15. *Population*.—Population shall be determined by reference to the Fifteenth Census of the United States (United States Department of Commerce, Bureau of Census, 1930).

ARTICLE III—EFFECTIVE DATE

The provisions of this Code shall become effective upon the seventh day after their approval by the President.

ARTICLE IV—GENERAL LABOR PROVISIONS

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

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

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

SEC. 2. *Child Labor.*—On and after the effective date of this Code no person under the age of sixteen (16) years of age shall be employed, except that persons fourteen (14) and fifteen (15) years of age may be employed either—

(a) For a period not to exceed three (3) hours per day on six (6) days per week; or

(b) For one day per week, such day not to exceed eight (8) hours.

In either case all such hours of work shall be between 7 a.m. and 7 p.m. and shall not conflict with the employee's hours of day school.

It is provided, however, that no person under the age of sixteen (16) years shall be employed in delivering merchandise from motor vehicles.

It is further provided that where a State law prescribes a higher minimum age, no person below the age specified by such State law shall be employed within such State.

ARTICLE V—STORE HOURS AND HOURS OF LABOR

SECTION 1. *Operating Hours.*—No retailer shall operate on a schedule of less than 63 hours per week, except that where any retailer was operating less than 63 hours per week prior to June 1, 1933, such hours may be continued, provided they are not reduced.

SEC. 2. *Basic Hours of Labor.*—No employee, except as hereafter provided, shall work more than forty-eight (48) hours per week, nor more than ten (10) hours per day, nor more than six (6) days per week.

SEC. 3. *Exception to Maximum Hours of Labor.*—(a) *Watchmen and Outside Salesmen.*—The maximum periods of labor prescribed in Section 2 of this Article shall not apply to watchmen or outside salesmen, but in no case shall such employees work more than six (6) days per week.

(b) *Maintenance and Outside Service Employees.*—The maximum periods of labor prescribed in Section 2 of this Article shall not apply to maintenance and outside service employees; but such employees shall not work more than six (6) hours per week above the maximum hours per week otherwise prescribed in Section 2 unless they are paid at the rate of time and one third for all hours over such additional six (6) hours per week.

(c) *Executives*.—Subject to the conditions set forth in Section 4 of this Article, executives receiving \$35 or more per week in cities of over 500,000 population, or receiving \$30 or more per week in cities of 100,000 to 500,000 population, or receiving \$27.50 or more per week in cities of 25,000 to 100,000 population, or receiving \$25 or more per week in cities, towns, and villages and other places under 25,000 population may work in excess of the maximum periods of labor prescribed in Section 2 of this Article.

It is provided, however, that an establishment which operates a grocery and meat department as separate units shall be permitted to exempt one worker in addition to the proprietor or executive as provided above from all restrictions upon hours, provided that such additional worker shall not receive less than \$25 per week.

In the South executives receiving not less than 10 percent below the salaries stipulated above may work in excess of the maximum periods of labor.

It is provided, however, that in no case shall executives work in excess of one half hour above the established daily store-operating hours.

SEC. 4. *Limitation Upon Number of Persons Working in Excess of the Maximum Periods of Labor Prescribed in Section 2*.—Notwithstanding the provisions of the foregoing Sections of this Article the total number of workers in any grocery or meat department (whether such workers are executives, proprietors, partners, persons not receiving monetary wages, or others) which shall be permitted to work in excess of the maximum periods of labor prescribed in Section 2 of this Article shall not exceed the following ratio:

In grocery or meat departments comprised of twenty (20) workers or less, the total number of workers permitted to work in excess of the maximum periods of labor prescribed in Section 2 (except watchmen, outside salesmen, and maintenance and outside service employees) shall not exceed one (1) worker for every five (5) workers or fraction thereof; in departments comprised of more than twenty (20) workers, the total number of workers permitted to work in excess of the maximum periods of labor prescribed in Section 2 (except watchmen, outside salesmen, and maintenance and outside service employees) shall not exceed one (1) worker for every five (5) workers for the first twenty (20) workers, and one (1) worker for every eight (8) workers above twenty (20).

SEC. 5. *Peak Periods*.—At Christmas, inventory, and other peak times, for a period not to exceed two weeks in the first six months of the calendar year and not to exceed three weeks in the second six months, all employees may work eight (8) hours per week above the basic work week prescribed in Section 2 of this Article, but not more than ten (10) hours per day. Such work may be without the payment of overtime.

SEC. 6. *Hours of Work to be Consecutive*.—The hours worked by any employee during each day shall be consecutive, provided that an interval not longer than one hour may be allowed for each regular meal period, and such interval not counted as part of the employee's working time. Any rest period which may be given employees shall not be deducted from such employee's working time.

In communities where a longer lunch period has been customary, any establishment may with permission of the Local Food and Grocery Authority allow employees a longer period than one hour for lunch, but such period shall in no event exceed one and a half hours.

SEC. 7. *Extra working Hour One Day a Week.*—On one day each week, employees may work one extra hour, but such hour is to be included within the maximum hours permitted each week.

SEC. 8. *Conflict with State Laws.*—When any State law prescribes for any class of employee shorter hours of labor than those prescribed in this Article, no employee included within such class shall be employed within such State for a greater number of hours than such State law allows.

SEC. 9. *Agreement for Uniformity of Hours.*—In any retail trade area, town, or city the retail food and grocery establishments may by mutual agreement of seventy-five (75) percent of such establishments, subject to the approval of the Administrator, establish uniform store operating hours which shall be binding upon all retail food and grocery establishments within such area, town, or city for a period not to exceed one year, subject to renewal by similar mutual agreement.

Hours so established shall not be less than sixty-three (63) hours per week, except that any establishment which was operating upon a schedule of less than sixty-three (63) hours per week on June 1, 1933, may continue to operate upon such basis but shall not reduce such hours. Hours so established shall be continuous, but every establishment shall have the right to select the days and the hours when it shall operate.

It is provided, however, that any delicatessen store whose principal business is serving, preparing, and selling foods ready for immediate consumption may operate longer hours than those prescribed by such local agreement.

All establishments shall register the operating hours they select with the local administrative committee, and shall post such hours in a conspicuous place in the establishment.

ARTICLE VI—WAGES

SECTION 1. *Basic Schedule of Wages.*—On and after the effective date of this Code, the minimum weekly rates of wages which shall be paid for a work week as specified in Article V—whether such wages are paid upon an hourly, weekly, monthly, commission, or any other basis—shall, except as provided hereafter, be as follows:

(a) Within cities of over 500,000 population no employee shall be paid less than at the rate of \$15 per week.

(b) Within cities of from 100,000 to 500,000 population no employee shall be paid less than at the rate of \$14 per week.

(c) Within cities of from 25,000 to 100,000 population no employee shall be paid less than at the rate of \$13 per week.

(d) Within cities, towns, and villages of from 2,500 to 25,000 population the wages of all classes of employees shall be increased from the rates existing on June 1, 1933, by not less than twenty (20) percent, provided that this shall not require an increase in wages to more than the rate of \$11 per week, and, provided further, that no employee shall be paid less than at the rate of \$10 per week.

(e) Within cities, towns, villages, and other places with less than 2,500 population the wages of all classes of employees shall be increased from the rates existing on June 1, 1933, by not less than twenty (20) percent, provided that this shall not require an increase in wages to more than the rate of \$10 per week.

(f) The minimum wage paid to watchmen, maintenance, and outside service employees shall be upon the basis of a forty-eight (48) hour employee work week.

SEC. 2. *Outside Salesmen.*—The minimum wages specified above shall not apply to outside salesmen when employed on a commission basis.

SEC. 3. *Juniors and Apprentices.*—Junior or apprentice employees may be paid at the rate of \$1 less per week than the minimum wage otherwise applicable; it is provided, however, that no individual employee shall be classified as both a junior and an apprentice employee; and it is further provided that the number of employees classified as junior and apprentice employees, combined, shall not exceed a ratio of one such employee to every five (5) employees or fraction thereof up to twenty (20), and one such employee for every ten (10) employees above twenty (20).

SEC. 4. *Messenger and Delivery Boys.*—The minimum wage prescribed in the foregoing Sections shall not apply to messenger and delivery boys in the South; provided, however, that an increase of twenty (20) percent in the rate of pay as of June 1, 1933, of such classes of employees shall become operative upon the effective date of this Code up to the minimum rate of pay established in the preceding Sections.

SEC. 5. *Part-time Employees.*—Part-time employees shall be paid not less than at an hourly rate proportionate to the rate specified in the foregoing Sections of this Article.

SEC. 6. *Southern Wage Differential.*—In the South, within cities of over 25,000 population, the minimum wages prescribed in the foregoing Sections may be at the rate of \$1 less per week; within cities, towns, and villages of from 2,500 to 25,000 population, the wages of all classes of employees shall be increased from the rates existing on June 1, 1933, by not less than twenty (20) percent, provided that this shall not require an increase in wages to more than the rate of \$10 per week, and provided further, that no employee shall be paid less than at the rate of \$9 per week except as provided in Sections 2, 3, and 4 of this Article; within cities, towns, villages, and other places under 2,500 population, the wages of all classes of employees shall be increased from the rates existing on June 1, 1933, by not less than twenty (20) percent, provided that this shall not require an increase in wages to more than the rate of \$9 per week.

SEC. 7. *Weekly Wages Above Minimum not to be Reduced.*—The weekly wages of all employees receiving more than the minimum wages specified in this Article shall not be reduced below the rates of June 1, 1933, notwithstanding any reduction in the number of working hours of such employees.

SEC. 8. *Conflict with State Laws.*—When any State law prescribes for any class of employee of either sex a higher minimum wage than

that prescribed in this Article, no employee of such class of either sex employed within that State shall be paid less than such State law requires.

ARTICLE VII

SECTION 1. *Limitation on Price Increases.*—No food and grocery retailer shall increase the price of any merchandise sold after the effective date of this Code over the price existing June 1, 1933, by more than is made necessary by the amount of increases in production, operating, replacement, and/or invoice costs of merchandise, and/or by taxes or other costs resulting from action taken pursuant to the National Industrial Recovery Act and/or the Agricultural Adjustment Act since June 1, 1933, and in setting such price increases retailers shall give full weight to probable increases in sales volume. It is provided, however, that if any price on June 1, 1933, was a distress price, an equitable adjustment may be made.

SEC. 2. *Adjustment of Prior Contracts.*—Where costs of executing contracts entered into before June 16, 1933, by any retailer for the purchase of goods at fixed prices for delivery during the duration of this Code are increased by the application of the provisions of the National Industrial Recovery Act and/or the Agricultural Adjustment Act, it is deemed equitable and promotive of the purposes of the Act that appropriate adjustments of such contracts to reflect such increased costs actually incurred be arrived at by mutual agreement or arbitral proceedings or otherwise, and the National Food and Grocery Distributors' Code Authority provided for in Article X hereinafter is constituted an agency to assist in effecting such adjustments.

ARTICLE VIII—LOSS LIMITATION PROVISION

SECTION 1. *Loss Limitation Provision.*—In order to prevent unfair competition against local merchants, the use of the so-called "loss leader" is hereby declared to be an unfair trade practice. These "loss leaders" are articles often sold below cost to the merchant for the purpose of attracting trade. This practice results, of course, either in efforts by the merchant to make up the loss by charging more than a reasonable profit for other articles, or else in driving the small merchant with little capital out of legitimate business. It works back against the producer of raw materials on farms and in industry, and against the labor so employed.

1. This declaration against the use of "loss leaders" by the storekeeper does not prohibit him from selling an article without any profit to himself. But the selling price of articles to the consumer should include an allowance for actual wages of store labor, to be fixed and published from time to time by the Administrator and the members of the Code Authority appointed by the Administrator in accordance with the provisions of Article X, Section 1, herein.

2. Cost to the merchant shall be the invoice or replacement cost, whichever is lower, after deduction of all legitimate trade discounts exclusive of cash discounts for prompt payment.

3. Cost to the merchant shall include transportation charges to the point of sale when paid by the merchant, provided, however, that no

transportation charges need be added on hauls under 25 miles. On all hauls of 25 miles or over the transportation charge as herein mentioned shall be the lowest published rate by or for any common carrier.

Provided, however, that any merchant may sell any article of merchandise at a price as low as the price set by any competitor in his trade area on merchandise which is identical or essentially the same, if such competitor's price is set in conformity with the foregoing provision. A merchant who thus reduces a price to meet a competitor's price as above defined shall not be deemed to have violated the provisions of this Section if such merchant immediately notifies the nearest Local Food and Grocery Distributor's Code Authority of such action and all facts pertinent thereto.

SEC. 2. *Exceptions to Loss Limitation Provision.*—(a) Notwithstanding the provisions of the preceding Section, any food and grocery retailer may sell at less than the prices specified above, merchandise sold as bona fide clearance, if advertised, marked, and sold as such; highly perishable merchandise, which must be promptly sold in order to forstall loss; imperfect or actually damaged merchandise, or bona fide discontinued lines of merchandise, if advertised, marked, and sold as such; merchandise sold upon the complete final liquidation of any business; merchandise sold in quantity on contract to public carriers, departments of government, hospitals, schools and colleges, clubs, hotels, and other institutions, not for resale and not for redistribution to individuals; and merchandise sold or donated for charitable purposes or to unemployment relief agencies.

(b) Nothing in the provisions of the preceding Section shall be construed to prevent bona fide farmers' associations engaged in purchasing supplies and/or equipment for their membership from making patronage refunds to their membership.

(c) Where a bona fide premium or certificate representing a share in a premium is given away with any article the base upon which the minimum price of the article is calculated shall include the cost of the premium or share thereof.

ARTICLE IX—TRADE PRACTICES

All food and grocery retailers shall comply with the following trade practices:

SECTION 1. *Advertising and Selling Methods.*—(a) No food and grocery retailer shall use advertising, whether printed, radio or display or of any other nature, which is inaccurate in any material particular or misrepresents merchandise (including its use, trade mark, grade, quality, quantity, size, origin, material, content, preparation) or credit terms, values, policies or services: and no food and grocery retailer shall use advertising and/or selling methods which tend to deceive or mislead the customer.

(b) No food and grocery retailer shall use advertising which refers inaccurately in any material particular to any competitor or his merchandise, prices, values, credit terms, policies, or services.

(c) No food and grocery retailer shall use advertising which inaccurately lays claim to a policy or continuing practice of generally underselling competitors.

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

(e) No food and grocery retailer shall place obstacles in the way of the purchase of a product which a consumer orders by brand name by urging upon the consumer a substitute product in a manner which disparages the produce ordered.

(f) No food and grocery retailers shall accept payment from a wholesaler or manufacturer for a special advertising or other distribution service (a) except in pursuance of a written contract explicitly defining the service to be rendered and payment for it; and (b) unless such service is rendered and such payment is reasonable and not excessive in amount; and (c) unless such contract is separate and distinct from any sales contract and such payment is separate and distinct from any sales price and is not designed or used to reduce a sales price; and (d) unless such payment is equally available for the same service to all competitive retailers in the same competitive market; and (e) unless a copy of each such contract is retained on file for a period of one year. In order to investigate alleged violations of this Code the Administrator may require a food and grocery retailer to report such contracts made by him and/or to produce a copy thereof for inspection.

(g) No food and grocery retailer shall make or accept a quantity price unless it is based upon and reasonably measured by a substantial difference in the quantity sold and delivered.

(h) No food and grocery retailer shall discriminate in price between customers. The term "discriminate in price" as used in this paragraph, means directly or indirectly charging a different price for a commodity to purchasers of the same quantity who are located in the same competitive market, and who are in the same distribution class as to service required from the seller and/or rendered by the purchaser.

(i) No food and grocery retailer shall allow or accept a discount for cash which is not earned by payment in accordance with the cash discount terms published or used by the seller with respect to other members of the trade.

(j) No food and grocery retailer shall compel a buyer to purchase one product in order to purchase or obtain another.

(k) No food and grocery retailer shall offer any prize or premium or gift in pursuance of a plan which involves fraud or deception.

(l) No food and grocery retailer shall knowingly sell a commodity adulterated or misbranded in violation of the Federal Food and Drugs Act.

(m) No food and grocery retailer shall practice locality or sectional price discrimination which is designed and/or effective to unduly injure competitors.

SEC. 2. *Prison-made Goods*.—Pending the formulation of a compact or code between the several States of the United States to insure the manufacture and sale of prison-made goods on a fair-competitive basis with goods not so produced, the following provisions of the Section will be stayed for ninety (90) days, or further at the discretion of the Administrator:

(a) Where any penal, reformatory, or correctional institution, either by subscribing to the code or compact hereinbefore referred to, or by binding agreement of any other nature, satisfies the Administrator that merchandise produced in such institution or by the inmates thereof will not be sold except upon a fair competitive basis with similar merchandise not so produced, the provisions of paragraph (b) hereof shall not apply to any merchandise produced in such manner in the institutions covered by such agreement.

(b) Except as provided in the foregoing paragraph, no food and grocery retailer shall knowingly buy or contract to buy any merchandise produced in whole or in part in a penal, reformatory, or correctional institution. After May 31, 1934, no food and grocery retailer shall knowingly sell or offer for sale such merchandise. Nothing in this Section, however, shall affect contracts, which the food and grocery retailer does not have the option to cancel, made with respect to such merchandise before the approval of this Code by the President of the United States.

(c) Nothing in this Section shall be construed to supersede or interfere with the operation of the Act of Congress approved January 19, 1929, being Public No. 669 of the 70th Congress and entitled "An Act to Divest Goods, Wares, and Merchandise Manufactured, Produce, or Mined by Convicts or Prisoners of their Interstate Character in Certain Cases", which Act is known as the Hawes-Cooper Act, or the provisions of any State legislation enacted under, or effective upon, the effective date of the said Hawes-Cooper Act, the said effective date being January 19, 1934.

SEC. 3. *Company Scrip*.—The following provisions of this Section shall not become effective until July 1, 1934. Pending such effective date the Administrator shall appoint a Committee of not more than three persons to investigate the economic and social implications of these provisions. Said Committee may make recommendations, based upon its investigations, and such recommendations shall, upon approval by the President of the United States, become effective in the place of these provisions:

(a) No food and grocery retailer shall accept as payment for merchandise any nonnegotiable scrip, company checks, or other evidence of wage payment issued by any individual or private profit organization in payment of wages or as an advance upon unearned wages. A negotiable instrument issued by an individual or private profit organization in payment of wages shall be accepted only if it is payable in cash within one month of the date of issue. This paragraph shall not apply in cases where the cash funds of any individual or organization are rendered temporarily unavailable due to the closing by state or federal order of the bank in which such funds are deposited.

(b) No food and grocery retailer shall extend credit in the form of goods, money, or services to any person other than its own em-

ployees engaged exclusively in the retail trade, upon any employer's guarantee of part or all of said person's future wages, or pursuant to a wage deduction arrangement entered into with said employer, unless an identical guarantee or wage deduction arrangement is available to all food and grocery retailers.

SEC. 4. *N.R.A. Label.*—No food and grocery retailer shall purchase, sell, or exchange any merchandise manufactured under a Code of Fair Competition which requires such merchandise to bear an N.R.A. label, unless said merchandise bears such label. Any food and grocery retailer rightfully possessing the insignia of the N.R.A. who has in stock or purchases similar merchandise which has been manufactured before the effective date of the Code of Fair Competition requiring such merchandise to bear an N.R.A. label may attach thereto the N.R.A. insignia.

ARTICLE X—ADMINISTRATION

SECTION 1. *National Food and Grocery Distributors' Code Authority*—(a) *Composition.*—A National Food and Grocery Distributors' Code Authority shall be established in accordance with the provisions of this Article and the provisions of the Code of Fair Competition for the Wholesale Food and Grocery Trade to cooperate with the Administrator in the joint administration of this Code and of the Code for the Retail Food and Grocery Trade. Such Code Authority shall consist of one member, elected by a fair method of selection approved by the Administrator, elected by each of the national retail food and grocery trade associations presenting this Code, one member similarly elected from any other association which the Administrator upon application shall recognize as representing an important branch of the retail food and grocery trade, and such other members as may be elected from the wholesale food and grocery trade in accordance with a Code of Fair Competition for such trade approved by the President.

The Administrator may appoint a member or members who may participate without vote in all activities of the Code Authority.

(b) *General Powers.*—The National Food and Grocery Distributors' Code Authority shall represent the retail food and grocery trade in the administration of this Code, and shall have, in addition to the specific powers herein conferred, all general powers necessary to assist the Administrator or his deputy in such administration.

(c) *Reports.*—The National Food and Grocery Distributors' Code Authority, subject to the approval or upon the request of the Administrator, shall require from all retailers such reports as are necessary to effectuate the purposes of this Code. Each food and grocery retailer shall keep records of his purchase invoices and of the hours worked by and wages paid to all employees.

(d) *Recommendations.*—The National Food and Grocery Distributors' Code Authority may from time to time present to the Administrator recommendations based on conditions in the trade, which will tend to effectuate the operation of the provisions of this Code and the policy of the National Industrial Recovery Act. Such recommendations shall, upon approval by the Administrator, become operative as part of this Code.

(e) *State and Local Code Authorities.*—The National Food and Grocery Distributors' Code Authority shall, subject to the approval of the Administrator, supervise the setting up of State and Local Code Authorities for the purpose of assisting in the administration of this Code within State and local trading areas.

(f) *Expenses.*—The expenses of the administration of this Code shall be equitably assessed and collected by the National Food and Grocery Distributors' Code Authority, subject to the approval of the Administrator.

SEC. 2. *Food and Grocery Industry Conference Committee.*—The National Food and Grocery Code Authority shall appoint representatives to serve on a Food and Grocery Industry Conference Committee to be composed of representatives from food and grocery manufacturers and from food and grocery wholesalers and retailers. The Food and Grocery Industry Conference Committee shall act as a planning and coordinating agency for the entire food and grocery trade.

SEC. 3. *Interpretations.*—The Administrator may from time to time, after consultation with the National Food and Grocery Distributors' Code Authority, issue such administrative interpretations of the various provisions of this Code as are necessary to effectuate its purposes.

SEC. 4. *Exceptions in Cases of Unusual or Undue Hardship.*—Where the operation of the provisions of this Code imposes an unusual or undue hardship upon any food and grocery retailer or group of retailers, such retailer or group of retailers may make application for relief to the Administrator or to his duly authorized agent, and the Administrator or his agent may, after such public notice and hearing as he may deem necessary, grant such exceptions to or modifications of the provisions of this Code as may be required to effectuate the purposes of the National Industrial Recovery Act.

ARTICLE XI—GENERAL

SECTION 1. *Membership in Associations.*—Membership in the National food and grocery retail associations represented upon the National Food and Grocery Distributors' Code Authority, or in any affiliated associations, shall be open to all food and grocery retailers of that portion of the trade which said associations respectively represent, and said associations shall impose no inequitable restrictions upon admission to membership therein.

SEC. 2. *Information to be Furnished Government Agencies.*—In addition to information required to be submitted to the National Food and Grocery Distributors' Code Authority, there shall be furnished to government agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the National Industrial Recovery Act.

SEC. 3. *Prohibition Against Monopolies.*—The provisions of this Code shall not be interpreted or applied to promote monopolies or monopolistic practices or to eliminate or oppress small enterprises or to discriminate against them.

SEC. 4. *Prohibition Against Use of Subterfuge.*—No food and grocery retailer shall use any subterfuge to frustrate the spirit and

intent of this Code, which, among other things, is to increase employment, to remove obstructions to commerce, to shorten hours of work, and to raise wages to a living basis.

SEC. 5. *Right of President to Cancel or Modify.*—This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of Section 10(b) of Title I of the National Industrial Recovery Act, from time to time to cancel or modify any order, approval, license, rule, or regulation, issued under Title I of said Act.

SEC. 6. *Modifications and Supplementary Provisions.*—Such of the provisions of this Code as are not required to be included herein by the National Industrial Recovery Act may, with the approval of the President, be modified or eliminated as changes in conditions or experience may indicate. It is contemplated that from time to time supplementary provisions to this Code or additional Codes will be submitted for the approval of the President to prevent unfair competitive practices and to effectuate the other purposes and policies of Title I of the National Industrial Recovery Act.

Approved Code No. 182.

Registry No. 123-01.



Approved Code No. 183

CODE OF FAIR COMPETITION

FOR THE

HOUSEHOLD ICE REFRIGERATOR INDUSTRY

As Approved on December 30, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Household Ice Refrigerator Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said Code of Fair Competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said Code of Fair Competition complies in all respects with the pertinent provisions of Title I of said Act and that the requirements of Clauses (1) and (2) of Subsection (a) of Section 3 of the said Act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do approve the report and recommendations and adopt the findings of the Administrator and do order that the said Code of Fair Competition be and it is hereby approved.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 30, 1933.

DECEMBER 21, 1933.

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Household Ice Refrigerator Industry in the United States as revised after a hearing conducted in Washington, D.C., November 14, 1933, in accordance with the provisions of the National Industrial Recovery Act.

PROVISIONS OF THE CODE AS TO HOURS AND WAGES

All employees, except those in an executive, supervisory, or professional capacity who receive more than thirty-five (35) dollars per week, shall be paid a minimum of thirty-five (35) cents per hour, except in the States of Kentucky and Tennessee, where the minimum wage shall be not less than thirty-one and one-half (31½) cents per hour.

No employee shall work over forty (40) hours in any one week or more than eight (8) hours in any twenty-four (24) hour period.

Tolerance in hours is granted to watchmen, who will be permitted eighty-four (84) hours in any two weeks or forty-eight (48) hours in any one week, as well as to employees on emergency maintenance or emergency repair work.

All employees shall be paid at the rate of time and one half for hours in excess of the normal daily or weekly maximum.

The minimum wage of office employees shall not be less than fifteen (15) dollars per week.

No person under the age of sixteen (16) will be employed by the Industry, and no person under eighteen (18) shall be employed in hazardous occupations.

A minimum rate of pay is established regardless of whether an employee is on a timework or piecework or other basis, and it is also provided that no employee shall be reclassified or suffer any reduction in hourly wages.

ECONOMIC EFFECTS OF THE CODE

The Household Ice Refrigerator Industry has, since 1924, when they shipped over one million (1,000,000) cabinets, declined to two hundred and forty-three thousand (243,000) cabinets in 1933. This condition was caused in part by the competition of the new electrical and mechanical refrigerators, and it has only been due to the very low cost of the ice refrigerators that they have been able to maintain their markets.

It is the opinion of the Industry that due to the generally improving conditions, their normal market should approach three hundred thousand (300,000) cabinets annually.

Under this code the thousand and eighty (1,080) men now employed will actually receive more than forty-seven (47) percent more than they did in 1933. Should there be a production of the above number of cabinets there will be an additional increase of employees in the Industry of some forty (40) percent.

FINDINGS

The Administrator finds that—

(a) The Code as recommended complies in all respects with the pertinent provisions of Title I of the Act, including, without limitation, subsection (a) of Section 7 and subsection (b) of Section 10 thereof; and that

(b) The applicant group imposes no inequitable restrictions on admission to membership therein and is truly representative of the Household Ice Refrigerator Industry; and that

(c) The Code as recommended is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

It is recommended, therefore, that this Code be approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION
FOR THE
HOUSEHOLD ICE REFRIGERATOR INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policy of Title I of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Household Ice Refrigerator Industry, and upon approval by the President shall be the standard of fair competition for such Industry, and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

1. The term "Industry" as used herein includes the manufacturing, for sale, of ice refrigerator cabinets for household use, as contrasted with commercial use.

2. The term "Employee" as used herein, includes anyone engaged in the industry in any capacity receiving compensation for his services, irrespective of the nature or method of payment of such compensation.

3. The term "Employer" as used herein includes anyone by whom any such employee is compensated or employed.

4. The term "Member of the Industry" includes anyone engaged in the industry as above defined, either as an employer or on his own behalf.

5. The term "Association", as used herein, is defined to mean National Refrigerator Manufacturers Association.

6. The term "Code Authority", as used herein, means the body constituted under Article VI hereof to cooperate with the Administrator in the Administration of this Code.

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

ARTICLE III—HOURS

1. No employee shall be permitted to work in excess of forty (40) hours in any one week, or eight (8) hours in any twenty-four (24) hour period.

(a) Excepted shall be employees engaged in professional, executive, administrative, or supervisory work who receive more than \$35.00 per week, and outside salesmen.

(b) Excepted also shall be watchmen, who shall not be permitted to work in excess of eighty-four (84) hours in any two weeks' period, or forty-eight (48) hours in any one week.

2. The maximum hours fixed in the foregoing section shall not apply to employees on emergency maintenance or emergency repair work involving break-downs or protection of life or property. At least one and one half times the normal rate shall be paid for hours worked in excess of the maximum hours provided in Section I of this Article.

ARTICLE IV—WAGES

1. The minimum wage which shall be paid by any employer to any employee engaged in the processing of products of the industry or any labor incidental thereto, shall be thirty-five (35) cents per hour, except in the States of Kentucky and Tennessee where the minimum wage shall be not less than thirty-one and one half cents (31½) cents per hour.

The minimum wage of office employees shall not be less than fifteen (\$15.00) dollars for full time week.

2. This article establishes a minimum rate of pay, regardless of whether an employee is compensated on a time work or piece work, or other basis.

3. There shall be an equitable adjustment of all wages above minimum, and to that end, within fifteen (15) days from the approval of this Code, the Code Authority shall submit for the approval of the Administrator a proposal for adjustment in wages above the minimum. Upon approval by the Administrator, after such hearing as he may prescribe, such proposal shall become binding as a part of this Code, provided, however, that in no event shall hourly rates of pay be reduced.

Within thirty (30) days after the effective date, each employer shall report to the Administrator through the Code Authority, all such readjustments made by him since June 18, 1933. Provided, however, that these rates shall be subject to disapproval by the Administrator if the adjustments made by the employer do not obtain uniformity of wage rates among the members of this industry.

4. An employer shall make payment of all wages due only in lawful currency or by negotiable check, payable on demand. Wages shall be paid at least once every two weeks. These wages shall be exempt from any payments for pensions, insurance, or sick benefits other than those voluntarily paid by the wage earners.

5. The employer or his agents shall accept no rebates, directly or indirectly, on such wages, nor give anything of value or extend favors to any person for the purpose of influencing rates of wages or the working conditions of his employees.

6. No increases in the amount of production work shall be required of employees for the purpose of avoiding the benefits to employees prescribed by this Code in respect to wages and hours of employment. All new requirements for production work shall be reported to the Code Authority.

ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under sixteen (16) years of age shall be employed in the Industry, nor anyone under eighteen (18) years of age at operations or occupations hazardous in nature or detrimental to health. The Code Authority shall submit to the Administrator before March 1, 1934, a list of such operations or occupations. In any State an employer shall be deemed to have complied with this provision if he shall have on file a certificate or permit duly issued by the authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

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

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

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

5. Within each State this Code shall not supersede any laws of such State imposing more stringent requirements on employers regulating the age of employees, wages, hours of work, or health, fire, or general working conditions than under this Code.

6. Employers shall not reclassify employees or duties of occupations performed by employees so as to defeat the purposes of the Act.

7. Each employer shall post in conspicuous places full copies of this Code.

8. No provisions in this Code shall supersede provisions as to hours, wages, and conditions of employment which are established by labor agreements now in force where the wages are higher or the hours of labor are shorter, or both, than are those set forth in this Code unless the employees require the termination of such contracts.

9. An employer shall so administer work in his charge as to provide a maximum practicable continuity of employment for his personnel. The Code Authority shall submit a plan for the approval of the Administrator on the regularization of employment and stabilization of employees in the industry. This plan shall be submitted before February 1, 1934.

10. No employer shall knowingly employ an employee for any time which, when totalled with that of another employer in this industry, exceeds the maximum hours herein prescribed.

11. Every employer shall provide for the safety and health of his employees at the place and during the hours of their employment. Standards for safety and health shall be submitted by the Code Authority to the Administrator within six (6) months after the effective date of this Code.

ARTICLE VI—ADMINISTRATION

To further effectuate the policies of the Act, a Code Authority is hereby constituted to cooperate with the Administrator in the administration of this Code.

1. Organization and constitution of Code Authority:

(a) The Code Authority shall consist of five individuals, or such other number as may be approved from time to time by the Administrator, to be selected as hereinafter set forth. The Administrator, in his discretion, may appoint not more than three additional members (without vote) to represent the Administrator or such groups or interests as may be agreed upon without expense to the Industry. These appointments to be made so that the terms will expire six (6) months apart, and such appointees shall be given notice of and may sit at all meetings of the Code Authority.

(b) The five individuals to be chosen by the Industry shall be elected at a meeting of the entire industry, such meeting to be called by the National Refrigerator Manufacturers Association within five days after the approval of this Code. Notice of such meeting shall be sent to all known members of the industry. All members of this industry shall be entitled to one vote, said vote to be cast in person or by proxy. Members so elected shall serve for one year, at the end of which time there shall be another election conducted in the manner as above set forth. If, however, in any case, by reasons of conditions peculiar to the Industry, selection by the Industry is impossible, it may be provided that appointment shall be by the President. Vacancies occurring during the year shall be filled by unanimous vote of the surviving members.

2. Members of the Industry shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the selection of the members thereof by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the expenses of its administration. The reasonable share of the expenses of administration shall be determined by the Code Authority, subject to review by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable to be taken into consideration.

3. The Code Authority shall be charged with the supervision, administration, and enforcement of this Code and may adopt such rules and take such action and conduct such investigations as may be necessary to effectuate this Code, and to that end may establish committees and prescribe such duties, rules, and regulations as are deemed necessary to carry out the purposes of this Code.

4. No member of the Code Authority shall act in any matter involving a member of the Industry by whom he is employed or with whom he is associated or affiliated.

5. In order that the President may be informed of the extent of observance of the provisions of this Code and of the extent to which the declared policy of the Act is being effectuated in the Industry, the Code Authority shall make such reports as the Administrator may require, and each member shall make such reports to the Code Authority periodically, or as often as it may direct, on wages, hours of labor, conditions of employment, number of em-

ployees, production, shipments, sales, stocks, prices, and other matters pertinent to the purposes of this Code as the Code Authority may require.

6. Subject to the approval of the Administrator, any information submitted by a member to the Code Authority shall be subject to verification by an examination of the books and accounts and records of such member by any person (not connected with the Industry) designated by the Code Authority, and shall be so verified if the Code Authority shall require it.

7. The Code Authority shall appoint a Secretary and any and all information requested by the Code Authority shall be filed with the Secretary and deemed confidential and shall not be divulged to any member of the Industry except in summary, but shall be available to the Administrator upon request.

8. In addition to the information required to be submitted to the Code Authority as set forth in this Article, there shall be furnished to government agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the National Industrial Recovery Act.

9. The Association shall (a) impose no inequitable restrictions on membership, and (b) submit to the Administrator true copies of its articles of association, bylaws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

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

11. Any action of the Code Authority shall be subject to review and disapproval by the Administrator.

12. It shall be the duty of the Code Authority to adopt and prescribe through the channels of the Association minimum standards of performance for each of several grades of ice refrigerators. In the development of such standards, the said Association shall cooperate with the Sectional Committee of the American Standards Association on Standards and Specifications for Refrigerators.

ARTICLE VII—TRADE PRACTICES

The following practices constitute unfair methods of competition for members of the Industry and are prohibited:

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

2. *Misrepresentation or False or Misleading Advertising.*—The making or causing or permitting to be made or published any materially false, inaccurate, or deceptive statement by way of advertise-

ment, or otherwise, whether concerning the grade, quality, quantity, substance, character, nature, origin, size, finish, or preparation of any product of the industry, or the credit terms, values, policies, or otherwise, having the tendency or capacity to mislead or deceive customers or prospective customers.

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

4. *Interference with Contractual Relations*.—Maliciously inducing or attempting to induce the breach of an existing oral or written contract between a competitor and his customer or source of supply, or interfering with or obstructing the performance of any such contractual duties or services.

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

6. *Giving of Prizes, Premiums, or Gifts*.—The offering or giving of prizes, premiums, or gifts in connection with the sale of products or as an inducement thereto, either directly or indirectly, or by any scheme which involves lottery, misrepresentation, or fraud.

7. *Defamation*.—The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations or by the false disparagement of the grade or quality of their goods.

8. *Threats of Litigation*.—The publishing or circularizing of threats or suits for infringement of patents or trade marks or of any other legal proceedings not in good faith with the tendency or effect of harassing competitors or intimidating their customers.

9. *Espionage of Competitors*.—Securing confidential information concerning the business of a competitor by a false or misleading statement or representation, by a false impersonation of one in authority, by bribery, or by any other unfair method.

10. *Piracy of Trade Marks and Trade Names*.—The imitation of a trade mark, trade name, slogan, or the other marks of identification of a competitor, having the tendency and capacity to mislead or deceive.

11. *Other Unfair Practices*.—Nothing in this Code shall limit the effect of any adjudication by the Courts or holding by the Federal Trade Commission on complaint, finding, and order, that any practice or method is unfair, providing that such adjudication or holding is not inconsistent with any provision of the Act or of this Code.

12. Selling below cost, except as provided in Article VIII, Section 2.

“Cost” shall be the sum of direct material, plus direct labor, plus manufacturing burden.

Manufacturing burden shall include:

- (a) Heat, light, power.
- (b) Repairs on machinery and equipment, buildings and fixtures, power plants, trucks, furniture, and fixtures.
- (c) Salaries of foremen, superintendents, receiving clerks, janitors, elevator operators, night watchmen, and other nonproductive workers.

(d) Supplies and sundries.

(e) Casualty insurance or compensation to injured workmen. It shall not include depreciation, taxes, insurance other than casualty, interest on investments, interest or charges on funded or other debts, reserves of any nature unless the Code Authority, with the approval of the Administrator, finds it necessary to include these or any other items in order to determine the full cost.

13. Selling their product on a basis other than F.O.B. their factory except as specified in Section 14 of this Article.

14. Selling from warehouse stocks at prices less than those incorporated in Article VIII of this Code plus full transportation costs from factory to such warehouse.

15. Selling on other than standard terms—Standard terms shall require payment in cash within thirty (30) days from date of invoice. If desired, a discount of two (2%) percent for cash within ten (10) days from date of invoice may be extended. In all shipments between December 1 and April 1 invoices may be dated April 1 and such invoices may be subject to the cash discount if paid by April 10 and to anticipation discount of one half of one percent ($\frac{1}{2}$ of 1%) per month if paid before that time, or for payment for an entire preceding month's invoices on or before the 10th of the following month.

16. Guarantee prices against future advance or decline.

17. Consign goods except under such formal contract forms as may be approved by the Code Authority.

18. Each manufacturer shall tag or brand each ice box showing usable storage space (stated in cubic feet), and the ice capacity stated in pounds.

19. There shall be no discrimination in price between buyers of the same class, for products of the same grade, quantity, and quality.

ARTICLE VIII—FILING OF PRICE LISTS, DISCOUNT SHEETS, ETC.

1. Each member of the industry shall be required to publish on the effective date of this Code, and to file with the Code Authority within fifteen days of the effective date of this Code, his price lists, discount sheets, price sheets or price quotations, and each member of the industry shall adhere to his own published prices so filed, and no products of this industry shall be sold at a price less or at a discount greater than provided by the price lists, discount sheets, price sheets, or quotations on file with the Code Authority as herein provided; unless and until such price lists, discount sheets, price sheets, or price quotations have been amended and filed with the Code Authority ten days prior to the date upon which such amended price

lists, discount sheets, price sheets, or price quotations shall become effective.

2. Obsolete and surplus stocks, designated as "closeouts" or "obsolete models", which must be converted into cash, may be sold at such prices and at such times as are necessary to move such merchandise, provided all such stocks are first reported to the office of the Code Authority and disposed of, subject to the approval of said Code Authority.

ARTICLE IX—MODIFICATION

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

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

ARTICLE X—MONOPOLIES, ETC.

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

ARTICLE XI—EFFECTIVE DATE

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

Approved Code No. 183.
Registry No. 1328-1-01.



Approved Code No. 184

CODE OF FAIR COMPETITION

FOR THE

**SHOE AND LEATHER FINISH, POLISH, AND
CEMENT MANUFACTURING INDUSTRY**

As Approved on December 30, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Shoe and Leather Finish, Polish, and Cement Manufacturing Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said Code of Fair Competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said Code of Fair Competition complies in all respects with the pertinent provisions of Title I of said Act and that the requirements of clauses (1) and (2) of subsection (a) of Section 3 of the said Act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations, and findings of the Administrator, and do order that the said Code of Fair Competition be, and it is hereby, approved.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 30, 1933.

DECEMBER 26, 1933.

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Shoe and Leather Finish, Polish, and Cement Manufacturing Industry, a hearing on which was conducted in accordance with the provisions of the National Industrial Recovery Act. The hearing was held in the Willard Room of the Hotel Willard in Washington on November 28, 1933.

PROVISIONS OF THE CODE AS TO WAGES AND HOURS

Except as herein otherwise provided, this Code specifies that no employee shall be permitted to work in excess of forty (40) hours in any one week or eight (8) hours in any twenty-four (24) hour period beginning at midnight, provided, however, that for a total period of twelve (12) weeks in any calendar year, to take care of seasonal requirements, employees may be permitted to work forty-eight (48) hours in any calendar week, but not to exceed an average of forty (40) hours per week during the entire year. Any factory employee who works in excess of forty (40) hours per week or eight (8) hours per day shall be paid time and one third for such overtime.

From the above provisions the following classes are exempted: Employees engaged in managerial, supervisory, executive, or technical capacity, or professional employees engaged in a professional capacity, who receive thirty-five dollars (\$35.00) or more per week, and outside salesmen; engineers, firemen, oilers, electricians, and cleaners who may not work over forty-four (44) hours weekly except by payment at the rate of time and one third for time in excess thereof; accounting, clerical, office, store, shipping, service, and inside sales employees, who shall not be permitted to work in excess of an average of forty (40) hours per week in any three months' period or in excess of forty-eight (48) hours in any calendar week; employees on automotive or horse-drawn passenger, express, delivery, or freight service, who shall not be permitted to work in excess of an average of forty-four (44) hours per week in any three months' period or in excess of forty-eight (48) hours in any calendar week; employees on emergency, maintenance, and repair work, watchmen and highly skilled workers in continuous processes where restriction of hours would unavoidably reduce production, except that watchmen shall have at least one full day off in each two weeks' period.

This Code provides for a minimum wage of thirty-seven and one half cents (37½¢) per hour for male employees in the Shoe Polish Division of the Industry and thirty-two and one half cents (32½¢) per hour for female employees.

In the Shoe and Leather Finish and Cement Division the minimum wage for male employees is forty cents (40¢) per hour and for female employees, thirty-five cents (35¢) per hour.

Provision is made where female employees perform substantially the same work as male employees, that they shall receive the same rate of pay.

The Code provides that a minimum rate of pay shall apply irrespective of whether an employee is actually compensated on a time rate, piecework, or other basis.

The Code further provides that no person under sixteen (16) years of age shall be employed in the Industry.

ECONOMIC EFFECT OF THE CODE

The Code was presented by the Association of Manufacturers of Shoe and Leather Finishes and Cements for the manufacturers of shoe and leather finishes and cements, said to represent about 86.8% of the sales volume of this Division of the Industry, and the Shoe Polish Institute and a group of nonmembers of the Institute, for the Shoe Polish Division, which, combined, are said to represent more than 80% of the sales volume of this Division of the Industry. The presentation of the Code by the two Divisions indicated, was based upon the industrial groups existing in the trade.

The Shoe Polish Division comprises those manufacturers engaged in the manufacturing, for shoes and leathers, of shoe polishers, pastes, blackings, dressings, cleaners, dyes, and any other similar chemical products for use on shoes but not including manufacturers who sell in bulk to tanners, shoe manufacturers, welting manufacturers, and fabricators of leather.

This Division of the Industry includes, approximately, 150 concerns at the present time. The data available indicates that this number has remained unchanged since 1928. The aggregate capital investment for 1933 is estimated to be \$13,000,000. Aggregate sales for 1933 are estimated as \$15,000,000, or a decrease of \$5,000,000 since 1928. The Industry employs, at present, approximately 1,400 wage earners.

The Shoe and Leather Finish and Cement Division comprises that portion of the Industry engaged in the manufacture of blackings, cleaners, dressings, cements, liquid rubber cement (synthetic or natural, either dispersed or dissolved), stitching waxes, burnishing waxes, finishes, binders, topcoats, reenforcing materials for inner soles, and any other chemical products for use in wood-heel factories or for use by tanners, shoe manufacturers, welting manufacturers, and fabricators of leather and in similar businesses.

The Shoe and Leather Finish and Cement Division of the Industry represents a capital investment of \$3,395,716. Its sales or production during 1928 are estimated to be \$8,549,228. Its production capacity for 1928 was \$10,845,840. In 1932 sales were \$6,646,833. The sales for the first six months of 1933 were \$4,050,150. Production capacity on a six months' basis for 1933 is estimated to be \$5,343,662. The number of employees in this Division in 1928 was 878 and operating under the President's Reemployment Agreement in 1933 has regained this normal figure.

To meet the requirements of the two Divisions of the Industry and to facilitate the administration of the provisions of the Code, separate Divisional Planning and Fair Practice Agencies are provided to administer those provisions relating exclusively to each Division.

The appointment by the Administrator of members of the Code Authority Board for the Shoe Polish Division is necessitated by the lack of organization in this Division. Members of the Code Authority Board from the Shoe and Leather Finish and Cement Division will be elected by members of the Division. The Code Authority Board as constituted will be representative of the Industry.

The Code contains a number of trade-practice provisions which are designed to eliminate destructive competition. These provisions should enable the manufacturers to place this Industry on an improved competitive basis. The adoption of the Code, furthermore, should prove highly beneficial to the Industry, particularly in the case of the Shoe Polish Division, which lacks a representative organization. It should assist the Industry in raising not only standards of production and sales efforts but improve working conditions and thereby its industrial stabilization.

The Code will increase the man-hours of employment in the Industry while the daily schedule of hours of employment will be decreased, resulting thereby in a small increase in the number of persons employed in the Industry with substantial increases arising from increased volume of business.

The weekly minimum earnings proposed by the Code are approximately fifty percent (50%) higher than the lowest paid in June, 1929, and are higher than those received by at least half of the factory employees in September-October 1933.

FINDINGS

The Administrator finds that: (a) The Code as recommended complies in all respects with the pertinent provisions of Title I of the Act, including, without limitation, subsection (a) of Section 7 and subsection (b) of Section 10 thereof; and that

(b) The applicant groups impose no inequitable restrictions on admission to membership therein and are truly representative of a large majority of the Shoe and Leather Finish, Polish, and Cement Manufacturing Industry; and that

(c) The Code as recommended is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

It is recommended, therefore, that this Code be immediately adopted.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION

FOR THE

SHOE AND LEATHER FINISH, POLISH, AND CEMENT MANUFACTURING INDUSTRY

ARTICLE I—PURPOSES

To effect the policies of Title I of the National Industrial Recovery Act, this Code is submitted as a Code of Fair Competition for the Shoe and Leather Finish, Polish, and Cement Manufacturing Industry, and upon approval by the President, its provisions shall be the standards of fair competition for such industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

1. The term "Shoe and Leather Finish, Polish, and Cement Manufacturing Industry" as used herein includes the manufacturing for shoes and leathers of: Blackings, dressings, liquid rubber cements (meaning adhesives), pastes, pyroxylin cements, rubber (synthetic or natural, either dispersed or dissolved), polishes, dyes, and cleaners, stitching waxes, burnishing waxes, finishes, binders, topcoats, reenforcing materials for innersoles, and other similar chemical products for use on shoes or leather, together with such allied or related products as may from time to time, upon the approval of the President, be included under the provisions of this Code.

2. The term "Shoe Polish Division" as used herein means that portion of the industry engaged in the manufacture of shoe polishes, pastes, blackings, dressings, cleaners, dyes, and any other similar chemical products for use on shoes but not including manufacturers who sell in bulk to tanners, shoe manufacturers, welting manufacturers, and fabricators of leather.

3. The term "Shoe and Leather Finish and Cement Division" as used herein means that portion of the industry engaged in the manufacture of blackings, cleaners, dressings, cements, liquid-rubber cements (meaning adhesives), pastes, pyroxylin cements, rubber (synthetic or natural, either dispersed or dissolved), stitching waxes, burnishing waxes, finishes, binders, topcoats, reenforcing materials for innersoles, and any other chemical products for use in wood-heel factories, or for use by tanners, shoe manufacturers, welting manufacturers, and fabricators of leather and in similar businesses.

4. The term "member of the industry" includes all those engaged in the industry, either as an employer or on his own behalf.

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

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

ARTICLE III—HOURS

SECTION 1. *Maximum Hours.*—Except as herein otherwise provided, no employee shall be permitted to work in excess of forty (40) hours in any one week or eight (8) hours in any twenty-four (24) hour period beginning at midnight, provided, however, that for a total period of twelve (12) weeks during any calendar year, to take care of seasonal requirements, employees may be permitted to work forty-eight (48) hours in any calendar week, but not to exceed an average of forty (40) hours per week during the entire year. Any factory employee who works in excess of forty (40) hours per week or eight (8) hours per day shall be paid time and one third for such overtime.

SEC. 2. *Exemption as to Hours.*—From the provisions of Section 1 the following classes shall be exempted:

A. Employees engaged in managerial, supervisory, executive, or technical capacity, or professional employees engaged in a professional capacity, who receive thirty-five dollars (\$35.00) or more per week, and outside salesmen.

B. Engineers, firemen, oilers, electricians, and cleaners who may not work over forty-four (44) hours weekly except by payment at the rate of time and one third for time in excess thereof.

C. Accounting, clerical, office, store, shipping, service, and inside sales employees, who shall not be permitted to work in excess of an average of forty (40) hours per week in any three months' period or in excess of forty-eight (48) hours in any calendar week.

D. Employees on automotive or horse-drawn passenger, express, delivery, or freight service, who shall not be permitted to work in excess of an average of forty-four (44) hours per week in any three months' period or in excess of forty-eight (48) hours in any calendar week.

E. Employees on emergency, maintenance, and repair work, watchmen, and highly skilled workers in continuous processes where restriction of hours would unavoidably reduce production, except that watchmen shall have at least one full day off in each two weeks' period.

SEC. 3. *Employment by Several Employers.*—No employer shall knowingly permit any employee to work for any time which, when totaled with that already performed with another employer or employers in this industry, exceeds the maximum permitted herein.

ARTICLE IV—WAGES

SECTION 1. *Minimum Wages.*—No male employee of the Shoe Polish Division of this industry shall be paid in any pay period less than at the rate of thirty-seven and one half cents ($37\frac{1}{2}\text{¢}$) per

hour, and no female employee shall be paid at less than the rate of thirty-two and one half cents ($32\frac{1}{2}\text{¢}$) per hour, except as otherwise herein provided.

SEC. 2. *Minimum Wages.*—No male employee of the Shoe and Leather Finish and Cement Division of this industry shall be paid in any pay period less than at the rate of forty cents (40¢) per hour, and no female employee shall be paid at less than the rate of thirty-five cents (35¢) per hour, except as otherwise herein provided.

SEC. 3. *Males Between 16 and 18 Years of Age.*—Males between sixteen and eighteen years of age, such as delivery boys, messenger boys, and laboratory boys, etc., except those employed in factories or on production operations, shall be paid at a rate of not less than ten dollars (\$10) per week. The number of such employees shall be limited to not more than 5% of the total number of employees, except that each establishment is entitled to at least one such employee.

SEC. 4. *Piecework and Minimum Wages.*—This article establishes a minimum rate of pay, which shall apply irrespective of whether an employee is actually compensated on a time rate, piecework, or other basis.

SEC. 5. *Female Employees.*—Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. *Child Labor.*—No person under sixteen (16) years of age shall be employed in the industry. In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly signed by the Authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

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

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

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

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

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

SEC. 4. *State Laws.*—No provision in this Code shall supersede any State or Federal law which imposes on employers more stringent

requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary, or general working conditions, or insurance, or fire protection than are imposed by this Code.

SEC. 5. *Posting.*—All employers shall post complete copies of Articles III, IV, and V of this Code in conspicuous places accessible to employees.

ARTICLE VI—ADMINISTRATION

SECTION 1. *Code Authority Board.*—To further effectuate the policies of the Act, a Code Authority shall be established and known as the Code Authority Board of the Shoe and Leather Finish, Polish, and Cement Industry. The Industry shall be classified into two divisions, known as (1) Shoe Polish Division, (2) Shoe and Leather Finish and Cement Division.

SEC. 2. *Organization and Constitution of Code Authority Board.*—The Code Authority Board shall be composed of members of the industry and shall consist of twelve (12) members to be selected as follows: Six (6) members of the Code Authority Board shall be appointed by the Administrator from members of the Shoe Polish Division, and six (6) members from the Shoe and Leather Finish and Cement Division to be selected as follows: The Executive Committee of the Association of Manufacturers of Shoe and Leather Finishes and Cements shall submit the names of twelve (12) nominees, of whom six shall be elected by the majority vote of the members of the industry as a whole. Five of the six elected by this method shall be members of the Association.

SEC. 3. In addition to membership as above provided, there may be three members, without vote and without expense to the Industry, to be appointed by the Administrator.

SEC. 4. *Divisional Planning and Fair Practice Agencies.*—The members of the Code Authority Board for each Division selected, as above set forth, shall respectively act as a separate and distinct divisional Planning and Fair Practice Agency for their respective Divisions. Each such divisional Planning and Fair Practice Agency shall present in writing, to the Code Authority Board, its recommendations for its approval or disapproval before submission to the Administrator and the President for their approval if such action is required.

Each Planning and Fair Practice Agency, subject to supervision by the Code Authority Board, may carry out the approved recommendations in the administration of the Code for its Division to the end that each Division may be self-governing in all problems, including trade terms and trade practices, relating exclusively to itself.

SEC. 5. In order that the Code Authority Board shall at all times be truly representative of the Industry and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter if he shall find that the Code Authority Board is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection and composition of the Code Authority Board.

SEC. 6. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority Board shall (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of association, bylaws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

SEC. 7. Members of the Industry shall be entitled to participate in and share the benefits of the activities of the Code Authority Board and to participate in the selection of the members thereof, by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the expenses of its administration. Such reasonable share of the expenses of administration shall be determined by the Code Authority Board, subject to review by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable.

SEC. 8. Nothing contained in this Code shall constitute the members of the Code Authority Board partners for any purpose. Nor shall any member of the Code Authority Board, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own willful misfeasance or nonfeasance.

SEC. 9. *Powers and Duties.*—The Code Authority Board and divisional Planning and Fair Practice Agencies shall have the following further powers and duties, the exercise of which shall be reported to the Administrator and shall be subject to his right, on review, to approve or disapprove any action taken by the Code Authority Board:

A. To insure the execution of the provisions of this Code and provide for the compliance of the Industry with the provisions hereof.

B. To adopt bylaws and/or rules and regulations for its procedure and for the administration and enforcement of the Code.

C. To obtain from members of the Industry through a neutral agency such information and reports as are required for the administration of the Code. Such information and reports shall be submitted by members to such neutral agency or agencies as may be designated by the Code Authority Board or divisional Planning and Fair Practice Agencies. In addition to information required to be submitted to the Code Authority Board all or any of the persons subject to this Code shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of said Act to such Federal and State agencies as the Administrator may designate. Nothing in this Code shall relieve any person of any existing obligation to furnish reports to Governmental agencies. No individual reports shall be disclosed to any other member of the Industry or any other party except to such Governmental agencies as may be directed by the Administrator.

D. To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Code Authority Board of its duties or responsibilities under this Code.

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

F. To secure from members of the Industry an equitable and proportionate payment of the reasonable expenses of maintaining the Code Authority Board and its activities.

G. To cooperate with the Administrator in regulating the use of any N.R.A. insignia solely by those members of the Industry who have assented to and are complying with this Code.

SEC. 10. If it shall be represented to the Administrator by any interested party, or he shall determine upon his own motion, that any action of the Code Authority Board or of the Fair Practice Agencies is unfair to any private interest or contrary to the public interest, the Administrator may require that such action be suspended for a period of not to exceed thirty days to afford an opportunity for investigation of the merits of such complaint and further consideration by the Code Authority Board pending final action, to be taken only upon approval by the Administrator.

ARTICLE VII—TRADE PRACTICES

SECTION 1. It shall be unfair competition for any manufacturer in the Shoe and Leather Finish and Cement Division:

A. To give cash discounts greater than two percent (2%) 30 days or 15th proximo and net thereafter.

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

C. To misrepresent either by giving false information to customers, by substitution or incorrect labeling of goods, false invoicing, or by any other means.

D. No member of the industry shall secretly or directly offer or make any payment or allowance of a rebate, refund, commission, credit, unearned discount, or excess allowance, whether in the form of money or otherwise, nor shall a member of the industry secretly offer or extend to any customer any special service or privilege not extended to all customers of the same class, for the purpose of influencing a sale or to defeat the purpose of this Code.

E. To give free goods other than reasonably sized samples.

F. To ship from fabricating point merchandise in weight or measure less than amount appearing on invoice or markings on package.

G. To use competitor's containers.

H. To willfully or maliciously defame a competitor or unjustly disparage a competitor's products.

I. To sell any product below cost. The divisional Planning and Fair Practice Agency may require an employer to furnish complete

information relating to his costs, which shall be verified by a certified public accountant or by an accountant having the equivalent in qualifications and ability of a certified public accountant, such accountant in any event shall have the qualifications required by law in such state or governmental subdivision of the United States where such service is performed.

SEC. 2. It shall be unfair competition for any manufacturer in the Shoe Polish Division:

A. To misrepresent either by giving false information to customers, by substitution or incorrect labeling of goods, false invoicing, or by any other means.

B. To secretly or directly offer or make any payment, or allowance of a rebate, refund, commission, credit, unearned discount, or excess allowance, whether in the form of money or otherwise, or to secretly offer or extend to any customer any special service or privilege not extended to all customers of the same class, for the purpose of influencing a sale or to defeat the purpose of this Code.

C. To give samples for free distribution to consumers unless clearly marked "Sample."

D. To make, cause or permit to be made or published, any false, misleading, or deceptive statements of or concerning the business policies, methods, or products, or price of any products, of any manufacturer in the industry, or the credit standing or ability of any such manufacturer thereof to perform any work or manufacture or produce any products.

E. To give datings in excess of five months from date of shipment.

F. To buy, exchange, sell, issue credit for, or in any way take from the trade, the merchandise of any other manufacturer either directly or indirectly.

G. To induce or attempt to induce, by any means, any party to a commercial contract with a manufacturer to violate such contract.

H. To ship on consignment in excess of five months from date of shipment.

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

J. To pay in cash or goods for the privilege of advertising in dealer catalogues, programs, or house organs as an inducement to secure business.

K. To make contributions in cash or goods to any group or organization connected with, or at the solicitation of, any customer or prospective customers.

ARTICLE VIII—PRICE INCREASES

Whereas the policy of the Act to increase real purchasing power will be made more difficult of consummation if prices of goods and

services increase as rapidly as wages, it is recognized that price increases except such as may be required to meet individual cost should be delayed, but when made such increases should, so far as possible, be limited to actual additional increases in the seller's costs.

ARTICLE IX—MODIFICATION

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

ARTICLE X—MONOPOLIES, ETC.

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

ARTICLE XI—EFFECTIVE DATE

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

Approved Code No. 184.
Registry No. 621-05.



Approved Code No. 185

CODE OF FAIR COMPETITION

FOR THE

CONCRETE PIPE MANUFACTURING INDUSTRY

As Approved on December 30, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Concrete Pipe Manufacturing Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the Code of Fair Competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said Code of Fair Competition complies in all respects with the pertinent provisions of Title I of said Act and that the requirements of Clauses (1) and (2) of Subsection (a) of Section 3 of the said Act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do approve the report and recommendations and adopt the findings of the Administrator and do order that the said Code of Fair Competition be and it is hereby approved.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 30, 1933.

DECEMBER 13, 1933.

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Concrete Pipe Manufacturing Industry, a hearing on which was conducted in Washington on the twenty-eighth of November 1933, in accordance with the provisions of the National Industrial Recovery Act.

PROVISIONS OF THE CODE AS TO WAGES AND HOURS

This Code provides for a work week of not more than forty hours as an average over any three months period, nor more than forty-eight hours in any one week. Exceptions to these limitations on working hours are provided for those engaged in managerial, executive, or supervisory capacities earning over \$30.00 or \$35.00 per week depending on population. Further exceptions are permitted for crane operators, machine operators, foremen, watchmen, truckmen, accounting, clerical and office employees, outside salesmen, and shipping clerks; for which classifications wider latitudes are permitted.

The maximum 8-hour work day and 6-day week is established and, with the exception of clerical and office employees and watchmen, all employees working longer than these limits are to be paid at the rate of time and one third therefor.

This Code provides for a minimum wage of thirty-seven cents per hour in the Northern and twenty-seven cents per hour in the Southern States; these minimum rates being in effect whether employees are compensated on a time rate, piece work, or other basis. Accounting, clerical, and office employees are to be paid not less than \$14.00, \$14.50, or \$15.00 per week, depending on population. Rates of pay in excess of the minimum are to be increased to preserve equitable differentials.

No person under eighteen years of age shall be employed in the Industry, and employers are required to provide for the welfare and safety of their employees.

ECONOMIC EFFECTS OF THE CODE

The volume of concrete pipe manufactured in this country has shown a steady decline since 1928, the production during 1933 being only about half that in 1928. The number of employees engaged has likewise decreased from about 4,300 to 1,200 during this period, and in many instances very low wages have been paid.

This industry involves the making of concrete pipe and concrete drain tile; and plants are located in towns and cities in every section of the country. Any improvement in conditions in this industry

will be felt throughout the country to the extent of the size of this industry.

It is estimated that the labor provisions in the Code, coupled with improved trade practices provided for, will result in increased wages of at least 20%, and in some instances as high as 50% to 75%; and that employment will be increased by perhaps 20% with the existing volume of business.

FINDINGS

I find that:

(a) The Code as recommended complies in all respects with the pertinent provisions of Title I of the Act, including, without limitation, subsection (a) of Section 7 and subsection (b) of Section 10 thereof; and that

(b) The applicant group imposes no inequitable restrictions on admission to membership therein and is truly representative of the Concrete Pipe Manufacturing Industry; and that

(c) The Code as recommended is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

It is recommended, therefore, that this Code be approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION
FOR THE
CONCRETE PIPE MANUFACTURING INDUSTRY

ARTICLE I—PURPOSES

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

ARTICLE II—DEFINITIONS

The term "Concrete Pipe Manufacturing Industry" as used herein includes the manufacture, and sale by those who manufacture, of cement or concrete drain tile, cement pipe, concrete pipe, or reinforced concrete pipe of any type.

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

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

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

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

"Crane Operators" shall be considered to include the operators of locomotive, tractor, gantry, or overhead cranes, derricks, or any other type of cranes or equipment regularly used for the handling of raw materials, work in process, or finished products in connection with concrete-pipe plants.

"Machine Operators" shall be meant to include specially skilled employees trained to operate any of the various types of machines such as tamping, centrifugal, packerhead, etc., regularly used in the manufacture of concrete pipe.

Population for the purpose of this Code shall be determined by reference to the 1930 Federal Census.

ARTICLE III—HOURS

1. No employee shall be permitted to work in excess of a maximum average of forty hours per week during any three months' calendar period nor more than forty-eight hours in any week in such period nor more than eight hours in any one day, except as provided for elsewhere in this Code.

2. The maximum hours established in the foregoing section shall not apply to the following:

(a) Persons engaged in managerial, executive, or supervisory capacities and earning regularly at least \$35.00 per week in cities of 5,000 population or over, or in the immediate trade area of such cities, or at least \$30.00 in cities of less than 5,000 population.

(b) Crane operators, machine operators, and foremen, which employees may be permitted to work an additional six hours per week.

(c) Watchmen, provided that no such employee shall be permitted to work more than sixty-four hours per week.

(d) Truckmen, provided that such employees shall not be permitted to work more than fifty-four hours per week.

3. Accounting, clerical, or office employees shall not be permitted to work in any office or any place or manner for more than forty hours in any one week, except as provided in the following section (4).

4. The maximum hours established in the foregoing section shall not apply to:

(a) Accounting, clerical, or office employees in establishments employing not more than two persons in towns of less than 2,500 population, which towns are not part of a larger trade area.

(b) Outside salesmen.

(c) Shipping clerks, provided that no such employee shall be permitted to work in excess of fifty-two hours in any one week.

5. *Limitation on continuous work.*—No employee shall be permitted to work more than six days in any seven-day period.

6. Persons employed longer than eight consecutive hours per day, except those employed in clerical and office capacities and watchmen, shall be paid not less than one and one third times the normal rate for all hours worked in excess of eight hours per day.

7. Persons employed on Sundays or legal holidays, except those employed in clerical or office capacities and watchmen, shall be paid not less than one and one third times the normal rate for such work.

8. *Maximum hours for working employer.*—Employers who personally perform manual labor or are engaged in mechanical operations shall not exceed the above-prescribed maximum number of hours.

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

ARTICLE IV—WAGES

1. No employee shall be paid less than thirty-seven cents per hour except in the following States: Alabama, Arkansas, Florida, Georgia,

Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Oklahoma, Tennessee, Texas, and Virginia, in which states no employee shall be paid less than twenty-seven cents per hour.

2. No accounting, clerical, or office employee shall be paid at less than the minimum rates hereby established which are as follows: \$15.00 per week in any city of over 500,000 population or in the immediate trade area of such city; \$14.50 per week in any city of between 250,000 and 500,000 population or in the immediate trade area of such city; or \$14.00 per week in any city having a population less than 250,000 or in the immediate trade area of such city.

3. This Article establishes a minimum rate of pay regardless of whether an employee is compensated on a time rate, piecework, or other basis.

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

5. Wages shall be paid at least twice a month, and all salaries at least once a month in cash or by negotiable check.

6. To the extent practicable, earnings shall not be decreased; and rates of pay in excess of the minimum herein prescribed shall be increased so as to preserve equitable differentials.

ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under eighteen years of age shall be employed in the industry.

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

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

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

5. Within each State this Code shall not supersede any laws of such State imposing more stringent requirements on an employer regulating the age of employees, wages, hours of work, or health, fire, or general working conditions than under this Code.

6. Employers shall not reclassify employees or duties of occupations performed by employees or engage in any other subterfuge for the purpose of defeating the purposes or provisions of the Act or of this Code.

7. Each employer shall post in conspicuous places, easily accessible to employees, full copies of this Code.

8. Each employer shall provide for the welfare and safety of his employees. He shall not be relieved from complying with all National, State, and local ordinances or provisions of safety measures referring to safety and health measures and the welfare of employees insofar as the same may apply to a special type of work, and shall

protect his employees by workmen's compensation insurance according to the amounts required in the State of jurisdiction or the United States Employees' Compensation Insurance, if that State has not established a compensation scheme for this Industry.

ARTICLE VI—ADMINISTRATION

SECTION 1.—The applicant organization (The American Concrete Pipe Institute) shall, with the approval of the President, establish and empower, in the manner hereinafter described, a suitable agency, named Concrete Pipe Code Authority, hereinafter referred to as the Code Authority, to administer this code in compliance with the provisions of the Act under the authority of the President.

SEC. 2. *Participation.*—Participation in this Code as a basis for fair trade practice shall be extended to any individual, partnership, corporation, or other person now engaged or which may hereafter engage in the manufacture of concrete pipe, and each member of the industry shall pay his fair share of the cost of administering the Code.

SEC. 3. *Districting for Purpose of Election.*—Within sixty days after the approval of this code by the President the applicant organization (The American Concrete Pipe Institute) shall, subject to the approval of the Administrator, divide the United States into nine geographical districts, to serve as districts for the election of members of the Code Authority.

SEC. 4. *Election of Code Authority.*—A. Immediately after the establishment of the nine districts referred to in Section 3, the applicant organization shall for each district mail to each manufacturer, of which it has record to his last known address, notice of a meeting of the members of the industry for that district to be held at such time and place in the district as the applicant shall elect and with such notice it shall mail a copy of the code as approved by the President and a statement of the purpose of the meeting which shall be to elect a member of the Code Authority to represent that district and to serve until the first Tuesday after the second Monday in February 1935. There shall also be mailed with the notice a blank form for letter ballot for the purpose of election. At the meeting so called, nominees may be placed in nomination and a vote by written ballot shall be taken. Any manufacturer not attending the meeting may vote by letter ballot, same to be received at the office of the applicant organization up to the time of the meeting, for the nominee of his choice and the secretary of the applicant organization shall make a certified report to the meeting of the ballots cast, both by letter and at the meeting.

B. The individual receiving the majority of all the votes cast (as defined in Section 7 of this Article) shall be determined elected and shall function as the member of the Code Authority from that district until his successor has been elected and has qualified.

C. On the first Tuesday after the second Monday in February of each year beginning with 1935 a meeting of the members of the industry of each district shall be called by the Code Authority in the manner outlined in Paragraph A of this Section for the purpose of electing a member of the Code Authority for a term of one

year, and the Secretary of the said district meeting shall poll the votes and shall file a certified report thereof with the Code Authority.

SEC. 5. *Personnel of Code Authority.*—A. The Code Authority shall consist of 14 members representing the industry and from one to three members without vote to be appointed by the Administrator to represent the Government. Members so appointed by the Administrator to represent the Government are to be appointed for terms of from six months to one year and such terms of appointment are to be arranged so that they do not expire at the same time. The membership of the Code Authority representing the industry shall be determined by the election of one member from each of the nine districts referred to in Section 3 above. The nine so elected shall within two weeks after their election, hold a meeting and elect thereat five additional members from the industry at large.

B. The Code Authority first elected shall hold office until February 15, 1935; thereafter members shall hold office for one year or until their successors shall have been elected and have qualified.

C. Vacancies on the Code Authority shall be filled by special elections called for that purpose in the district for which the vacancy exists.

D. When a district fails to elect a member for the Code Authority, the members elected from other districts shall, at a meeting called for the purpose, elect a member from the district which has failed to take such action.

SEC. 6.—A. Eight of the voting members of the Code Authority shall constitute a quorum.

B. At meetings of the Code Authority all questions shall be decided by a majority vote of the members present.

SEC. 7. *Voting Power.*—A. At any meeting of the members of a district or region and for the purpose of any letter ballot, each member shall be entitled to one vote for each 5,000 tons of concrete pipe of all classes produced by him in that district during the calendar year preceding such election; provided, however, that where a member has been in business during less than one year preceding such election, he shall be entitled to $(1/12)$ one twelfth of one vote for each 417 tons produced per month during such period; and provided further, that no member shall have less than one vote. A list shall be kept by the Code Authority showing the number of votes to which each member of the industry is entitled. Fractions shall be disregarded, and in case a dispute shall arise as to the number of votes to which any member shall be entitled, the decision of the Code Authority then in power as to the number of such votes shall be final and conclusive upon such members.

B. Each member of the industry shall, upon approval of this Code by the President, file with the applicant organization (The American Concrete Pipe Institute) a sworn statement showing the amount of concrete pipe of all classes produced by him during each of the three years ending with December 31, 1932, or such part of such period as he has been in business. The number of votes for the purpose of election of the first Code Authority shall be based on the average annual tonnage for this three-year period. Where a mem-

ber has not been in business during this three-year period prior to December 31, 1932, the period over which he operated prior to this date shall be used to determine the average annual tonnage; and for a member who has operated only since December 31, 1932, his average since this date shall be used. If a manufacturer operates more than one plant, the sworn statement referred to above shall show the tonnage produced at each plant location.

C. The determining vote at any meeting of the members on any proposition shall be by a majority of the number of qualified votes, as defined in Paragraph A of this Section, present at the meeting.

SEC. 8. *Duties.*—The Code Authority shall be the general planning and coordinating agency for the industry. It shall be empowered by the industry to act for it conclusively in respect to all matters before the Code Authority for consideration and within its jurisdiction. It shall have powers and duties as provided herein, and, in addition thereto, it shall:

A. From time to time require such reports from members as in its judgment, subject to the right of the Administrator on review to disapprove; or in the judgment of the President may be necessary to advise it adequately of the administration and enforcement of the provisions of this Code.

B. Upon complaint of interested parties or on its own initiative, make such inquiry and investigation into the operation of the code as may be necessary.

C. Elect such officers and, subject to the right of the Administrator on review to disapprove its action, make such rules and regulations as are necessary for the administration and enforcement of this Code, including the appointment of such subcommittees and agents as are required to properly effectuate the purposes of the Code, provided, however, that the Code Authority shall not be relieved of its responsibility and that such subcommittees or agents shall comply with all applicable provisions of this Code.

D. With the approval of the President, organize such regions as the manufacturers within a given territory shall elect and provide that each region shall administer within its confines this Code and any supplemental code that may be adopted therefor.

E. Prepare, with the approval of the Administrator after such notice and hearing as he may require, the uniform system or systems of cost accounting for the use of manufacturers to enable them to work effectively under Article VIII, Section 8.

SEC. 9. *Regional Organizations.*—Each region which shall be established under the provisions of Section 8, Paragraph D, of this Article shall organize and function as follows:

A. *Regional Administrative Committee.*—The Code Authority shall call a meeting in each region by giving at least ten days written notice thereof to be held at such convenient location within the region as it may decide for the purpose of electing a Regional Administrative Committee of five individuals representing members of the industry, to be elected as provided for hereafter. The initial members of each Regional Administrative Committee shall serve until January 15, 1935. Thereafter, the Regional Administrative Committee shall cause to be called on or before January 15 of each year an annual meeting of the members of the industry within the

region for the purpose of electing a Regional Administrative Committee.

B. All voting at meetings of members of regional organizations for purposes of election shall be by written ballot and members not in attendance shall submit their ballot by letter.

C. For the purpose of electing members of the Regional Administrative Committee or for any other purpose requiring the vote of the members within a region, the voting power shall be as provided for in Article VI, Section 7. The Code Authority shall certify to the Regional Administrative Committee the number of votes to which each member of the Industry is entitled.

D. The Regional Administrative Committee may, where desirable, prepare a supplemental code covering such fair trade practices and regulations as pertain to the particular region. After preparation, such code shall be submitted to the Code Authority for approval and forwarded by it to the Administration. Upon its final approval by the President such supplemental code shall become the supplemental rules of fair practice for the region for which it is intended.

E. The Regional Administrative Committee, subject to appeal to the Code Authority and to the Administrator, shall administer this National Code and any supplemental code which may be later approved for a particular region.

F. A Regional Administrative Committee shall elect such officers and make such rules and regulations as are necessary for the administration and enforcement of this Code and any supplemental code. All such rules and regulations shall be approved by the Code Authority, and may be reviewed and disapproved by the Administrator.

G. If for any required purpose a Regional Administrative Committee fails to call a meeting of the members from that region, thirty percent on a tonnage basis of the manufacturers of the region may call a meeting by giving ten days written notice of the time, place, and purpose of such meeting to each member of the industry within the region.

SEC. 10. *Assessments and Expenses.*—A. The cost of operation of the Code Authority shall be paid from monies collected by assessments made at such times as the Code Authority shall prescribe, the assessment to be made on the following basis:

The basis for the first assessment shall be the average annual tonnage produced for the three-year period ending December 31, 1932, or such part thereof as he has been engaged in this Industry as provided for in Article VI, Section 7, Paragraph B, and thereafter at the end of each calendar year each member of the industry shall file a sworn statement of the amount, on a tonnage basis, of concrete pipe of all classes produced by him during the preceding calendar year. In levying the assessment, the Code Authority shall divide the amount of money required by the total tonnage of members of the industry as at the end of the preceding calendar year, and each member shall pay his proportion, which shall be arrived at by multiplying his total tonnage by the quotient.

B. Where a member of the industry fails to file a statement of the tonnage produced as required in Article VI, Section 7, B, or to make payment of an assessment levied by the Code Authority or by a regional administrative committee, as provided for herein within

sixty days from the date on which written notice is mailed, stating the amount of the assessment, such failure to make payment shall be considered a violation of this Code.

SEC. 11. *Regional Administration Expenses.*—All expenditures for administration of this National Code shall be approved by the Code Authority. Regional Administrative Committees shall provide ways and means of meeting their regional expenses and such provisions as they make therefor shall be subject to the approval of the Code Authority and all assessments levied by a Regional Administrative Committee shall be levied equitably upon all manufacturers on the basis of each manufacturer's tonnage as certified to the Code Authority.

ARTICLE VII—NATIONAL CONTROL COMMITTEE

A. The Code Authority shall appoint from the industry a National Control Committee of three members. The members of the Code Authority appointed by the Administrator pursuant to Article VI, Section 5-A, may sit with this Committee in an advisory capacity without the power to vote. The National Control Committee shall exercise such authority as may be, or may have been delegated to it by the Code Authority.

B. All communications and conferences of the Concrete Pipe Industry with the President or with his agents concerning the approval or amendments of this Code or any of its provisions or any matters relating thereto shall be through the said National Control Committee which shall be charged with the duties, through agents or otherwise, of considering proposals for amendment and making recommendations thereon and approving recommendations for exceptions to provisions of the Code.

C. The functions of this committee shall be the general planning and coordinating for the concrete pipe industry and the cooperation with similar boards of any other industry to the end of effecting a balanced national economy.

ARTICLE VIII—TRADE PRACTICES

The following practices constitute unfair methods of competition for members of the industry and are prohibited:

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

2. *Misrepresentation or False or Misleading Advertising.*—The making or causing or knowingly permitting to be made or published any false, materially inaccurate, or deceptive statement by way of advertisement or otherwise, whether concerning the grade, quality, quantity, substance, character, nature, origin, size, finish, or preparation of any product of the industry, or the credit terms, values, policies, or services of any member of the industry, or otherwise, having the tendency or capacity to mislead or deceive customers or prospective customers.

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

4. *Interference with Contractual Relations*.—Maliciously inducing or attempting to induce the breach of an existing oral or written contract between a competitor and his customer or source of supply, or interfering with or obstructing the performance of any such contractual duties or services.

5. *Defamation*.—The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations or by the false disparagement of the grade or quality of their goods.

6. *Espionage of Competitors*.—Securing confidential information concerning the business of a competitor by a false or misleading statement or by representation, by a false impersonation of one in authority, by bribery, or by any other unfair method.

7. Shipping or delivering products which do not conform to the samples submitted or representations made prior to securing the orders or in case of public work to published specifications covering the purchase of such products with the effect of deceiving or misleading purchasers or competitors.

8. The selling of or quoting on industry products at prices and on such terms that the prices of such products at the manufacturer's plant are below such manufacturer's cost. Such cost shall be determined by the uniform system of cost accounting referred to in Article VI, Section 8, subsection E, except that any manufacturer may sell at a price lower than such cost if necessary to meet a competitive quotation. Such minimum prices shall not be established so as to include more than the out-of-pocket cost for direct labor and material at cost, plus charges to be determined by calculating the percentage of plant utilization to capacity during the years 1929 to 1932, inclusive, and multiplying that percentage by the total overhead cost. Such total overhead cost shall not, however, include the following items:

Any reserves other than for depreciation and/or depletion.

Interest Paid.

Executive Salaries in excess of \$10,000 per annum for each executive.

Salesmen's Salaries and Expenses.

Commissions.

Advertising.

Other selling expenses.

9-A. The quoting on or selling of concrete pipe on any other price basis than per lineal foot.

B. In conformity with existing practice, paragraph A shall not apply to cases where the manufacturer quotes or sells under pub-

lished specifications which do not permit option to the bidder as to the form of his bid.

10. The renting or leasing by a member of the industry of forms or other equipment for the purpose of manufacturing concrete pipe to anyone except to another member of the industry.

11. *Other Unfair Practices.*—Nothing in this Code shall limit the effect of any adjudication by the Courts or holding by the Federal Trade Commission on complaint, finding, and order, that any practice or method is unfair, providing that such adjudication or holding is not inconsistent with any provision of the Act or of this Code.

ARTICLE IX—MODIFICATION

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

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

ARTICLE X—MONOPOLIES, ETC.

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

ARTICLE XI—PRICE INCREASES

Whereas the policy of the Act to increase real purchasing power will be made impossible of consummation if prices of goods and services increase as rapidly as wages, it is recognized that price increases should be delayed and that, when made, the same should, so far as reasonably possible, be limited to actual increases in the seller's costs.

ARTICLE XII—EFFECTIVE DATE

This Code shall become effective on the fifteenth day after its approval by the President.

Approved Code No. 185.

Registry No. 1014-1-01.



Approved Code No. 186

CODE OF FAIR COMPETITION

FOR THE

END GRAIN STRIP WOOD BLOCK INDUSTRY

As Approved on December 30, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the End Grain Strip Wood Block Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said code of fair competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said code of fair competition complies in all respects with the pertinent provisions of title I of the said act and that the requirements of clauses (1) and (2) of subsection (a) of section 3 of said act have been met;

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations, and findings of the Administrator and do order that the said code of fair competition be and it is hereby approved.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,

Administrator.

THE WHITE HOUSE,

December 30, 1933.

DECEMBER 20, 1933.

THE PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the End Grain Strip Wood Block Industry in the United States as revised after the hearing conducted in Washington on October 12, 1933, in accordance with the provisions of the National Industrial Recovery Act.

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

ARTICLE III—HOURS

2. This Article provides that no employee shall be permitted to work in excess of forty (40) hours in any seven (7) day period or eight (8) hours in any twenty-four (24) hour period or more than five (5) days in any seven (7) day period, except that such hourly and daily limitations do not apply to employees engaged in a managerial or executive capacity who earn not less than thirty-five dollars (\$35.00) per week, or to travelling salesmen or to employees engaged in emergency maintenance or emergency repair work. Further, an exception is made to persons employed in clerical or office work permitting such employees to work five and one half (5½) days in any seven (7) day period.

ARTICLE IV—WAGES

3. This Article establishes a minimum rate of pay at the rate of forty (\$0.40) cents per hour, except that employees employed in the State of Arkansas shall be paid not less than thirty-five (\$0.35) cents per hour and persons employed in clerical or office work shall be paid not less than fourteen dollars (\$14.00) per week. This Article also establishes a minimum rate of pay irrespective of whether the employee is actually compensated on a time rate, piece-work, or other basis. Further, female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

This Article also provides for an equitable adjustment of all wages above the minimum and further, that the Code Authority may present for the approval of the Administrator upward adjustments in minimum wages for specified localities or occupations.

Overtime for all work in excess of the normal number of hours per day or the normal number of hours per week, but not to exceed six (6) hours in any seven (7) day period, except in cases of emergency maintenance or emergency repair work involving break-downs or the protection of life or property, at the rate of one and one half

(1½) times their normal rate of pay is provided for all employees with the exception of those employees who earn more than thirty-five (\$35.00) dollars per week.

ARTICLE V—GENERAL LABOR PROVISIONS

4. This Article provides that no person under sixteen (16) years of age shall be employed in the industry and no person under the age of eighteen (18) years shall be employed in operations or occupations which are hazardous in nature or dangerous to health, and that the Code Authority must submit to the Administrator within thirty (30) days after the effective date of this Code a list of such operations or occupations.

This Article embodies subparagraph (a) of Section 7 of Title I of the National Industrial Recovery Act.

This Article further provides that employers shall not reclassify employees or duties of occupations performed or engage in any other subterfuge for the purpose of defeating the purposes of provisions of the Act or of this Code.

This Article further provides that every employer shall provide for the safety and health of his employees at the place and during the hours of their employment.

This Article further provides that all employers shall post complete copies of this Code in conspicuous places accessible to employees and that employers shall make payment of all wages due in lawful currency or by negotiable check at specified pay periods.

ECONOMIC EFFECT OF THE CODE

5. The members of this industry manufacture and grain strip wood blocks for floors, side walls, ceilings, furniture, accoustical treatment, and decorative uses, for use in connection with construction projects.

The report of the Research and Planning Division indicates that this industry has grown rather rapidly in recent years. From one establishment in 1928 employing 200 workers and having an estimated productive capacity of \$600,000.00, the industry has expanded to the point where there are now nine (9) establishments employing 600 workers and having a productive capacity of \$3,000,000.00. During this same period, invested capital has increased three (3) times and estimated annual sales about one and one half (1½) times.

On the basis of man hours, the industry reached its production peak in 1933, and should consumer demand increase, while the industry is working under the forty (40) hour week maximum, as provided by the Code, it will be necessary to employ approximately 120 additional men not previously employed in this industry. The increases which were effected as a consequence of the President's Reemployment Agreement will be further extended by the provisions of this Code and the upward readjustment of wages above the minimum promises to carry out in spirit and letter the object of the National Industrial Recovery Act.

The report of the Research and Planning Division indicates that the minimum rate of forty cents (\$0.40) per hour established by the

Code affects approximately sixty percent (60%) of the total employees of the industry receiving less than forty cents (\$0.40) per hour on September 15, 1933, excluding those employees in the State of Arkansas for whom a minimum rate of thirty-five cents (\$0.35) is established by the Code.

FINDINGS

The Administrator finds that—

(a) The code as recommended complies in all respects with the mandatory provisions of Title I of the Act, including, without limitation, subsection (a) of Section 7 and subsection (b) of Section 10 thereof, and that

(b) The applicant group imposes no inequitable restrictions on admission to membership therein and is truly representative of the End Grain Strip Wood Block Industry; and that

(c) The Code as recommended is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

It is recommended, therefore, that this code be adopted.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION
FOR THE
END GRAIN STRIP WOOD BLOCK INDUSTRY

ARTICLE I—PURPOSES

To effect the policies of Title I of the National Industrial Recovery Act as approved by the President June 16, 1933, the following provisions are submitted as a Code of Fair Competition for the End Grain Strip Wood Block Industry and, upon approval by the President, shall be the standard of fair competition for such industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

SECTION 1. The term "End Grain Strip Wood Block Industry" or "Industry" as used herein is defined to mean and include the manufacture for sale and the installation by the manufacturer of End Grain Strip Wood Blocks for floors, side walls, ceilings, furniture, accoustical treatment, and decorative uses, together with such accessory materials and operations as may be incidental thereto and such branches or subdivisions as may from time to time be included under the provisions of this Code by the President after such notice and hearing as he may prescribe.

SEC. 2. The term "End Grain Strip Wood Blocks" is defined to mean a series of end-grain wood blocks assembled into strips on continuous baseboards, or by the use of wood or metal binders, splines, or dowels, or a combination thereof, or such other methods as may be devised from time to time.

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

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

SEC. 5. The term "commodity" as used herein is defined to mean End Grain Strip Wood Blocks or accessory materials.

SEC. 6. The term "product" as used herein is defined to mean a complete installation of End Grain Strip Wood Blocks including any required accessory materials. A product may be one of several species of wood or thicknesses of the strip.

SEC. 7. The term "Association" means the End Grain Strip Wood Block Manufacturers, Incorporated.

SEC. 8. The term "Act" and "Administrator" as used herein mean respectively Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

ARTICLE III—MAXIMUM HOURS

SECTION 1. No employee shall be permitted to work in excess of forty (40) hours in any seven (7) day period, or eight (8) hours in any twenty-four (24) hour period, beginning at midnight, or more than five (5) days in any seven (7) day period, except as herein otherwise provided. A normal work day (twenty-four (24) hour period) shall not exceed eight (8) hours, and a normal work week (seven (7) day period) shall not exceed forty (40) hours.

SEC. 2. *Hours for Clerical and Office Employees.*—No person employed in clerical or office work shall be permitted to work in excess of forty (40) hours in any seven (7) day period, or nine (9) hours in any twenty-four (24) hour period, or five and one half (5½) days in any seven (7) day period. A normal work day (twenty-four (24) hour period) shall not exceed eight (8) hours and a normal work week (seven (7) day period) shall not exceed forty (40) hours.

SEC. 3. *Exceptions as to Hours.*—The provisions of this Article shall not apply to travelling salesmen, or to employees engaged in emergency maintenance or emergency repair work, or to persons employed in a managerial or executive capacity who earn not less than thirty-five dollars (\$35.00) per week.

SEC. 4. *Employment by Several Employers.*—No employer shall knowingly engage any employee for any time which, when totaled with that already performed with another employer or employers in this industry, exceeds the maximum permitted herein.

ARTICLE IV—MINIMUM WAGES

SECTION 1. No employee shall be paid in any pay period less than at the rate of forty cents (\$0.40) per hour, except as herein otherwise provided.

SEC. 2. No employee employed in the State of Arkansas shall be paid in any period less than at the rate of thirty-five cents (\$0.35) per hour.

SEC. 3. No person employed in clerical or office work shall be paid in any pay period less than fourteen dollars (\$14.00) per week.

SEC. 4. *Piecework Compensation—Minimum Wages.*—This Article establishes a minimum rate of pay, which shall apply irrespective of whether an employee is actually compensated on a time rate, piecework, or other basis.

SEC. 5. *Minimum Wage Rates by Locality Occupation.*—After the approval of this Code, the Code Authority may present for approval to the Administrator, after notice and hearing, recommendations as to upward adjustments in minimum wages for specified localities or occupations, in order to effectuate the purposes of the Act.

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

SEC. 7. *Wages Above the Minimum.*—There shall be an equitable adjustment of all wages above the minimum, and to that end, within thirty (30) days after the effective date of this Code, the Code Authority shall submit for the approval of the Administrator a proposal for adjustment in wages above the minimum. Upon approval by the Administrator after such hearing as he may prescribe, such proposal shall become binding as a part of this Code, provided, however, that in no event shall hourly rates of pay be reduced.

SEC. 8. *Overtime.*—All employees who work more than the normal number of hours per day in any twenty-four (24) hour period, or more than the normal number of hours per week in any seven (7) day period, provided in this Code for the class of work performed by such employees shall be paid not less than one and one half (1½) times their normal rate of pay for said excess. Such overtime shall

not exceed six (6) hours in any seven (7) day period, except in cases of emergency maintenance or emergency repair work involving breakdowns or protection of life or property. This section shall not apply to employees in executive or managerial capacity who earn more than thirty-five (\$35.00) per week.

ARTICLE V—CHILD LABOR

SECTION 1. No person under sixteen (16) years of age shall be employed in the industry. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. The Code Authority shall submit to the Administrator within thirty (30) days after the effective date of this Code a list of such operations or occupations. In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly issued by the Agency in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

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

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

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

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

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

SEC. 4. *Standards for Safety and Health.*—Every employer shall provide for the safety and health of his employees at the place and during the hours of their employment. Standards for safety and health shall be submitted by the Code Authority to the Administrator within six (6) months after the effective date of this Code.

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

SEC. 6. *Posting.*—All employers shall post complete copies of this Code in conspicuous places accessible to employees.

SEC. 7. *Payment of Wages.*—All employers shall make payment of all wages due in lawful currency or by negotiable check therefor, payable on demand. Wages shall be paid at the end of each weekly period. These wages shall be exempt from any payment for pen-

sions, insurance, or sick benefits other than those voluntarily paid by employees. Employers or their agents shall not accept, directly or indirectly, rebates on such wages or give anything of value nor extend any favors to any person for the purpose of influencing rates of wages or working conditions of their employees.

The provisions of this section regarding payment of wages at the end of each weekly period shall not apply to persons employed in a managerial or executive capacity who earn not less than thirty-five dollars (\$35.00) per week, nor to persons employed in clerical or office work. The wages for persons employed in clerical or office work shall be paid at the end of pay periods not to exceed bi-monthly periods.

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

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

SEC. 2. The Code Authority shall consist of five (5) members of the industry to be selected as follows:

Members of the industry shall elect the industry members of the Code Authority by majority vote of the members of the Industry; provided, however, that four (4) of such members of the Code Authority shall be members of the Association and one (1) such member of the Code Authority shall be a nonmember of the Association; and further provided, in the event that ninety percent (90%) of the members of the industry are members of the Association, all five (5) members of the Code Authority may be members of the Association.

SEC. 3. The Association is hereby designated as the agency to conduct an election of the members of the Code Authority within fifteen (15) days after the effective date of this Code, and any other elections of members of the Code Authority which may thereafter be held. Members of the Code Authority shall be elected to serve for a term of one (1) year or until their successors are elected at the next annual meeting of the industry. In the event of any vacancy in the membership of the Code Authority, a special meeting of the members of the industry for an election to fill the incomplete terms of such members shall be called. Notice of each election shall be sent to all members of the industry at least ten days in advance of such election, and voting at such election may be by person, by proxy, or by letter ballot.

SEC. 4. In addition to membership as above provided, there may be three (3) members, without vote, to be appointed by the Administrator, to serve for a term of twelve (12) months from the date of appointment.

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

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

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

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

SEC. 8. Members of the industry shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the selection of the members thereof by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the expenses of its administration. Such reasonable share of the expenses of administration shall be determined by the Code Authority, subject to review by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable.

SEC. 9. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Code Authority. Nor shall any member of the Code Authority exercising reasonable diligence in the conduct of his duties hereunder be liable to anyone for any action or omission to act under this Code, except for his own willful misfeasance or nonfeasance.

SEC. 10. *Powers and Duties.*—The Code Authority shall have the following further powers and duties, the exercise of which shall be reported to the Administrator and shall be subject to his right, on review, to disapprove any action taken by the Code Authority:

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

(b) To adopt bylaws and rules and regulations for its procedure and for the administration and enforcement of the Code.

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

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

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

(f) To secure from members of the industry an equitable and proportionate payment of the reasonable expenses of maintaining the Code Authority and its activities.

(g) To cooperate with the Administrator in regulating the use of any NRA insignia solely by those members of the industry who have assented to, and are complying with, this Code.

(h) To recommend to the Administrator further fair trade-practice provisions to govern members of the industry in their relations with each other or with other industries and to recommend to the Administrator measures for industrial planning, including stabilization of employment.

ARTICLE VII—TRADE PRACTICE RULES

GENERAL DEFINITIONS

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

RULES CONCERNING TRADE INACCURACIES

Rule 1. Inaccurate Advertising.—No member of the industry shall use or publish advertising (whether printed, radio, display, or of any nature) or other representation which is inaccurate in any material particular or in any way misrepresent any commodity (including its use, trade mark, grade, quality, quantity, origin, size, material content, or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted.

Rule 2. "Bait" Advertising.—No member of the industry shall use advertising or selling methods or credit terms which tend to deceive or mislead the customer or prospective customer.

Rule 3. False Billing.—No member of the industry shall intentionally withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any material particular.

Rule 4. Inaccurate Labelling.—No member of the industry shall intentionally brand or mark or pack any commodity in any manner which tends to deceive or mislead purchasers with respect to the brand, grade, quality, quantity, origin, size, material content, or preparation of such commodity.

RULES CONCERNING ATTACKING OF COMPETITORS

Rule 5. Inaccurate References to Competitors, etc.—No member of the industry shall use advertising or other representation which refers inaccurately in any material particular to any competitor or his commodities, prices, values, credit terms, policies, or services.

Rule 6. Selling Below Cost.—No member of the industry shall sell below his cost, except to meet the competition of the lower cost of another member of the industry. Pursuant to the provisions of Article VI, the Code Authority shall formulate or cause to be formulated standard methods or systems of cost accounting for use in this industry, which methods or systems shall be adaptable to the cost ac-

counting procedure of, and to the business of this industry. Such methods or systems shall specify the factors that shall determine the cost for each member of the industry pursuant to the provisions of this section. Upon approval of such methods or systems by the Administrator, the Code Authority shall furnish to each member of the industry complete details of such methods or systems. Thereafter, in determining costs, each member of the industry shall use a cost accounting system which shall be at least as complete and detailed as the cost accounting method or system recommended by the Code Authority and approved by the Administrator.

Rule 7. Threats of Law Suits.—No member of the industry shall publish or circularize unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harrassing competitors or intimidating their customers.

Rule 8. Secret Rebates.—No member of the industry shall secretly offer or make any payment or allowance of a rebate, refund, commission, credit, unearned discount, or excess allowance, whether in the form of money or otherwise, for the purpose of influencing a sale, nor shall a member extend to any customer any special service or privilege not extended to all customers of the same class.

Rule 9. Selling on Consignment.—No member of the industry shall ship commodities on consignment except under contract or bona fide orders.

Rule 10. Bribing Employees.—No member of the industry shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent, or the represented party, without the knowledge of such employer, principal, or party. Commercial bribery provisions shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

Rule 11. Interference with Another's Contracts.—No member of the industry shall attempt to induce the breach of an existing contract between a competitor and his employee or customer or source of supply; nor shall any such member interfere with or obstruct the performance of such contractual duties or services.

Rule 12. Espionage of Competitors.—No member of the industry shall secure or attempt to secure confidential information concerning the business of a competitor by a false or misleading statement or representation or by false impersonation of one in authority by bribery or any other unfair method.

RULES CONCERNING SPECIAL PRACTICES

Rule 13. No member of the industry shall finance, directly or indirectly, a purchaser on a specific contract, nor guarantee his accounts in any manner, except in accordance with provisions previously filed with the Code Authority pursuant to Article VIII hereof.

Rule 14. No member of the industry shall cancel in whole or in part, or permit the cancellation in whole or in part, of any contract of sale of End Grain Strip Wood Blocks or of any commodity except for an equitable consideration.

Rule 15. No member of the industry shall make or give to any purchaser of any commodity any guarantee or protection in any form against a decline in the market price.

Rule 16. No member of the industry shall combine quotations for any commodity of this industry with any quotation for any other material, labor, or service, for the purpose and with the intent of concealing the true selling price of such commodity.

Rule 17. No member of the industry shall intentionally imitate or misappropriate the trade marks, trade designs or trade brands of a competitor for the purpose or with the intent of deceiving any purchaser or prospective purchaser.

Rule 18. Other Unfair Practices.—Nothing in this Code shall limit the effect of any adjudication by the courts or holding by the Federal Trade Commission on complaint, finding, and order, that any practice or method is unfair, providing that such adjudication or holding is not inconsistent with any provision of the Act or of this Code.

ARTICLE VIII—PRICE LISTING, TERMS, AND CONDITIONS OF SALE

SECTION 1. Within twenty (20) days after the effective date of this Code each member of the industry shall file and shall maintain on file with the Code Authority, or with such agency as the Code Authority may designate, a minimum price list individually prepared by it for all commodities and products, f.o.b. shipping point, sold or offered for sale, and all terms and conditions of sale relating thereto, provided, however, that no such price list shall state prices less than the member's individual cost as determined by Rule 6 of Article VII. Such price list and terms and conditions of sale shall be open to inspection at all reasonable times by any interested party. Revised price lists or revised terms and conditions of sale may be filed from time to time thereafter, provided, however, that such revisions shall be filed for a period of not less nor more than five (5) days in advance of the effective date of any such revisions.

SEC. 2. No member of the industry shall sell or offer for sale any commodity or product at such prices or on such terms and conditions of sale as will result in the purchaser obtaining such commodity or product at less than the prices previously filed by such member, or on more favorable terms and conditions than the terms and conditions of sale previously filed by such member, in accordance with the provisions of this Article and in effect at the time of such sale.

SEC. 3. No member of the industry shall render any service other than advice and consultation to any purchaser of any commodity in connection with the sale or installation of any commodity or product unless a schedule of such services shall have been previously filed with the Code Authority pursuant to Section 1 hereof, or unless fair compensation for such services shall be paid by such purchaser. The following additional services shall be individually itemized and charged for if rendered:

(a) Services rendered in connection with the placing of the sub-base or other backing in proper condition to receive the end grain strip wood blocks.

(b) Services rendered in connection with the provision of a clear working space or with the adjustment of conduit pipes or other obstructions which interfere with the installations.

(c) Services required as the result of the failure of the purchaser to so arrange the progress of the operation as to permit one continuous and uninterrupted installation.

(d) Services required as a result of the failure of the purchaser to provide electrical outlets, electrical wiring, and electrical current for power and lighting in the immediate area of the installation.

(e) Services required as a result of the failure of the purchaser to provide free and uninterrupted use of a hoist and the operator thereof.

(f) Services required as the result of the failure of the purchaser to provide watchmen.

(g) Services required as the result of the failure of the purchaser to provide water and toilet facilities for the installation crew.

(h) Costs incurred for insurance of materials delivered or installed in the event that the purchaser requires such insurance.

SEC. 4. The price to any destination shall be not less than the price f.o.b. shipping point plus full transportation charges to unloading point of carrier. No member of the industry shall prepay transportation charges on shipments consigned to other than the member of the industry itself, except in the case of railroad freight charges to stations to which regulations require prepayment from any shipping point, unless other conditions shall have been filed previously with the Code Authority pursuant to Section 1 hereof; provided, however, that the foregoing provisions shall not apply to shipments purchased directly by and consigned to departments or agencies of the United States or State Governments or subdivisions thereof.

SEC. 5. Terms of payment by members of the industry shall not be more favorable than to provide that eighty-five percent (85%) of the value of any commodity or product furnished, delivered, or installed during the preceding month shall be due and payable on the fifteenth day of each month following such furnishing, delivery, or installing, and that the balance shall be due and payable within thirty (30) days after the completion of the contract. A cash discount of not to exceed one (1) percent, after freight is deducted, may be allowed on partial or complete payments made within ten (10) days from the date of shipment; provided, however, that the foregoing provisions shall not apply to shipments purchased directly by and consigned to Departments or agencies of the United States or State Governments or subdivisions thereof.

ARTICLE IX

If any employer in this industry is also an employer of labor in or engaged in any other industry, the provisions of this Code shall apply to and affect only that part of his business which is defined in this Code.

ARTICLE X—PRICE INCREASES

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

ARTICLE XI—MONOPOLIES

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

ARTICLE XII—GENERAL PROVISIONS

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

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

ARTICLE XIII—REPORTS

In addition to information required to be submitted to the Code Authority, all or any of the persons subject to this Code shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as the Administrator may designate; and nothing in this code shall relieve any person of any existing obligation to furnish reports to Government agencies.

ARTICLE XIV—REGISTRATION OF MEMBERS OF THE INDUSTRY

Each member of the industry shall within thirty (30) days of the effective date of this Code register with the Code Authority. All members of the industry who may engage in the industry thereafter shall likewise register with the Code Authority. Registration of a member of the industry shall include the full name and mailing address of the member. The time limit for the registration by any member of the industry may be extended whenever, in the opinion of the Administrator, the time limit as provided herein might cause an injustice to any member of the industry.

ARTICLE XV—INSTALLATION (FIELD ERECTION)

Members of the Industry engaged in installation (field erection) of the products or commodities of this Industry shall be governed by the hours, wages, and other labor provisions of such approved code for the construction industry as may be designated by the Administrator after such notice and hearing as he may prescribe.

ARTICLE XVI—EFFECTIVE DATE

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

Approved Code No. 187

CODE OF FAIR COMPETITION

FOR THE

**COTTON CLOTH GLOVE MANUFACTURING
INDUSTRY**

As Approved on December 30, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Cotton Cloth Glove Manufacturing Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said Code of Fair Competition, together with his recommendations and findings with respect thereto, and the Administrator having found that the said Code of Fair Competition complies in all respects with the pertinent provisions of Title I of the said Act and that the requirements of clauses (1) and (2) of subsection (a) of Section 3 of the said Act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations and findings of the Administrator and do order that the said Code of Fair Competition be and it is hereby approved.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 30, 1933.

(525)

DECEMBER 6, 1933.

The PRESIDENT,
The White House.

SIR: A proposed Code of Fair Competition for the Cotton Cloth Glove Manufacturing Industry was submitted by the National Association of Cotton Cloth Glove Manufacturers, and a hearing thereon was held the 7th day of September 1933. Every person who filed a request for an appearance was fully heard in accordance with statutory and regulatory requirements.

The product of the manufacturers in the Industry consists of ninety-nine percent Canton flannel, jersey, and leather-palm combination work gloves and mittens; the remaining one percent consisting of all-leather work gloves is purely incidental.

The submitting Association, founded in 1913, represents approximately ninety-four percent of the Industry by volume of business and forty-six out of sixty-nine manufacturers in the Industry.

The Association imposes no inequitable restrictions on admission to membership. However, to guard against the possibility of inequitable restrictions being imposed in the future, the bylaws of the Association are now being revised.

RESUME OF CODE AS TO HOURS AND WAGES

The Code provides for a forty-hour week and eight-hour day, except that during the seasonal period between July 1st and November 1st, a tolerance of ten percent is allowed to meet peak demand. Employees in a managerial, executive, or supervisory capacity, in office or factory, who receive \$35.00 per week or more and employees in outside sales force, will be exempted from the maximum hours provision. The hours of watchmen and drivers are limited to fifty-four and forty-eight respectively; watchmen are permitted to work only six days in any one week. Employees on emergency work are permitted overtime with payment of at least time and one third for hours worked in excess of the maximum.

The minimum wages are at the rate of 40 cents per hour for glove cutters (other than scrap leather cutters); 32½ cents per hour for glove sewers, and 30 cents per hour for other employees not otherwise provided for (including scrap leather cutters). "Scrap leather" is defined in the Code as "leather remaining after palms, thumbs, and fingers have been cut."

Office employees under twenty-one years of age are guaranteed a minimum wage of \$12.00 per week for forty hours of work; those twenty-one years of age and over are guaranteed a minimum wage of \$15.00 for a forty-hour week.

It is provided that for a learning period of twenty-four weeks "beginners" shall receive at least the regular piecework rates currently in effect, with a guarantee of at least sixty-five percent of the minimum wage. The maximum number of "beginners" that may be employed in this Industry is fixed at ten percent of the total number of employees.

It is provided that handicapped workers ("substandards") shall receive at least the regular piecework rate currently in effect, with a guarantee of at least sixty-five percent of the minimum wage. The maximum number of such employees is fixed at ten percent of the total number of employees.

The above provisions met with serious objections on the grounds that they would make it possible for twenty percent of the total employees to be paid less than the minimum wage prescribed in the Code. For this reason the Code specifies that the Code Authority shall investigate the problem of "beginners" and "substandards" and report the findings of such investigation to the Administrator, so that he may determine whether the provisions concerning these employees shall be changed.

Child labor is prohibited and the minimum wages provided are guaranteed whether the employee is compensated on a time-rate, piece-rate, or salary basis.

ECONOMIC EFFECTS OF THE CODE

According to the report of the Research and Planning Division, 9,279 wage earners were employed in this Industry during 1929 and 7,101 during 1931. It is estimated that the forty-hour week established in this code should increase present employment in this Industry by 1,420, which would bring the total figure up to approximately 8,400.

The same report shows that the average salary received for all employees in this Industry during 1931 was \$8.98 per week. During 1929, a peak year, the average salary for all employees combined amounted to only \$12.25 a week.

The lowest minimum in the Code (for "beginners" and "substandards") is \$7.80 for a week of forty hours. "Beginners", doing the work of glove sewers, will receive at least \$8.45 per week of forty hours. The lowest minimum wage for employees other than "beginners" and "substandards" is \$12.00 per week of forty hours.

FINDINGS

I find that:

This Code complies in all respects with the pertinent provisions of Title I of the Act, including without limitation, sub-section (a) of Section 7, and Sub-section (b) of Section 10 thereof.

The applicant group is truly representative of the industry, and the bylaws of the Association, when amended in accordance with suggestions made by the National Recovery Administration, will not impose inequitable restrictions upon membership.

The Code as recommended is not designed to promote monopolies or to eliminate or oppress small enterprises, and will not operate to discriminate against them and will tend to effectuate the policy of the Title I of the National Recovery Act.

Accordingly, I hereby recommend the approval of this proposed Code of Fair Competition for the Cotton Cloth Glove Manufacturing Industry.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION FOR THE COTTON CLOTH GLOVE MANUFACTURING INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Cotton Cloth Glove Manufacturing Industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

1. The term "Industry" as used herein includes the manufacture of canton flannel, jersey, and leather combination work gloves and mittens, and such branches or subdivisions thereof as may from time to time be included under the provisions of this Code.

2. The term "member of the Industry" includes anyone engaged in the Industry as above defined either as an employer or on his own behalf.

3. The term "employee" as used herein includes anyone engaged in the Industry in any capacity receiving compensation for his services, irrespective of the nature or method of payment of such compensation.

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

5. The term "beginner" as used herein is one who has had less than twenty-four (24) weeks' experience as a glove sewer or glove cutter in this Industry.

6. The term "substandard" as used herein means anyone presently employed in the Industry who, because of advanced years or mental or physical infirmities, is incapable of producing sufficient units to earn the minimum wage established in this Code.

7. The term "scrap leather" as used herein means leather remaining after palms, thumbs, and fingers have been cut.

8. The term "President", "Act", and "Administrator" as used herein shall mean, respectively, the President of the United States, the National Industrial Recovery Act, and the Administrator of said Act.

ARTICLE III—HOURS

1. No employee shall be permitted to work in excess of 40 hours in any one week or 8 hours in any 24-hour period. During the period from July 1st to November 1st there shall be a 10% tolerance, but the average for any calendar year shall not exceed 40 hours per week.

2. The maximum hours fixed in the foregoing section shall not apply to:

(a) Persons in a managerial, executive, or supervisory capacity in office or factory who receive compensation of \$35.00 per week or more. All such persons shall be listed with the Code Authority as hereinafter provided.

(b) Outside sales force.

(c) Watchmen, who shall not be permitted to work in excess of fifty-four (54) hours in any one week or six (6) days in any one week.

(d) Drivers, who shall not be permitted to work in excess of 48 hours per week.

(e) Employees on emergency maintenance and repair work. Such employees shall be paid at least time and one third for hours or fractions thereof worked in excess of the maximum hours herein provided.

3. No employee shall be permitted to work for a total number of hours in excess of the number of hours herein prescribed for each day and week, whether employed by one or more employer.

ARTICLE IV—WAGES

1. No employee shall be paid at less than the following rates according to classification on the basis of function:

(a) Glove cutters (other than scrap-leather cutters) 40¢ per hour.

(b) Glove sewers, 32½¢ per hour.

(c) Other employees not otherwise provided for herein (including scrap-leather cutters) 30¢ per hour.

(d) Office employees 21 years of age and over—at the rate of \$15.00 per week of 40 hours.

(e) Office employees under the age of 21—at the rate of \$12.00 per week of 40 hours.

(f) Beginners (for a learning period of 24 weeks) shall receive at least the regular piece-work rate currently in effect, with a guarantee of at least 65% of the minimum wage provided herein. The number of beginners employed by any member of the Industry shall not exceed 10% of the total number of employees employed by him.

(g) "Substandard" workers shall receive at least the regular piecework rates currently in effect, with a guarantee of at least 65% of the minimum wage herein provided. The number of such "substandard" employees employed in any plant shall not exceed at any time more than 10% of the employees in that particular plant, and their names, together with the names of all beginners, shall be filed with the Code Authority.

With respect to "beginners" and "substandards", the Code Authority shall make reports to the Administrator as hereinafter provided.

2. This Article establishes a minimum rate of pay, regardless of whether an employee is compensated on a time-rate, piecework, or other basis.

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

4. The wage rates of all employees receiving more than the minimum rates herein prescribed shall be equitably adjusted, and within thirty (30) days after the effective date hereof the Code Authority

shall recommend to the Administrator a proper method for the adjustment of wages above the minimum.

The Code Authority shall establish with the approval of the Administrator minimum piecework rates for the Industry so that wages will be equitably adjusted for all productive labor.

ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under 16 years of age shall be employed in the Industry, nor anyone under 18 years of age at operations or occupations hazardous in nature or detrimental to health. The Code Authority shall submit to the Administrator within 60 days after approval a list of such occupations. In any State an employer shall be deemed to have complied with this provision if he shall have on file a certificate or permit duly issued by the Authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

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

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

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

5. Within each State this Code shall not supersede any laws of such State imposing more stringent requirements on employers regulating the age of employees, wages, hours of work, or health, fire or general working conditions than under this Code.

6. Employers shall not reclassify employees or duties of occupations performed by employees so as to defeat the purposes of the Act.

7. Each employer shall post in conspicuous places on his premises full copies of this Code.

8. No member of the Industry may knowingly employ as a beginner or apprentice an employee who has previously been employed in any plant in this Industry more than 24 weeks.

ARTICLE VI—ADMINISTRATION

To further effectuate the policies of the Act, a Code Authority is hereby constituted to cooperate with the Administrator in the administration of this Code.

1. *Structure of Code Authority.*—(a) The Code Authority shall consist of six (6) individuals, or such other number as may be approved from time to time by the Administrator, to be selected as hereinafter set forth. The Administrator, in his discretion, may appoint not more than three (3) additional members (without vote),

one of whom shall be a representative of labor in this industry and the others to represent the Administrator or such groups or interests as may be agreed upon (without expense to the Industry).

(b) Five (5) members of the Code Authority shall be selected by the Trade Association (or Associations) in the Industry. One (1) member shall be selected by members of the Industry not members of any Trade Association at such time(s) and under such rules and regulations as shall be prescribed by the Administrator.

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

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

2. *Function of the Code Authority.*—The Code Authority shall have the following duties and powers to the extent permitted by the Act, subject to the right of the Administrator on review to approve or modify any action taken by the Code Authority.

(a) To adopt by-laws and rules and regulations for its procedure and for the administration and enforcement of the Code.

(b) To investigate, or cause to be investigated, on its own initiative or on complaint filed with it, any violation of this Code by any person in the Industry. The Code Authority may establish appropriate rules in regard to the obtaining of evidence and conducting hearings and shall grant to all persons interested in the subject-matter of any investigation or complaint a fair and reasonable opportunity to appear and be heard.

After an investigation and hearing, the Code Authority shall present a written report to the Administrator which shall include findings of fact and its recommendations.

(c) To develop and submit to the Administrator for approval within 30 days after the effective date of this Code a uniform system of cost accounting designed to make possible the accurate determination by each member of the Industry of his own individual cost of production. Upon approval by the Administrator of such system of cost accounting, complete advice concerning it shall be distributed by the Code Authority to all members of this Industry.

(d) To present to the Administrator recommendations based on conditions in the Industry, as they may develop from time to time, which will tend to effectuate the operation of the provisions of this Code.

(e) To establish, when necessary, administrative divisions of the Industry and to appoint, with the approval of the Administrator,

appropriate agencies for the administration of this Code in each division.

(f) To assist in arbitrating disputes arising from any provision in this Code.

(g) To collect and receive from each member of the Industry the following *monthly* reports and at all times keep the Administrator informed with respect thereto. Such reports shall be filed with the Code Authority not later than the 15th day of each month covering the previous month's operations, and no individual report shall be disclosed to any other member of the Industry or any other party except to such governmental agencies as may be directed by the Administrator.

(1) Reports showing number of persons employed, wage rates in effect, and hours worked during the preceding month.

(2) Reports showing the numbers, in dozens, of cotton flannel, jersey, and leather combination work gloves and mittens produced during the preceding month. Also total dozens of gloves, by classification, on hand; unfilled orders in dozens by classifications; and any other information that may be required.

Within five (5) days after the effective date of the Code, each member of the Industry shall file with the Code Authority detailed report by classification showing the total number of dozens of gloves on hand and the unfilled orders on hand in dozens by classification.

(3) Reports showing the names of all persons currently employed as beginners, together with the date they entered the employ of said member of the Industry, as well as the names of all persons hereafter employed as beginners, showing the date such beginners were first employed.

(4) Reports showing the names of all persons currently employed as "substandard" employees and the pay rolls of such employees.

(h) The Code Authority shall conduct a special study of "beginners." The study shall include accurate statistics of the number of "beginners" employed, their progress (rate of productivity, i.e., how long it takes the average "beginner" to earn the guaranteed minimum wage rate or more), etc. The findings of such study shall be submitted in a report to the Administrator within six (6) months after the effective date of this Code and the Administrator may determine whether the provisions of subsection (f) of Section 1, Article IV, of this Code shall be changed, after such notice and hearing as he may deem necessary.

(i) Within three (3) months of the effective date of this Code the Code Authority shall report to the Administrator the findings of a special study of "substandards", so that the Administrator may determine whether the provisions of subsection (g) of Section 1, Article IV, of this Code shall be changed, after such notice and hearing as he may deem necessary. Such reports shall include accurate statistics of the number of "substandard" employees in this Industry, the pay rolls of such employees, the average rate of productivity (number of units produced by the average "substandard" as compared with the number of units produced by the average normal employee), etc.

(j) The Code Authority shall make a special study of the problem of unemployment in this Industry to the end of reemploying all

those who have been disemployed. The report on this study shall be sent to the Administrator within 3 months of the effective date of this Code.

3. In addition to the information required to be submitted to the Code Authority, there shall be furnished to government agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act.

4. Members of the Industry shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the selection of the members thereof by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the expenses of its administration. The reasonable share of the expenses of administration shall be determined by the Code Authority, subject to review by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable to be taken into consideration.

ARTICLE VII—TRADE PRACTICES

1. All sales shall be invoiced at the time of shipment, and such invoice shall clearly and accurately state all the essential elements of the sale.

2. Within five (5) days after the effective date of this Code each member of the Industry shall publish a fully descriptive price list of all of his prices applicable to that class and subclass of purchasers to whom he sells various types of products, including in such price lists or in supplementary writings (copies of which shall be filed with the Code Authority) all of his conditions of sale. Copies of each subsequent price list and/or supplementary writing shall be filed with the Code Authority immediately upon publication of same.

3. Discontinued lines, distress merchandise, or close-outs may be sold by any manufacturer at less than his published prices, provided a complete report of such sale is made immediately to the Code Authority. Invoices of such sales shall be clearly marked "special prices on account of close-outs."

4. There shall be no price differential for gloves shipped in bundles as against those shipped in cartons. Where gloves are packaged or bundled in quantities of less than one dozen pairs of the same size, whether or not such packages are shipped in dozen cartons or bundles, a charge of at least 2¢ per dozen shall be made to cover this extra labor.

5. Where manufacturers are requested by wholesalers to print the name or plant of their (wholesaler) customers on gloves, the manufacturer shall make a minimum charge of \$1.25 on any quantity of 50 dozen or less, and on 51 dozen or more the printing charge shall be at least 2½¢ per dozen. There shall also be a charge made for all cuts and electros.

6. Customers shall be classified as wholesalers and retailers.

For the purposes of this Code, a "wholesaler" is defined as an individual, partnership, or corporation who has a proper investment in his business, who buys in bulk quantities, who maintains a suffi-

ciently complete stock of gloves to meet all normal requirements, and whose major business is selling to retailers.

A "retailer" is defined as an individual, partnership, or corporation who has a proper investment in his business, who buys in bulk quantities, who maintains a sufficiently complete stock of gloves to meet normal requirements, and whose major business is selling to ultimate consumers.

7. Every employer shall use a cost-accounting system which conforms to the principles of and is at least as detailed and complete as the uniform method of cost accounting to be prescribed by the Code Authority and approved by the Administrator.

8. The approved terms of discounts, allowances, and conditions currently in effect from time to time (which terms, discounts, etc., may be revised upon the approval of the Administrator) are as follows:

Terms, Manufacturer to Wholesaler.—Terms from manufacturer to wholesaler shall be 2% cash discount 20 days, with net of 40 days from date of shipment. No more favorable terms shall be given or allowed except after June 15 at the manufacturer's option and to facilitate shipments during the heavy delivery season, invoices may be dated as September 1 with 2%, 20 days, 40 days net.

Terms, Manufacturer to Retailer.—Terms from manufacturer to retailer shall be 2% cash, discount 10 days, with net of 30 days from date of shipment. No more favorable terms shall be given or allowed except gloves for fall delivery may, after June 1, at the manufacturer's option and to facilitate shipments during the heavy delivery season, be invoiced as of October 1, with 2%, 10 days, 30 days net.

FREIGHT ALLOWANCES

A. *Freight Shipments.*—Freight charges shall not be allowed on any shipment or shipments to any purchaser or consignee on less than 100 pounds nor shall there be any concessions or allowance of any sort in lieu thereof.

B. *Express Shipments.*—On gloves shipped by express (regardless of weight) the manufacturer may allow only the equivalent of freight charges to any purchaser.

ARTICLE VIII—UNFAIR TRADE PRACTICES

The following practices constitute unfair methods of competition for members of this Industry and are prohibited:

1. Intentionally withholding from, or deliberately inserting in the invoice, or other sales documents, facts which make said documents false records, wholly or in part, of the transaction represented on the face thereof.

2. The payment or allowances of rebates, refunds, commissions, credits, or unearned discounts, whether in the form of money or otherwise, or the extension to certain purchasers of services or privileges not extended to all purchasers of the same class under like terms and conditions.

3. Maliciously inducing or attempting to induce the breach of an existing oral or written contract between a competitor and his

customer or source of supply, or interfering with or obstructing the performance of any such contractual duties or services.

4. Repudiation of accepted orders and other contracts or their attempted cancellation except for legal cause or by mutual consent.

5. The making or causing or knowingly permitting to be made or published any false, materially inaccurate or deceptive statement by way of advertisement or otherwise, whether concerning the grade, quality, quantity, substance, character, nature, origin, size, finish, or preparation of any product of the Industry, or the credit terms, values, policies, or services of any member of the Industry, or otherwise, having the tendency or capacity to mislead or deceive customers or prospective customers.

6. The false marking or branding of any product of the Industry which has the tendency to mislead or deceive customers or prospective customers, whether as to the grade, quality, quantity, substance, character, nature, origin, size, finish, or preparation of any product of the Industry, or otherwise.

7. Shipping or delivering gloves which do not materially conform to the samples submitted, and/or which do not conform to the representations made prior to securing the order.

8. The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations or by the false disparagement of the grade or quality of their goods.

9. Directly or indirectly to give or permit to be given or offer to give, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors, customers, or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase from the makers of such gift or offer, or to influence such employers or principals to refrain from dealing or contracting to deal with competitors.

10. Allowing a commission or extra discount or a concession in price to a jobber or retailer on his own purchase because he acts as a salesman or manufacturer's agent for the sale of gloves to others, if said jobber or retailer receives a salary and/or a commission.

11. Allowing or offering to allow commissions, allowances, rebates, extra discounts, premiums, or concessions of any character beyond those appearing on the published price lists to any customer or any individual or organization representing or acting for customers or groups of customers.

12. Copying the exclusive styles, names, numbers, and/or patterns originated by a competitor and selling such gloves below the published prices of the originator.

13. Allowing credit for claims or deduction before the facts of such claims or deductions have been established by an authorized representative of the manufacturer, or until the merchandise against which the claim has been made as being defective has been returned to the manufacturer.

Any dispute arising under operation of this provision shall, if possible, be settled by amicable agreement, or shall be referred to the Code Authority for arbitration.

14. Placing merchandise on any form of consignment or memorandum, either directly or indirectly. No further merchandise shall be shipped on existing consignment accounts and all consignment accounts must be terminated within 60 days of the effective date of this Code.

15. The storage of gloves by any manufacturer in his warehouse for the account of any one purchaser, unless the sale has been made pursuant to a bona fide contract, and provided that in no event shall the seller defray any of the expenses incident to warehousing.

16. The sending of samples of gloves by manufacturers to any wholesaler at the wholesaler's request without making the proper charge therefor; used samples shall not be returned for credit.

17. Deviations from the classification of customers (as listed in paragraph 6 of Article VII) in the establishment of quotation of prices, discounts, credit terms, allowances or other conditions of sale.

18. The sale by any manufacturer of his product (except discontinued lines or close-outs) below his cost except to meet any competitor's price who is operating according to the provisions of this Code. Cost is to be determined according to the cost accounting system referred to in Article VI, Section 2 (b), and Article VII, paragraph 7.

19. The sale by any manufacturer of his products on any basis more favorable than the terms, discounts, allowances, and conditions provided in paragraph 8 of Article VII.

20. The sale by any manufacturer of his products (except on discontinued lines or close-outs) to anyone for any purpose, at any price or on any terms or conditions less than those indicated in his published price lists (as provided in paragraph 2 under Article VII).

21. Basing quotations of weights for cotton cloth gloves on other than thirty-three to thirty-four inch flannels.

ARTICLE IX—MODIFICATION

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

2. After due notice and hearing, this Code, except as to provisions required by the Act, may be modified on the basis of experience or changes in circumstances; such modifications shall be based on the recommendation of the Code Authority or of any interested party or group or on the Administrator's own initiative and shall become effective on approval by the President.

ARTICLE X—EXISTING CONTRACTS

Where the cost of executing contracts entered into by this Industry prior to June 16, 1933, is increased by the application of the

provisions of the National Industrial Recovery Act, it is equitable and promotive of the purposes of the Act that appropriate adjustments of such contracts to reflect such increased cost be arrived at, with the consent of the buyer, by arbitral proceedings or otherwise and the Code Authority is constituted an agency in effecting such adjustments.

ARTICLE XI—MONOPOLIES, ETC.

No provisions of this Code shall be interpreted or applied in such a manner as to promote monopolies, permit or encourage unfair competition, eliminate or oppress small enterprises, or discriminate against small enterprises.

ARTICLE XII—PRICE INCREASES

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

ARTICLE XIII—EFFECTIVE DATE

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

Approved Code No. 187.
Register No. 235-1-01.



Approved Code No. 188

CODE OF FAIR COMPETITION

FOR THE

VELVET INDUSTRY

As Approved on December 30, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Velvet Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said Code of Fair Competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said Code of Fair Competition complies in all respects with the pertinent provisions of Title I of said Act and that the requirements of clauses (1) and (2) of subsection (a) of Section 3 of the said Act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations and findings of the Administrator and do order that the said Code of Fair Competition be and it is hereby approved.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 30, 1933.

(539)

DECEMBER 21, 1933.

The PRESIDENT,
The White House.

SIR: This is a report on the hearing on the Code of Fair Competition for the Velvet Industry, held in the Auditorium of the Department of Commerce Building, on November 8, 1933. The Code which is attached was presented by duly qualified and authorized representatives of the industry, complying with statutory requirements, said to represent over 90 percent by volume of production and 12 out of 13 concerns in the industry.

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

THE INDUSTRY

The industry comprises 14 concerns owning over 3,000 looms and having an investment in 1933 of \$13,555,375. In 1929 the industry provided employment for 4,653 full-time workers. This figure has declined to 2,863 workers in 1933. The aggregate annual sales have fallen from 9,703,192 yards in 1929 to 3,306,458 yards for the first 6 months of 1933.

PROVISIONS OF THE CODE

The Code provides for a minimum wage of \$13.00 a week. Learners, not exceeding 5% of the total number of employees, may be paid not less than 80% of the minimum wage during the first 6 months of their employment. Hours are limited to 40 hours for any one week and 8 hours in any 24-hour period, with the following exceptions: watchmen are permitted to work 56 hours per week; employees in a supervisory capacity receiving \$35.00 per week or more, and outside salesmen are not limited as to hours; employees on emergency repair work are excepted but are to be paid time and one third for hours worked in excess of 40 hours per week; office employees are permitted to work 48 hours in any one week provided they do not work more than 40 hours per week averaged over a period of 3 months. Operations are limited to 2 shifts of 40 hours each. Hours of work have been reduced from 48 to 40, and employment is thereby increased in the same proportion.

Wage rates for piece and/or hourly workers are to be at least 20% in excess of the average rates prevailing on June 26, 1933. Existing differentials between wages above the minimum are maintained and no employee is to receive less compensation for the 40-hour week than was received before June 26, 1933.

Representation on the Code Authority is provided for all members of the industry.

There are no highly restrictive provisions in the Code itself. Provision is made for recommendations by the Code Authority to the Administrator for licensing all new installations of productive machinery. No such provision, however, will become effective without further approval of the Administrator.

There was some question as to whether or not the Velvet Industry is entitled to operate under a separate Code. After hearing the evidence and the advice of the Industrial Advisor it was decided to permit the industry to operate under this Code for a trial period of 6 months. At the end of this time the question of a Code for this industry will be reconsidered.

Members of the industry wished to include the dyeing and finishing operations within the provisions of this Code and protested against operating under the Rayon and Silk Dyeing and Printing Industry Code. This protest was based largely on the restrictions on the number of hours which productive machinery may be operated under the Dyeing and Printing Code. This objection was overcome by altering the provisions of the Dyeing and Printing Code to permit members of the Velvet Industry to operate productive machinery extra hours during peak seasons.

FINDINGS

I find that:

(a) This Code complies in all respects with the pertinent provisions of Title I of the National Industrial Recovery Act, including without limitation Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof, and further provides for the reporting of any statistical information desired by the Administrator.

(b) The Velvet Manufacturers Association is truly representative of the Velvet Industry. The Articles of Association provide no inequitable restrictions to membership.

(c) The Code is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

(d) The wages specified in this Code are substantially higher than those prevailing prior to June 16, 1933.

(e) The trade practices have the support of the members of the industry and will act to increase uniformity of practice.

I recommend that the Code be approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION
FOR THE
VELVET INDUSTRY

ARTICLE I—PURPOSES

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

ARTICLE II—DEFINITIONS

1. The term "Velvet Industry" as used herein is defined to mean the production and distribution of velvet by employers operating velvet looms, excluding such processes as are covered by the provisions of the Rayon and Silk Dyeing and Printing Industry Code.

2. The term "velvet" as used in this Code is defined to mean a pile fabric woven in top and bottom pieces connected by pile warp threads automatically cut on the loom to create the pile, including millinery, corset, box, and artificial flower plush but excluding all other plushes, and excluding pile fabrics governed by the provisions of the Upholstery and Drapery Textile Industry Code.

3. The term "member of the Industry" includes anyone engaged in the Industry, either as an employer or on his own behalf.

4. The term "employee" is defined to mean anyone receiving compensation for his services in said industry.

5. The term "employer" as used herein is defined to mean anyone by whom any such employee is compensated or employed.

6. The term "Productive machinery" as used herein is defined to mean velvet looms.

7. The term "Association" is defined to mean the Velvet Manufacturers Association.

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

9. The term "Code Authority" is defined to mean the Committee described in Article VI.

ARTICLE III—HOURS OF LABOR

1. No employee shall be permitted to work in excess of 40 hours in any one week or 8 hours in any 24-hour period, with the following exceptions:

(a) Employees earning \$35.00 per week or over and serving as executives, superintendents, foremen, supervisory staff, advisory engineers, or technicians, and outside salesmen.

(b) Watchmen, who may be permitted to work not in excess of 56 hours in any one week.

(c) Office employees who may be permitted to work an average of 40 hours a week over each period of three months, provided they do not work more than 48 hours in any one week.

(d) Any employee on emergency repair work involving breakdowns, or protection of life, or property, but in any such special cases one and one third times his normal rate shall be paid for hours worked in excess of forty hours. At least once a month and either at the end of each accounting period or at the end of each calendar month, every employer shall report to the Code Authority, in such detail as may be required, the number of employees and the number of hours so worked by each employee in that period.

2. No employee shall be permitted to work in excess of the prescribed maximum hours, even when working for more than one employer.

ARTICLE IV—WAGES

1. No employee shall be paid at a rate less than \$13 a week, except that employees learning the trade and not exceeding five percent (5%) of the total number of employees, may be paid not less than 80% of the minimum during the first six weeks of their learning period.

2. Wage rates for piece and/or hourly workers shall be at least 20% in excess of the average rates prevailing on June 26, 1933. Weekly workers shall not receive less pay for forty (40) hours than they received for the prevailing work-week prior to June 26, 1933. Differentials in amount as they existed prior to June 26, 1933, between workers receiving minimum pay and workers in the higher-paid classes, shall be maintained.

3. The provisions of this Article apply, regardless of whether an employee is compensated on a time-rate, piecework, or other basis.

4. Female employees shall receive the same rates of pay as male employees for substantially the same work.

ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under 16 years of age shall be employed in the Industry.

2. Within each State members of the Industry shall comply with any laws of such State imposing more stringent requirements than this Code as to wages, hours of work, health, fire, age of employees, or general working conditions.

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

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

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

6. Each employer shall post in conspicuous places in his plant full copies of this Code.

ARTICLE VI—ADMINISTRATION

1. There shall be a Code Authority constituted as follows:

(a) Five (5) persons elected by the Industry at a meeting held in New York City and duly noticed by the Association for that purpose to all members of the Industry by a ten days' written notice. At such meeting each member of the Industry who shall have agreed to bear his proportionate share of expense in accordance with Section 6 of this Article shall be entitled to at least five votes and an additional five votes for each loom in excess of 1 loom as shown by the inventory on file with the Code Authority; provided, however, that no member shall be entitled to more than 1,500 votes. Each member may cast all of such votes for a single member of the Code Authority or may distribute them among two or more, as he may see fit. The five persons receiving a plurality vote shall be declared elected and their tenure of office shall be for the term of one year. Vacancies occurring in the Code Authority shall be filled by a vote of the Industry at a meeting called for that purpose. On the complaint of any member of the Industry the regularity of such elections shall be subject to review by the Administrator.

(b) At the option of the Administrator, additional representatives not exceeding three to be appointed by the Administrator, but without vote and without expense to the Industry.

2. The Code Authority shall have the following duties and powers to the extent permitted by the Act, subject to the right of the Administrator on review to veto any action taken by it:

(a) To administer provisions of the Code on behalf of the Industry; to consider proposals for amendments of the Code, and exceptions thereto; and to make rules and regulations necessary or proper to carry out such powers as are specifically granted under this code.

(b) To require, from time to time, from all members such reports in such form as, in its judgment, may be deemed useful, to guide it in the proper administration of the Code, including reports as to production, production facilities and capacity, machine hours operated, number and classes of employees, hours of employment of labor, wages, stocks on hand, prices and terms of all sales, and any reasonable information relative to the manufacture, sale, shipment, or consignment of merchandise, and the terms thereof.

All information, statements, and reports required by the Committee shall be kept confidential, and shall be available only to the statistician of the Code Authority and the representatives of the Government, except insofar as the Code Authority shall direct the preparation and distribution of composite reports of unidentified figures for the general benefit of the Industry.

(c) To establish a uniform system of cost finding, and, when approved by the Administrator, to require every member of the Industry to keep records sufficiently detailed for that purpose.

(d) To establish rules and regulations subject to the approval of the Administrator for the disposal of distress merchandise, seconds, rejected, or damaged goods in such a way as to protect the owners thereof and cause the least possible disturbance to the stability and sound condition of the Industry.

3. The Code Authority may from time to time present to the Administrator recommendations based on conditions in this Industry which will tend to effectuate the operation of the provisions of the Code. Such recommendations, when approved by the Administrator, after such notice and hearing as he shall specify, shall have the same force and effect as any provisions of this Code.

4. It is contemplated that pursuant to Section 3 of this Article the Code Authority may submit a recommendation that prior to the installation of additional productive machinery (excluding replacement of velvet looms by looms of the same width) a certificate shall be secured from the Administrator that such installation shall be consistent with effectuating the policy of the National Industrial Recovery Act during the period of the emergency, provided that due notice of hearing on such application be given the Code Authority with full right to be heard.

5. In addition to the information required to be submitted to the Code Authority, there shall be furnished to government agencies such statistical information as the Administrator may deem necessary for the purpose recited in Section 3 (a) of the Act.

6. The reasonable expenses of the Administration of the Code shall be borne by those members of the industry who authorized the submission of this Code and those who agree in writing to bear their share thereof; and such expenses shall be prorated by the Code Authority among such members on the basis of wages paid to employees provided that in any event a yearly minimum of \$100 shall be charged each such member.

ARTICLE VII—UNFAIR TRADE PRACTICES

A violation of any of the following provisions by a member of the Industry shall constitute an unfair method of competition and a violation of the Code:

1. All members of the Industry shall require that contracts be confirmed in writing, except for orders of ten pieces or less, involving a delivery of merchandise for which date of delivery is less than three days and except for out-of-town orders for immediate delivery where the purchaser by wire or letter agrees to conform to uniform Velvet Industry contracts.

2. All records, documents, and book entries shall accurately reflect all sales and terms thereof, and any modification thereof.

3. Each seller shall afford equal terms, prices, and advantages to all buyers similarly situated, and shall permit no unfair discrimination to be made in merchandising terms, prices, or practices.

4. No member of the Industry shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such em-

ployee, the principal of such agent or the represented party, without the knowledge of such employer, principal, or party. This provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

5. Neither purchasers nor prospective purchasers, directly or through their employees, shall be allowed any commissions, bonuses, rebates, deductions, allowances, except for damaged goods, subsidies, or privileges of any kind, whether in the form of money, services, or otherwise, excepting insofar as the operation of this Section or any part thereof may be suspended by the Code Authority. This provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising.

6. Selling terms shall not exceed net seventy days, two percent fifteen days, and no unearned discounts shall be allowed.

7. If and when the Code Authority shall prescribe a uniform form of contract approved by the Administrator, all sales shall conform thereto.

8. No velvet shall be shipped on memorandum or consignment by any member of the Industry except to his duly accredited agent for sale.

9. No original design woven or printed, created in the United States, may be copied or reproduced in a form which is sufficiently like the original design to be mistaken for it, except with the written consent of the producer, provided such original design shall have been previously registered in the United States Patent Office or any other office or bureau approved by the Code Authority and the Administrator.

10. No member of the Industry shall falsely mark or brand any product of the Industry in a way that tends to mislead or deceive customers or prospective customers, whether as to the grade, quality, quantity, substance, nature, origin, size, finish, or preparation of any product of the Industry, or otherwise.

ARTICLE VIII—PRODUCTIVE MACHINERY

1. Productive machinery shall not be operated more than two shifts of forty (40) hours in each week.

2. Within ten days after the effective date of this Code, members of the Industry shall file with the Code Authority a complete inventory of productive machinery actually installed or then under contract.

3. On and after January 1, 1934, members of the Industry shall file with the Code Authority a monthly inventory of all additional productive machinery installed, purchased, or under contract, whether for replacement, expansion, or otherwise, and specifying which of said machines are for replacement and which are for expansion.

ARTICLE IX—MODIFICATION OR CANCELLATION

1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of subsection (b) of Section 10 of the National Industrial

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

2. This Code, except as to provisions required by the Act, may be modified on the basis of experience or changes in circumstances, such modifications to be based upon recommendations by the Code Authority to the Administrator, and to become effective on approval of the President.

ARTICLE X—EFFECTIVE DATE AND EXPIRATION DATE

This Code shall become effective on the second Monday after its approval by the President. It shall continue in effect for a period of six (6) months after such effective date and may be further extended upon the application of the Code Authority approved by the Administrator.

Approved Code No. 188.
Registry No. 281-1-01.



Approved Code No. 189

CODE OF FAIR COMPETITION
FOR THE
COATED ABRASIVES INDUSTRY

As Approved on December 30, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Coated Abrasives Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said Code of Fair Competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said Code of Fair Competition complies in all respects with the pertinent provisions of Title I of said Act and that the requirements of Clauses (1) and (2) of subsection (a) of Section 3 of the said Act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report and recommendations, and findings of the Administrator and do order that the said Code of Fair Competition be and it is hereby approved.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 30, 1933.

DECEMBER 14, 1933.

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Coated Abrasives Industry in the United States, the hearing having been conducted in Washington on October 5, 1933, in accordance with the provisions of the National Industrial Recovery Act.

PROVISIONS FOR HOURS AND WAGES

The maximum hours provided for factory workers are 40 per week and 8 per day, except during peak periods when 36 additional hours will be permitted in any 3 months' period but not more than 48 hours in any one week. Time and one half for hours in excess of 40 per week and 8 per day will be paid to the above employees. Exceptions to the above hour limitation apply to employees on maintenance work who will be limited to 44 hours in any 3 months' period and 48 hours in any one week, to the Coating Department where workers using perishable glue will be permitted to work 48 hours a week. Employees on emergency work, executives, supervisors, and salesmen are not limited in hours. Shipping crews will be limited to 48 hours a week, and will be paid the one and a half rate for time in excess of 44 hours a week and 9 hours a day. Office employees will be limited to 40 hours averaged over a 3 months' period and 48 hours in any one week, and watchmen to 56 hours.

The minimum wage to factory workers will be 40 cents an hour, except on light work for which male employees under 18 years and female employees will be paid a minimum of 35 cents. On other than light work, female employees and male employees, under 18 years, will be paid the 40-cent minimum.

CHILD LABOR

The minimum age of employees will be 16 years, except in hazardous occupations, where the minimum will be 18 years.

ECONOMIC EFFECT OF CODE

The 40-hour normal week as provided by the Code and put into effect after June 16, 1933, has added 435 persons to the 1,051 employees in June 1933 a 40 percent gain. This present number is 247 more than in 1929, when the working time averaged 50 hours a week. In spite of a drop in sales volume from \$15,000,000 in 1928 to \$10,000,000 in 1932, or 33 percent, employment has actually increased in this industry.

The wage rates provided by the Code will increase the minimum pay for female employees and male employees between the ages of 16 and 18 years, raise the minimum for all other operations, and will result in an appreciably higher average for all workers in the industry.

FINDINGS

The Administrator finds that:

(a) The Code as recommended complies in all respects with the pertinent provisions of Title I of the Act, including, without limitation, subsection (a) of Section 7 and subsection (b) of Section 10 thereof; and that

(b) The applicant group imposes no inequitable restrictions on admission to membership therein and is truly representative of the Coated Abrasives Industry; and that

(c) The Code as recommended is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

It is recommended, therefore, that this Code be approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION
FOR THE
COATED ABRASIVES INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are submitted as a Code of Fair Competition for the Coated Abrasives Industry, and upon approval by the President shall be the standard of fair competition for such industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

The term "Coated Abrasives Industry" or "Industry" as used herein includes the manufacture of Coated Abrasive Products comprising a backing of paper and/or cloth or other cellulosic backing in which a coating of abrasive grains is bonded to the backing by means of an adhesive after the manner of sandpaper and other products incidental or correlated thereto.

The term "Member of the Industry" as used herein includes any manufacturer who shall be subject to this Code.

The term "Employee" as used herein includes anyone engaged in the Industry in any capacity receiving compensation for his services, irrespective of the nature or method of payment of each compensation.

The term "Employer" as used herein includes anyone by whom any employee is compensated or employed.

The term "Administrator" as used herein means the Administrator of Title I of the National Industrial Recovery Act.

The term "Member of the Code" as used herein includes any member of the Industry who shall expressly signify assent to this Code.

The term "Act" as used herein means Title I of the National Industrial Recovery Act.

The term "President" as used herein means the President of the United States.

Population for the purposes of this Code shall be determined by reference to the 1930 Federal Census.

ARTICLE III—HOURS

SECTION 1. No employee shall work or be permitted to work in excess of forty (40) hours in any seven (7) day period or in excess of eight (8) hours in any twenty-four (24) hour period, except as follows:

(a) Employees in a managerial, executive, or supervisory capacity (not including under foremen or bosses engaged on production

work) receiving not less than thirty-five dollars (\$35.00) or more per week, and employees engaged on emergency maintenance and emergency repair work involving breakdowns or protection of life or property, and commercial traveling salesmen.

(b) Accounting, clerical, office, service, and sales employees, who may, except, as hereinafter provided, be permitted to work not more than a maximum week of forty (40) hours averaged over a three (3) month period; provided, however, that such employees shall not be employed more than forty-eight (48) hours in any one week.

(c) Factory and mechanical workers and artisans, who during periods in which a concentrated demand upon any division of the Industry shall place an unusual and temporary burden for production upon its facilities, shall be permitted to work not more than thirty-six (36) additional hours in any three (3) months period, but not more than forty-eight (48) hours in any seven (7) day period.

(d) Watchmen who shall not be permitted to work in excess of fifty-six (56) hours in any seven (7) day period.

(e) Employees on automotive or horse-drawn passenger, express, delivery, or freight service, including shipping crews, who shall be permitted to work such hours as may be necessary, but not in excess of forty-eight (48) hours in any seven (7) day period; provided that such employee shall be paid at the rate of not less than one and one half ($1\frac{1}{2}$) times their regular hourly rate for all hours worked in excess of nine (9) hours in any twenty-four (24) hour period, or forty-four (44) hours in any seven (7) day period.

(f) Engineers, firemen, water tenders, and oilers, who may be permitted to work an average of forty-four (44) hours in any three (3) month period, but not in excess of forty-eight (48) hours in any seven (7) day period.

(g) Employees engaged in coating operations, who may be permitted to work a maximum of forty-eight (48) hours per week, during any period when raw materials used in such operations may be subject to deterioration and consequent loss.

SEC. 2. Any employee, included under Section 1 (a), (c), (f), and (g) of this Article III, except employees in a managerial, executive, or supervisory capacity and commercial travelling salesmen, working in excess of eight (8) hours in any twenty-four (24) hour period or in excess of forty (40) hours in any calendar week, shall be paid for such excess hours not less than one and one half ($1\frac{1}{2}$) times the regular hourly rate of such employee.

SEC. 3. If any employee works for more than one employer, no such employer or employers shall permit such employee to work for a total number of hours in excess of the number of hours prescribed, and all employers in the Industry shall exercise due diligence to carry out the purposes of this Section.

SEC. 4. No employee shall be employed for more than the maximum number of hours hereinabove provided, whether by one or more employers; provided that if any employee should be employed by more than one employer for an aggregate period in excess of such maximum without the knowledge or connivance of any one of such employers, such employer shall not be deemed to have violated this Section.

ARTICLE IV—WAGES

SECTION 1. Except as hereinafter provided, no male employee eighteen (18) years of age or over, shall be paid at a rate of less than forty (40) cents per hour; and no male employee, between the ages of sixteen (16) and eighteen (18) years, who is engaged in light work such as inspecting, counting abrasive and other light sheets, making light packages, stenciling and stamping the sheets and placing them in reams, nor any female employee engaged in such light work shall be paid at a rate of less than thirty-five (35) cents per hour.

SEC. 2. Female employees, and male employees under eighteen (18) years of age, performing substantially the same work as male employees, eighteen (18) years of age and over, shall receive the same rate of pay as such male employees, eighteen (18) years of age and over.

SEC. 3. Except as hereinafter provided, the minimum wage that shall be paid to any accountant, clerical or office employee (not including traveling salesmen), shall be fifteen (\$15) dollars per week in any city of over 500,000 population or in the immediate trade area of such city; not less than fourteen dollars and fifty cents (\$14.50) per week in any city of between 250,000 and 500,000 population or in the immediate trade area of such city; and not less than fourteen (\$14) dollars per week in any city of between 2,500 and 250,000 population or in the immediate trade area of such city. In towns of less than 2,500 population, all wages of such employees shall be increased not less than twenty (20) percent, provided that this increase shall not require wages in excess of twelve (\$12) dollars per week.

SEC. 4. Office boys and girls and messengers shall be paid at a rate of not less than eighty (80) percent of the minimum salary provided in Section (3) of this Article IV, provided that such office boys and girls and messengers so paid shall constitute not more than five (5) percent of the total number of employees of any one employer; but in any case, such employer shall be entitled to employ two (2) such employees.

SEC. 5. This Article IV establishes a minimum rate of pay, regardless of whether the employee is compensated on the basis of a time-rate or a piecework performance or otherwise.

SEC. 6. A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage below the minimum established by this Code if the employer obtains from the State authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate; provided that such employees so paid shall constitute no more than five (5) percent of the total number of employees of such employer; but in any case such employer shall be entitled to employ two (2) such employees. Each employer shall file with the Code Authority a list of all such persons employed by him.

SEC. 7. The wage rates for all operations and duties shall be equitably adjusted when this Code becomes effective, and in making such adjustments in no case shall the hourly rate be decreased. Each member of the Industry shall report all such adjustments to the Code Authority within 30 days of the effective date.

SEC. 8. No members of the industry shall reclassify any employee or duties or occupations performed by such employee so as to defeat the purposes of the Act. In determining his classification under this Code, each employee shall be entitled to claim the benefits of the classification of occupation existing on June 16, 1933.

ARTICLE V—CHILD LABOR

No person under 16 years of age shall be employed in the industry. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. The Code Authority shall submit to the Administrator before February 1, 1934, a list of such operations or occupations. In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a valid certificate or permit duly signed by the Authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

ARTICLE VI—GENERAL LABOR PROVISIONS

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

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

SEC. 3. Every employer shall make reasonable provision for the safety and health of his employees at the place and during the hours of their employment. Standards for safety and health shall be submitted by the Code Authority to the Administrator for approval within six (6) months after the effective date of this Code.

SEC. 4. Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

SEC. 5. Within each State this Code shall not supersede any laws of such State imposing more stringent requirements on employer regulating the age of employees, wages, hours of work, or health, fire, or general working conditions than under this Code.

SEC. 6. Each employer shall post in conspicuous places full copies of this Code.

ARTICLE VII—ADMINISTRATION

SECTION 1. For the purpose of carrying into effect the policies set forth in the National Industrial Recovery Act, the Board of Directors of the Coated Abrasives Association, and additional membership including not more than three (3) members without vote, to be appointed by the Administrator if he so desires, shall constitute a

General Planning Committee which shall be known as the Code Authority of the Coated Abrasives Industry. The President of the Coated Abrasives Association shall preside over the Code Authority, but shall not be entitled to vote.

No decision of the Code Authority shall be binding unless concurred in by 51 percent of the members thereof, provided that at least one member representing less than 20 percent of the volume in dollars of net sales shall be included in the 51 percent, and members representing 75 percent in volume in dollars based upon the preceding year's volume figures in dollars as shown by the records of the Coated Abrasives Association.

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

SEC. 3. In order that the Code Authority shall at all times be truly representative of the Industry and in other respects comply with the provisions of the Act, the Administrator may provide such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Code Authority.

Any member of the Industry who is not a member of the Coated Abrasives Association may secure representation on the Code Authority by accepting his proper pro rata share of the cost of creation and administration of the Code and his share of the responsibility of such administration.

SEC. 4. The Constitution and Bylaws of the Coated Abrasives Association shall not be amended so as to impose any inequitable restrictions upon membership therein.

SEC. 5. Any member of the Industry may participate in the preparation of any revisions of or additions to the Code by accepting his proper pro rata share of the cost of the creation and administration of the Code and his share of the responsibility of such administration, or by becoming a member of the Coated Abrasives Association.

ARTICLE VIII—STATISTICS

The Code Authority shall collect and compile all reports required by the National Industrial Recovery Act. Members of the Industry shall furnish such reports to the Code Authority.

In addition to the information required to be submitted to the Code Authority, there shall be furnished to government agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act.

ARTICLE IX—IMPORTS

The Coated Abrasives Industry is making a special study of the conditions surrounding the importation of Coated Abrasives into the United States of America. In due course and from time to time it may submit complaints to the President of the United States showing in detail the kinds of Coated Abrasives which are being imported into the United States in substantial quantities. Such complaint or complaints will include a request pursuant to the laws in such case made and provided, that appropriate steps be taken by the President to the end that such importations of foreign Coated Abrasives shall not defeat the purposes of the National Industrial Recovery Act and the provisions of this Code in furtherance thereof.

ARTICLE X—MONOPOLIES

No provision in this Code shall be interpreted or applied in such a manner as to (a) Promote monopolies; (b) Permit or encourage unfair competition; (c) Eliminate, oppress, or discriminate against small enterprises.

ARTICLE XI—MODIFICATIONS

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

SEC. 2. Such provisions of this Code as are not required by the National Industrial Recovery Act to be included therein, may (with the approval of the President provided such approval be required) be modified or eliminated by a vote of 51 percent of the members of the Industry, provided that at least one member representing less than 20 percent of the volume in dollars of net sales shall be included in the 51 percent, and members representing 75 percent in volume in dollars of net sales based upon the preceding year's volume figures in dollars, at a meeting to be called upon ten days' notice by the Coated Abrasives Association.

SEC. 3. This Code shall continue in effect for the period provided in the National Industrial Recovery Act, unless sooner terminated in accordance with the law in such case made and provided.

ARTICLE XII—EFFECTIVE DATE

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

Approved Code No. 189.
Registry No. 1001-02.

Approved Code No. 190

CODE OF FAIR COMPETITION
FOR THE
PAPER STATIONERY AND TABLET
MANUFACTURING INDUSTRY

As Approved on December 30, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Paper Stationery and Tablet Manufacturing Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said Code of Fair Competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said Code of Fair Competition complies in all respects with the pertinent provisions of Title I of said Act, and that the requirements of clauses (1) and (2) of subsection (a) of Section 3 of the said Act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations, and findings of the Administrator, and do order that the said Code of Fair Competition be, and it is hereby, approved.

FRANKLIN D. ROOSEVELT.

Approval recommended:
HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 30, 1933.

DECEMBER 21, 1933.

THE PRESIDENT,
The White House.

SIR: This is a report of the hearing on the Code of Fair Competition for the Paper Stationery and Tablet Manufacturing Industry, conducted in Washington on October 5, 1933, in accordance with the provisions of Title I of the National Industrial Recovery Act.

HOURS AND WAGES

The maximum hours specified by this Code for factory workers are forty per week and eight per day, except during specified peak months, when eight extra hours per week are permitted if paid for as time and one third. Skilled mechanics, not to exceed ten percent of the workers in any plant, may work hours in excess of forty, but not more than forty-eight per week, all hours worked in excess of forty per week and eight per day to be paid for as not less than time and one third. Other employees are limited to forty hours per week averaged over a period of thirteen consecutive weeks, but not more than forty-eight in any one week. Slightly longer hours are provided for watchmen, chauffeurs, truckmen, engineers, and firemen.

The Code provides a minimum wage of 38¢ per hour for male, and 33¢ per hour for female factory workers in the Northern zone, and 30¢ per hour for all factory workers in the Southern zone. The minimum wages for office workers range from \$15.00 to \$12.00 per week, as in the President's Reemployment Agreement. The usual provision is made that women doing the same work as men shall receive the same pay. The only exemption from the minimum wage rate is the handicapped worker, who may be employed at 80% of the prescribed wage.

ECONOMIC EFFECT OF THE CODE

This industry converts paper into various forms for writing purposes. There are about 60 firms in the industry, giving employment to about 5,500 persons. The capital invested is estimated at 25 million dollars. The total employed in 1929 was about 7,000. In 1932 the total dropped to 4,486. Under the President's Reemployment Agreement the number of employees was increased to the present figure. The forty-hour week provided in this Code will not substantially increase employment for this industry, but in view of the fact that the forty-hour week has become the general standard in approved Codes, a shorter work week would amount to a penalty of this industry.

Figures submitted by 34 of the 60 plants engaged in this industry indicate that the prevailing minimum wage rate is 30¢ per hour.

The wage provisions of the Code will result in substantial increases in pay rolls and purchasing power.

FINDINGS

The Administrator finds that:

(a) The Code as recommended complies in all respects with the pertinent provisions of Title I of the Act, including, without limitation, subsection (a) of Section 7 and subsection (b) of Section 10 thereof; and that

(b) The applicant group imposes no inequitable restrictions on admission to membership therein and is truly representative of the Paper Stationery and Tablet Manufacturing Industry; and that

(c) The Code as recommended is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

It is recommended, therefore, that this Code be approved.

Respectfully submitted.

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION
FOR THE
PAPER STATIONERY AND TABLET
MANUFACTURING INDUSTRY

To effectuate the policies of Title I of the National Industrial Recovery Act, the following is hereby established as a Code of Fair Competition for the above-named Industry and shall be binding on every member thereof.

ARTICLE I—DEFINITIONS

The following words are used in this Code with the meanings herein set forth:

“Industry”, the manufacture in the United States of paper stationery, writing tablets, and school paper.

“Member”, a natural person, partnership, corporation, association, trust, trustee, trustee in bankruptcy, or receiver engaged in such Industry.

“Act”, Title I of the National Industrial Recovery Act.

“Administrator”, the National Industrial Recovery Administrator.

ARTICLE II—ORGANIZATION AND ADMINISTRATION

1. The members of the Board of Directors of the Paper Stationery and Tablet Manufacturers Association, together with such other person or persons as the Administrator may designate are hereby constituted the Code Authority of the Industry. The members of the Code Authority designated by the Administrator shall act in an advisory capacity and shall have no vote.

2. The said Association shall file with the Administrator certified copies of any amendments of its By-Laws relating to eligibility or admission to membership in such Association, or relating to the method of selection of the members of such Board of Directors, which such Association may hereafter adopt.

3. The Administrator may at any time prescribe a different method for selecting the Industry members of the Code Authority, and thereafter, such members shall be chosen in the manner so prescribed.

4. The Code Authority is charged generally with the duty of administering this Code under the sanction and with the approval of the Administrator. All acts of the Code Authority shall be subject to review and to suspension, modification, or cancellation by the Administrator.

5. The expenses of administering this Code shall be borne pro rata, in accordance with a formula to be adopted by the Code Authority, by all members of such Industry who accept the benefit of the services of the Code Authority or otherwise assent to this Code.

6. The Code Authority shall have power to investigate alleged violations of this Code and acts or courses of conduct by any member

which are or appear to be contrary to the policy of the Act or which tend or may tend to render ineffective this Code and to report the same with recommendations to the Administrator.

ARTICLE III—HOURS OF LABOR

1. Employees in the Industry shall not be required or permitted to work hours in excess of the limits prescribed in the following schedule:

SCHEDULE OF WORKING HOURS

(a) Watchmen: Eight (8) hours in any one day and fifty-six (56) hours in any one week.

(b) Chauffeurs, truckmen, engineers, and firemen: One hundred sixty-eight (168) hours in any period of four (4) consecutive weeks, but not more than ten (10) hours in any one day and forty-eight (48) hours in any one week.

(c) All other laborers, mechanical workers, or artisans employed in any plant, mill, or factory, or on work connected with the operation of such plant, mill, or factory: Forty (40) hours in any one week and eight (8) hours in any one day; provided, however,

First, that when necessary to avoid reduction of employment of other workers or the undue reduction of production, skilled workers, to the extent of not more than ten (10%) percent of the total number of workers in any one plant, may work hours in excess of such limitations, but not more than forty-eight (48) hours in any one week, all such time worked in excess of eight (8) hours in one day and/or forty (40) hours in one week, to be paid for at not less than time and one third; and

Second, that during the months of September, October, November, and December workers engaged in the manufacture of papeterie, and during the months of July, August, September, and October workers engaged in the manufacture of tablets and school paper, may work an average of forty (40) hours per week, but not more than forty-eight (48) hours in any one week or eight (8) hours in any one day.

(d) Executives and their personal secretaries and other employees engaged in a supervisory capacity receiving \$35.00 or more per week and outside salesmen: No limitation.

(e) All other employees: An average of forty (40) hours per week in any period of thirteen (13) consecutive weeks, but not more than forty-eight (48) hours in any one week.

2. No limitation contained in said schedule shall apply to employees of any class when engaged in emergency repairs or emergency maintenance work occasioned by breakdowns or involving protection of life or property.

3. No employee shall be permitted to work for two or more members of the industry an aggregate number of hours in excess of the number prescribed in said schedule.

4. No member shall operate his plant on Sundays. Female employees of the class described in subdivision (c) of Section 1 of this Article shall not be permitted to work between the hours of 7:00 p.m. and 7:00 a.m.

ARTICLE IV—WAGES

1. The minimum rate of wage of any laborer, mechanical worker or artisan employed in any plant, mill, or factory or on work connected with the operation of any such plant, mill, or factory shall be as follows:

(a) Northern Zone (which shall consist of all territory in the United States, except the States named in subdivision (b)):

Male: Thirty-eight (38) cents per hour.

Female: Thirty-three (33) cents per hour.

(b) Southern zone (which shall constitute the States of Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas):

Thirty (30) cents per hour.

2. Pieceworkers shall be paid at rates which will yield a worker for an hour's work not less than the minimum rate above prescribed.

3. The minimum rates of wages for all other employees except commission salesmen shall be as follows:

Not less than fifteen (\$15) dollars per week in any city of over 500,000 population, nor less than fourteen dollars and fifty cents (\$14.50) per week in any city between 250,000 and 500,000 population, nor less than fourteen (\$14) dollars per week in any city between 2,500 and 250,000 population, nor less than twelve (\$12) dollars per week in towns of less than 2,500 population.

4. Female employees, performing substantially the same work under the same conditions as male employees shall receive the same rate of pay as male employees. The Code Authority shall within 90 days after the effective date of this Code file with the Administrator a description of all occupations in the Industry in which both men and women are employed.

5. The wage rates of all employees receiving more than the minimum rates herein prescribed shall be reviewed and such adjustments, if any, made therein as are equitable in the light of all the circumstances, and within sixty (60) days after the effective date hereof, the Code Authority shall report to the Administrator the action taken by all members of the Industry under this Section.

6. A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage of not less than 80% of the minimum prescribed by this Code, provided the State Authority designated by the United States Department of Labor shall have issued a certificate authorizing his employment on such basis. Each member shall file with the Code Authority a list of all such persons employed by him. The provision of this Section requiring a certificate of authority shall not become effective until sixty days after the effective date of this Code.

ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under sixteen (16) years of age shall be employed in the Industry. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. The Code Authority shall submit

to the Administrator within sixty (60) days after the effective date of this Code a list of such operations or occupations. In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly signed by the authority in such State empowered to issue employment or age certificates or permits, showing that the employee is of the required age.

2. Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection. No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing. Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

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

4. No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge for the purpose of defeating the purposes or provisions of the Act or of this Code.

5. All employers shall post complete copies of this Code in conspicuous places accessible to employees.

6. Every employer shall make reasonable provisions for the safety and health of his employees at the place and during the hours of their employment. Standards for safety and health shall be submitted by the Code Authority to the Administrator within six (6) months after the effective date of this Code.

7. No provision in this Code shall supersede provisions as to hours, wages, and conditions of employment which are established for specific projects by competent governmental authority acting in accordance with law, or to terms of employment which are established by labor agreements now in force, where either the wages are higher or the hours of labor are shorter, or both than are those set forth in this Code.

8. The Code Authority shall make a study of conditions in the industry to determine the feasibility of the adoption of a shorter working week and shall, within three (3) months after the effective date of this Code, make a report of its findings to the Administrator. The Code Authority shall also submit to the Administrator within six (6) months after the effective date of this Code, a plan for the stabilization and regularization of employment.

ARTICLE VI—ACCOUNTING—SELLING

1. The Code Authority shall, as soon as practicable, formulate a standard method of accounting and costing for the industry and

submit the same to the Administrator. When it shall have been approved by the Administrator, every member shall use an accounting and costing system which conforms to the principles of, and is at least as detailed and complete as, such standard method.

2. Each member shall, on or before 30 days after the effective date of this Code, file with the Code Authority complete schedules in such form as the Code Authority shall prescribe of prices and terms and conditions of sale for domestic consumption (including all differentials, discounts, trade allowances, and special charges) of all products offered for sale by such member, and shall so file all subsequent changes therein or revisions thereof at least five days prior to the effective time of any such changes or revisions. When any member shall file any such schedule or any revision thereof, any other member may also file a revision of his own schedule to become effective as of the same time as such first mentioned schedule. The Code Authority shall, upon request, furnish any person concerned, whether or not a member of the Industry, a copy of all such schedules and of all changes and revisions thereof.

3. No such schedule of prices and terms and conditions of sale filed by any member, or in effect, at any time in any quarter of any calendar year shall be such as to permit the sale of any product at less than the lower of the following:

(a) The cost of such product to such member during the last period of twelve consecutive months ending not less than thirty (30) days prior to the date of filing, which cost shall be determined pursuant to the method of accounting and costing prescribed by the Code Authority under this Article as soon as that method is prescribed and theretofore pursuant to the method employed by such member subject to such preliminary rules as the Code Authority shall from time to time prescribe.

(b) The lowest price scheduled for such product under the provisions of this Article by any other member and then in effect.

Each schedule filed under this Article shall state whether the prices, terms, and conditions therein specified are justified under subdivision (a) or under subdivision (b) of this Section, and in the case of justification under subdivision (b) shall identify the schedule or schedules of the other member or members of the industry justifying such prices, terms, and conditions. A schedule justified upon the basis of the schedule or schedules of another member or members shall become void forthwith upon the cancellation or revision upward of such justifying schedule or schedules.

4. The Code Authority shall have power on its own initiative, or on the complaint of any member, to investigate any price for any product shown in any schedule filed hereunder, and for such purpose to require the member who filed such schedule to furnish such information concerning the cost of manufacturing such product as the Code Authority shall deem necessary or proper for such purpose. If the Code Authority, after such investigation shall determine that such price violates the provisions hereof, the Code Authority shall so notify such member, and thereupon such price shall become void and of no effect. All such decisions by the Code Authority shall be filed with the Administrator.

5. Except in fulfillment of bona fide contracts existing on the effective date of this Code, no member shall sell any products of the Industry for domestic consumption at a price or prices lower than or upon terms or conditions more favorable than stated in his price schedules then on file; provided, however, that discontinued lines or damaged goods or seconds or distress merchandise required to be sold to liquidate a defunct business, may be disposed of in such manner and on such terms and conditions as the Code Authority may approve.

6. The Code Authority may suspend for any period of time, and from time to time, all or any of the provisions of Sections 2, 3, 4, and 5 hereof as to any specified product or products of the Industry.

ARTICLE VII—REPORTS AND STATISTICS

1. Each member shall prepare and file with the Executive Secretary of the Code Authority at such times and in such manner as it may prescribe, such statistics, data and information relating to plant capacity, volume of production, volume of sales in units and dollars, orders received, unfilled orders, stocks on hand, inventory, both raw and finished, number of employees, wage rates, employee earnings, hours of work, and other matters, as the Code Authority or the Administrator may from time to time require. Any or all information so furnished by any member shall be subject to checking for the purpose of verification by an examination of the books and accounts and records of such member by any disinterested accountant or accountants or other qualified person or persons designated by the Code Authority.

2. Except as otherwise provided in the Act, or in this Code, all statistics, data, and information filed or required in accordance with the provisions of this Code shall be confidential and the statistics, data, and information of one member shall not be revealed to another member. No such data or information shall be published except in combination with other similar data and in such a manner as to avoid the disclosure of confidential information. The Code Authority shall arrange in such manner as it may determine for the publication currently to members, totals of orders received, unfilled orders, shipments, stocks of finished goods on hand, and production.

3. The Code Authority shall make such reports to the Administrator as he may from time to time require.

4. In addition to information required to be submitted to the Code Authority there shall be furnished to Government Agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act.

ARTICLE VIII—RECOMMENDATIONS

1. The Code Authority may, from time to time, present to the Administrator recommendations based on conditions in the Industry which will tend to effectuate the operation of this Code and the policy of the Act, and in particular along the following lines:

(a) For the establishment of rules of fair trade practice for the Industry and for the codification of its trade customs, and the enforcement thereof.

(b) For restrictions on the creation of new facilities for the manufacture of any product of the industry or on the acquisition by any member of new equipment for such manufacture.

(c) For the establishment of plans to bring about a reasonable balance between the production and consumption of the products of the industry.

Such recommendations, when approved by the Administrator, shall have the same force and effect as the provisions of this Code.

ARTICLE IX—GENERAL PROVISIONS

1. If any member is also a member of another industry, the provisions of this Code shall apply to and affect only that part of his business which is included in this industry.

2. Any work or process incidental to, and carried on by a member at his plant as a part of the manufacture of any product of the industry, shall be regarded as a part of this industry.

3. Such of the provisions of this Code as are not required to be included therein by the Act may, with the approval of the President of the United States, be modified or eliminated as changes in circumstances or experience may indicate.

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

5. This Code shall become effective on the second Monday after the date upon which it shall be approved by the President of the United States.

Approved Code No. 190.
Registry No. 409-1-03.



Approved Code No. 191

CODE OF FAIR COMPETITION
FOR THE
CINDERS, ASHES, AND SCAVENGER TRADE

As Approved on December 30, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Cinders, Ashes, and Scavenger Trade, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said Code of Fair Competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said Code of Fair Competition complies in all respects with the pertinent provisions of Title I of said Act and that the requirements of clauses (1) and (2) of subsection (a) of Section 3 of the said Act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations and findings of the Administrator and do order that the said Code of Fair Competition be and it is hereby approved.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 30, 1933.

DECEMBER 22, 1933.

The PRESIDENT,
The White House.

SIR: The Hearing on the Code of Fair Competition for the Cinders, Ashes, and Scavenger Trade was held in the Raleigh Hotel, Washington, D.C., on December 6, 1933. The Code which is attached was presented by duly qualified and authorized representatives of the trade, complying with statutory requirements, said to represent over 60% in number and volume of the trade.

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

The provisions of this Code have been approved by the Consumers' Advisory Board, the Industrial Advisory Board, the Research and Planning Division, and the Legal Division; and by the Labor Advisory Board, with the single exception that they feel their Board should be granted specific representation on the Code Authority.

THE TRADE

Many States and municipalities have statutes and regulations governing the services rendered by this trade, in the interest of public health. Most municipalities provide some of the services through municipal operation, particularly the removal of ashes and garbage.

The trade comprises about 2,000 concerns, having an investment in 1933 of \$6,000,000. In 1928 and 1929 the trade provided employment for 15,000 full-time workers. This figure has declined to about 12,500 full- and part-time workers in 1933. The aggregate annual dollar volume has decreased from \$25,000,000 in 1929 to an estimated \$17,500,000 in 1933.

While in some sections of the country, where the trade has been well organized, wages have been maintained at the 1929 rate, in other sections price wars have driven wages down to as low as 10 cents per hour. The wages provided in this Code, according to testimony, will result in substantial increase in purchasing power for a considerable portion of the employees engaged in the trade.

Hours of work have ranged from 54 to 63 hours per week in most cases, and a great many more in some instances. The shorter hours provided in this Code, it is estimated by the trade, will result in reemployment for about 3,000 workers.

PROVISIONS OF THE CODE

The Code provides minimum wage rates of 40¢ per hour in cities of over 50,000 population; 35 cents per hour in cities between 2,500

and 50,000 in population; and 30 cents per hour in towns less than 2,500.

Hours of work are limited to 48 hours in any one week and 8 hours in any 24-hour period, with the following exceptions: employees on emergency maintenance or emergency repair work involving breakdowns or protection of life or property; persons regularly employed in clerical or office work who receive more than \$35 per week; watchmen, who are permitted to work 54 hours per week. Any employee working in excess of the maximum hours provided shall be paid time and a half for overtime. Office or clerical employees receiving \$35 or less per week shall not be permitted to work in excess of 40 hours in any one week. No employee shall be permitted to work more than six days in any seven-day period. Provision is made for the maintenance of differentials between wages above the minimum.

Representation on the Code Authority is provided for all members of the trade.

Trade practice provisions have been incorporated to eliminate unfair practices which have developed in the trade to the detriment of all interests.

I find:

(a) This Code complies in all respects with the pertinent provisions of Title I of the National Industrial Recovery Act, including without limitation, subsection (a) of section 7 and subsection (b) of section 10 thereof, and further provides for the reporting of any pertinent statistical information desired by the Administration.

(b) The American Institute of Sanitation Services to be truly representative of the Cinders, Ashes, and Scavenger Trade. The By-Laws of this association provide no inequitable restrictions to membership.

(c) The Code is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

(d) Trade practices have the support of the majority of the industry and should increase the uniformity of practice.

Accordingly, I recommend that the Code be approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION
FOR THE
CINDERS, ASHES, AND SCAVENGER TRADE

ARTICLE I—PURPOSE

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

ARTICLE II—DEFINITIONS

1. The term "Cinders, Ashes, and Scavenger Trade", as used herein, is defined to mean:

(a) The removing and disposing of ashes, cinders, garbage, refuse, building rubbish, and offal.

(b) The installation, maintenance, and cleaning of cesspools; cleaning of flooded cellars, swamps, stagnant pools, and waste pools, caused by overflowing of cesspools; cleaning of septic and fuel-oil tanks, grease traps and garage separators; removal of dead carcasses for disposal without sale. These services shall be considered a part of the trade when performed in localities where the scavenger is commonly performing such services.

(c) Street sprinkling and flushing; snow removal; digging, filling, grading, and leveling of premises, limiting such digging, filling, grading, and leveling to such operations as will distinguish the Trade from that of the Excavating Contractor.

2. The term "employee", as used herein, includes anyone engaged in the Trade in any capacity receiving compensation for his services, irrespective of the nature or method of payment of such compensation.

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

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

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

6. Population for the purposes of this Code shall be determined by reference to the 1930 Federal Census.

7. The term "watchman", as used herein, includes only employees whose sole function is watching.

8. The term "Institute", as used herein, means the American Institute of Sanitation Services.

ARTICLE III—HOURS

1. No employee shall be permitted to work in excess of 48 hours in any one week or 8 hours in any twenty-four (24) hour period, except as herein otherwise provided. A normal workday shall not exceed 8 hours. Any employee working in excess of the maximum hours herein provided per day shall be paid one and one half (1½) time for overtime.

2. The maximum hours fixed in the foregoing Section shall not apply to:

(a) Persons regularly employed in clerical or office work who receive more than \$35 per week. Such employees receiving \$35 or less per week shall not be permitted to work in excess of 40 hours in any one week or 8 hours in any 24-hour period.

(b) Persons employed as watchmen. Such employees shall not be permitted to work in excess of 54 hours in any one week.

(c) Employees on emergency maintenance or emergency repair work, involving breakdowns or protection of life or property, but in any such special case at least one and one half times the normal rate shall be paid for hours worked in excess of the maximum hours herein provided.

3. No employee shall be permitted to work more than six days in any seven-day period.

4. No employer shall knowingly engage any employee for any time which when totaled with that already performed with another employer or employers exceeds the maximum permitted herein.

5. Any employer who does the work of an employee shall be subject to the provisions of this Code as to hours of labor.

ARTICLE IV—WAGES

1. No employee shall be paid at less than the following wage rates:

(a) Forty (40) cents per hour in any city of over 50,000 population, or in the immediate trade area of such city.

(b) Thirty-five (35) cents per hour in any city of between 2,500 and 50,000 population, or in the immediate trade area of such city.

(c) Thirty (30) cents per hour in any town or place of less than 2,500 population.

2. This Article establishes a minimum rate of pay, regardless of whether an employee is compensated on a time-rate, piecework, or other basis.

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

4. The wage rates for occupations other than those receiving the minimum wages herein prescribed shall at least maintain the difference in earning for those occupations for a full-time week existing

on March 4, 1933, provided, however, that these rates shall be subject to reconsideration and adjustment by the Administrator. No employer shall reduce the weekly compensation for employment now in excess of the minimum wages prescribed herein, notwithstanding that the hours worked in such employment may hereby be reduced.

5. An employer shall make payments of all wages due only in lawful currency or by negotiable check therefor payable on demand. Wages shall be paid at least semimonthly. These wages shall be exempt from any payments for pensions, insurance, or sick benefits, other than those voluntarily paid by the wage earners or required by law.

ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under 16 years of age shall be employed in the trade, nor anyone under 18 years of age at operations or occupations hazardous in nature or detrimental to health. The Code Authority shall submit to the Administrator before February 1, 1934, a list of such operations or occupations. In any State an employer shall be deemed to have complied with this provision if he shall have on file a certificate or permit duly issued by the authority in such State empowered to issue employment or age certificates or permits, showing the employee is of the required age.

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

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

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

5. Within each State this Code shall not supersede any laws of such State imposing more stringent requirements on employers regulating the age of employees, wages, hours of work, or health, fire, or general working conditions than under this Code.

6. Every employer shall make reasonable provisions for the safety and health of his employees at the place and during the hours of their employment. This provision shall not relieve any employer of complying with all Federal and State laws, and municipal ordinances and regulations of safety and health. Standards for safety and health shall be submitted by the Code Authority to the Administrator for approval within six months after the effective date of this Code.

7. Employers shall not reclassify employees or duties of occupations performed by employees so as to defeat the purpose of the Act and of this Code.

8. *Posting.*—(a) Each employer shall post in a conspicuous place of easy and continuous access to employees the articles dealing with hours, wages, and general labor provisions of this Code.

(b) All changes in the provisions of these aforesaid articles shall be posted within one week after such changes have been incorporated in the Code.

9. Employers shall not engage part-time employees for a period of less than four (4) consecutive hours at any one time or in any one day.

10. Members of the Trade shall employ only subcontractors or other agencies requiring the services of laborers or mechanics on the site of the work as will pay wages not less than the minimum rates of wage established in Article IV of this Code.

ARTICLE VI—ADMINISTRATION

1. To further effectuate the policies of the Act, a Code Authority is hereby constituted to cooperate with the Administrator in the administration of this Code.

2. The organization and constitution of the Code Authority shall be as follows:

(a) The Code Authority shall consist of from five (5) to seven (7) individuals to be selected as hereinafter set forth to represent the Trade, and the Administrator, in his discretion, may appoint not more than three additional members (without vote and without expense to the Trade) to represent such groups or governmental agencies as he may designate; such members, if and when appointed, shall be known as "Administration members of the Cinders, Ashes, and Scavenger Trade Code Authority."

(b) The members of the Code Authority representing the Trade shall be selected in the following manner:

(1) Five (5) members of the trade shall be appointed by the Board of Directors of the American Institute of Sanitation Services.

(2) Two (2) members of the trade, who may or may not be members of the American Institute of Sanitation Services, may be appointed by the Administrator.

(3) The five (5) individuals mentioned in paragraph (1) of this subsection (b) shall be appointed on or before the effective date of this Code, and shall hold office for terms of one year each and until their successors are appointed. Appointments of successors (which may include reappointments of original members) shall be made, and vacancies for unexpired terms shall be filled in the same manner and by the same agencies as the original appointments.

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

4. In order that the Code Authority shall at all times be truly representative of the trade and in other respects comply with the pro-

visions of the Act, the Administrator may provide such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative, or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Code Authority.

5. The Code Authority shall have the following duties and powers to the extent permitted by the Act, subject to the right of the Administrator on review to disapprove any action taken by the Code Authority:

(a) The Code Authority may establish divisions of the trade and shall designate sub-Code Authorities to assist in the administration of this Code in each division. The Code Authority may delegate to said sub-Code Authorities any of its power and authority for the administration of this Code within the various divisions.

(b) Matters affecting more than one division shall be submitted to the Code Authority.

(c) The Code Authority may recommend to the Administrator fair trade practice provisions to govern members of the trade in their relations with each other or with other trades and may recommend to the Administrator measures for industrial planning including stabilization of employment.

(d) Sub Code Authorities shall formulate uniform rules and regulations governing terms of sale and collection of accounts within their respective divisions. Such rules and regulations governing terms of sale and collections of accounts shall be filed with the Code Authority and shall be subject to the approval of the Administrator.

(e) The Code Authority shall obtain from employers such reports in respect to business, wages, hours of labor, etc., as the Administrator may require.

6. In addition to the information required to be submitted to the Code Authority, there shall be furnished to government agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act.

7. Members of the trade shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the selection of the members thereof by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the expenses of its administration. The reasonable share of the expenses of administration shall be determined by the Code Authority, subject to review by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable to be taken into consideration.

ARTICLE VII—UNFAIR TRADE PRACTICES

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

1. The failure to adhere to such terms of sales and enforce collections thereunder, pursuant to Article VI, Section 5, subsection (d).

2. The making or causing, or knowingly permitting to be made or published, any false, materially inaccurate or deceptive statement

by way of advertisement or otherwise, whether concerning the class of service, kind of work of the trade, or credit terms, or otherwise, having the tendency or capacity to mislead or deceive customers or prospective customers.

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

4. Maliciously inducing or attempting to induce the breach of an existing oral or written contract between a competitor and his customer, or interfering with or obstructing the performance of any such contractual duties or services.

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

6. The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations or by the false disparagement of the grade or quality of their service.

7. Securing confidential information concerning the business of a competitor by a false or misleading statement or representation, by a false impersonation of one in authority, by bribery, or by any other unfair method.

8. Maliciously enticing away the employees of competitors with the purpose and effect of hampering, injuring, or embarrassing competitors in their business. This provision shall not be interpreted as preventing any employee, acting in good faith, accepting employment with another employer.

ARTICLE VIII—MODIFICATION

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

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

ARTICLE IX—MONOPOLIES

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

ARTICLE X—PRICE INCREASE

Whereas the policy of the Act to increase real purchasing power will be made impossible of consummation if prices of goods and services increase as rapidly as wages, it is recognized that price increases should be delayed and that, when made, the same should, so far as reasonably possible, be limited to actual increases in the seller's cost.

ARTICLE XI—EFFECTIVE DATE

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

Approved Code No. 191.
Registry No. 1632-26.



Approved Code No. 192

CODE OF FAIR COMPETITION
FOR THE
CAST IRON PRESSURE PIPE INDUSTRY

As Approved on December 30, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Cast Iron Pressure Pipe Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said Code of Fair Competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said Code of Fair Competition complies in all respects with the pertinent provisions of Title I of said Act and that the requirements of clauses (1) and (2) of subsection (a) of Section 3 of the said Act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do approve the report and recommendations and adopt the findings of the Administrator, and do order that the said Code of Fair Competition be and it is hereby approved.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 30, 1933.

DECEMBER 14, 1933.

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition proposed for the Cast Iron Pressure Pipe Industry, and on the hearing conducted thereon in Washington, D.C., on October 9, 1933, in accordance with the provisions of the National Industrial Recovery Act.

PROVISIONS OF THE CODE AS TO WAGES AND HOURS

The Industry proposes a 36-hour week for production employees, with an allowance for peak demands of 45 hours per week for 6 weeks in any 6-month period. Time and one half the regular rate is to be paid for work in excess of 36 hours per week or on Sundays and holidays, except that emergency, repair, and maintenance employees may work on any days up to 36 hours per week without overtime.

Office employees may work up to 40 hours per week averaged over a 1-month period, but shall not work on more than 27 days in any 31-day period.

Watchmen and firemen may work not more than 56 hours nor 6 days in any period of 7 days. While an 8-hour day is not required by the Code, the principle of the 8-hour day is recognized by a statement therein.

A minimum wage is provided of 35 cents per hour in the North and 30 cents per hour in the South, to apply to all except office and superannuated employees. These minimum wages are the highest in the history of this Industry. A limited number of office boys and girls and superannuated employees may be paid not less than 80% of the stated minima. Other office employees shall be paid not less than \$15.00 per week.

Wages above the minima are to be equitably adjusted.

Child labor is prohibited, and no person under the age of 18 years may be employed in a hazardous occupation.

GENERAL STATEMENT

This Industry has been established since 1815, and there are now 5 producing areas in the United States. Its product is used largely in the distribution systems of water and gas utilities, and is made under rigid specifications adopted by individual customers or by recognized associations. Due to climatic conditions, and by reason of the fact that under municipal budgets orders for material are not placed until spring or summer, the laying of pipe is seasonal. New residential sections create a demand for water and gas installation by public-service corporations. In 1927, when residential construction was at its peak, about 1,500,000 tons were produced, valued at

\$65,550,000. In recent years construction has declined sharply, with a corresponding decrease in production in this Industry. This fact is clearly shown in the following figures submitted by the Industry:

	<i>Production net tons</i>
1925-----	1, 414, 252
1926-----	1, 535, 956
1927-----	1, 490, 590
1928-----	1, 371, 327
1929-----	1, 293, 106
1931-----	945, 336
1932-----	409, 980

Pertinent figures with respect to employment are submitted by the Industry, as follows:

	Number of employees	Minimum wage per hour	Average hours per week	Estimated weekly pay rolls
1926-----	13, 902	\$0. 307	54. 2	\$347, 486. 41
1929-----	11, 093	. 307	49. 8	269, 711. 88
1930-----	10, 431	. 307	46. 8	250, 582. 12
1933, March-----	4, 648	. 261	28. 1	52, 851. 44
1933, September-----	5, 962	. 331	28. 1	72, 402. 74

As a result of operating under this Code, it is estimated by the Industry that (1) 1280 additional employees will be given employment, and that (2) the increase in minimum wages, the adjustment of wages above the minima and the increased number of employees, will result in adding \$952,124 yearly to the buying power of the employees in this Industry. These figures are based upon operation at the present rate of production, which is about 20% of normal. It is anticipated that as general economic conditions improve and production is increased there will be a material increase both in the pay roll and the number of employees in the Industry.

The Deputy Administrator finds that:

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

(b) The applicant group imposes no inequitable restrictions on admission to membership therein and is truly representative of the Cast Iron Pressure Pipe Industry; and that

(c) The Code as recommended is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

I believe that the Code as proposed is fair to Industry, to Labor, and to the Public, and within the intent and purpose of the National Industrial Recovery Act.

Accordingly, I recommend the approval of this proposed Code of Fair Competition for the Cast Iron Pressure Pipe Industry.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION
FOR THE
CAST IRON PRESSURE PIPE INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Cast Iron Pressure Pipe Industry and, upon approval by the President, shall be the standards of fair competition for such Industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITION OF TERMS

The term "the Industry" means and includes the joint business of both (a) producing and (b) selling in the United States or its possessions cast iron pressure pipe and fittings for the conveyance of liquids and gases, except the production and/or manufacture of such articles when produced or manufactured by a manufacturer for use in his own finished product.

The term "Institute" means Cast Iron Pressure Pipe Institute, an unincorporated association.

The term "Member of Industry" means and includes but without limitation any individual, partnership, receiver, firm, association, trustee, corporation, or other entity engaged in the Industry.

The term "Employee" as used herein includes any and all persons engaged in the Industry, except a member of the Industry, however compensated.

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

ARTICLE III—REGULATIONS OF HOURS OF WORK

SECTION 1. No employee, except office employees, outside salesmen, and employees in executive, managerial, or supervisory capacities who are paid at the rate of more than one hundred and fifty dollars (\$150.00) per month, shall be permitted to work in excess of thirty-six (36) hours per week; provided, however, to meet peak or seasonal demands forty-five (45) hours may be worked in any one week for six (6) weeks in any six (6) months' period.

SEC. 2. No office employee, except outside salesmen and those employed in executive, managerial, or supervisory capacities who are paid at the rate of more than one hundred and fifty dollars (\$150.00)

per month, shall be permitted to work in excess of forty (40) hours per week averaged over a calendar month.

SEC. 3. No employee, except office employees, outside salesmen, and employees in executive, managerial, or supervisory capacities who are paid at the rate of more than one hundred and fifty dollars (\$150.00) per month, shall be paid less than one and one half times his normal rate for work on Sundays, national legal holidays, or for work beyond thirty-six (36) hours per week; provided, that employees on emergency, maintenance, or repair work shall be paid their normal rate for work on Sundays and national legal holidays unless such work is beyond thirty-six (36) hours per week.

SEC. 4. No employee shall be permitted to work more than five (5) days in any seven (7) day period except office employees, outside salesmen, employees in executive, managerial, or supervisory capacities who are paid at the rate of more than one hundred and fifty dollars (\$150.00) per month, and employees on emergency, maintenance, or repair work. These excepted employees shall not be permitted to work on more than twenty-seven (27) days in any thirty-one (31) day period.

SEC. 5. The above regulations of hours of work do not apply to watchmen or firemen. These employees shall not be permitted to work in excess of fifty-six (56) hours during six (6) days in any seven (7) day period.

SEC. 6. The Industry recognizes the desirability and accepts the principle of the eight (8) hour day for labor, and insofar as it reasonably can the Industry will endeavor to employ its labor on that basis.

ARTICLE IV—MINIMUM WAGE RATES

SECTION 1. No employee except office and superannuated employees shall be paid less than thirty-five cents (35¢) per hour in the North, or less than thirty cents (30¢) per hour in the South. The South is defined as the States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Louisiana, and Arkansas. The North comprises all other States.

SEC. 2. Office employees shall not be paid less than fifteen dollars (\$15.00) per week; provided, however, that office boys and girls may be paid not less than eighty percent (80%) of such minimum wage, but the number of such office boys and girls at any one place of employment shall not exceed five percent (5%) of the total number of employees at such place of employment.

SEC. 3. Superannuated employees shall not be paid less than eighty percent (80%) of the minimum wage; provided, however, that the total number of such employees shall not exceed two percent (2%) of the total employees during the same period, except in idle plants.

SEC. 4. The differences in hourly rates for all operations shall be equitably readjusted and in no case shall rates for the same operation be decreased. Where such adjustments have not been made since May 1, 1933, they shall be made on or before fifteen (15) days subsequent to the effective date of this Code. The first reports of wages required to be filed under this Code shall contain all wage increases made since May 1, 1933.

ARTICLE V—GENERAL LABOR PROVISIONS

PROHIBITION OF CHILD LABOR

SECTION 1. On and after the effective date employers in the Industry shall not employ any minor under the age of sixteen years, provided that no person under the age of eighteen years shall be employed in any operation that might be termed hazardous, and provided further that where a State law specifies a higher minimum age no person below the age so specified shall be employed within that State.

PROVISIONS FROM THE ACT

SEC. 2. The members of the Industry will comply with the following specific provisions of the National Industrial Recovery Act.

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

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

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

SEC. 3. Within each State this Code shall not supersede any laws of such State imposing more stringent requirements on employers regulating the age of employees, wages, hours of work, or health, fire, or general working conditions under this Code.

SEC. 4. Each employer shall post in conspicuous places in each foundry all of the labor provisions of this Code.

SEC. 5. This section establishes a minimum rate of pay which shall apply irrespective of whether an employee is actually compensated on a time rate, piecework, or other basis.

SEC. 6. No employer shall reclassify employees or duties of occupations performed, or engage in any other subterfuge for the purpose of defeating the purposes or provisions of the Act or of this Code.

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

SECTION 1. To effectuate further the policies of the Act, the Board of Control of the Cast Iron Pressure Pipe Institute is hereby designated to administer this Code and to cooperate with the Administrator as a Planning and Fair Practice Agency for the Cast Iron Pressure Pipe Industry. In addition there may be from one (1) to three (3) representatives who may be appointed by the Administrator and who shall have no vote, and shall be given notice of, and may sit at, all meetings of the Board of Control. The Board of Control

shall consist of the representatives of the members of the Institute as provided for in the By-Laws of the Institute. The Board of Control shall from time to time present to the Administrator recommendations based on conditions in their Industry as they may develop from time to time which will tend to effectuate the operation of the provisions of this Code and the policy of the National Industrial Recovery Act.

SEC. 2. In addition to information required to be submitted to the Board of Control, there shall be furnished to government agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the National Industrial Recovery Act.

SEC. 3. The Board of Control is also designated to cooperate with the Administrator in making investigations as to the functioning and observance of any provisions of this Code, at its own instance or on complaint by any person affected, and to report the same to the Administrator. The Board of Control shall collaborate with the members and from time to time, when necessary, shall advise them concerning their production, subject at all times, however, to the supervision and control of the Administrator.

SEC. 4. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provision of section 10 (b) of the National Industrial Recovery Act, from time to time to cancel or modify any order, approval, license, rule, or regulation, issued under Title I of said Act, and specifically to the right of the President to cancel or modify his approval of this Code or any conditions imposed by him upon his approval thereof.

SEC. 5. Such of the provisions of this Code as are not required to be included herein by the National Industrial Recovery Act may, with the approval of the President, be modified or eliminated as changes in circumstances or experience may indicate. It is contemplated that from time to time supplementary provisions to this Code or additional codes will be submitted for the approval of the President to prevent unfair competition in price and other unfair and destructive competitive practices and to effectuate the other purposes and policies of Title I of the National Industrial Recovery Act consistent with the provisions thereof.

SEC. 6. (a) The Board of Control shall have power to require each member of the Industry to furnish such information concerning the cost, production, shipments, sales, unfilled orders, and inventories of finished products of such member and the hours of labor, rates of pay, and other conditions of employment in the plant of such member and all other information deemed necessary by the Board of Control in order to effectuate the purposes of the Code and the policy of Title I of the National Industrial Recovery Act, unless a member is excused in any specific instance upon appealing to the Administrator. The Board of Control may require all such information to be certified as it shall prescribe. Failure of any member of the Industry to furnish such information shall constitute a violation of this Code.

(b) All information furnished to the Board of Control by any member of the Industry may be subject to verification by any one of three Certified Public Accountants, or by accountants having the

equivalent in qualifications and ability of the Certified Public Accountants, provided, however, as to any service to be performed in any particular State or governmental subdivision of the United States, such accountants in any event shall have the qualifications required by law in such State or governmental subdivision of the United States for the performance of such service, designated by the Board of Control. The member under investigation shall have the right of choice among such three accountants, such choice to be exercised within five (5) days of notification by the Board of Control.

SEC. 7. No inequitable restriction shall be imposed upon membership in the Institute, and there shall be no material change in the Constitution or Bylaws of the Institute or its successor without the approval of the Administrator.

SEC. 8. All expenses incurred by the Board of Control in administering this Code shall be borne by the members of the Industry and shall be apportioned among them by the Board of Control upon an equitable basis as approved by the Administrator. The amount apportioned from time to time against any member shall become due and payable by such member within thirty (30) days after notification by the Board of Control.

SEC. 9. Upon the termination of this Code all unpaid expense incurred by the Board of Control shall be apportioned by the Board of Control among the members of the Industry and the amount apportioned to each member shall become immediately due and payable by such member.

SEC. 10. Any action taken by the Board of Control or other group within the Industry relative to the administration of this Code, except where otherwise specifically provided in this Code may, in the discretion of the Board of Control or such other group, be submitted to the Administrator for approval and shall in any case be subject to the disapproval of the Administrator.

SEC. 11. In order that the Board of Control shall at all times be truly representative of the Industry and in other respects comply with the provisions of the Act, the Administrator may provide such hearings as he may deem proper; and thereafter if he shall find that the Board of Control is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Board of Control, or any sub-Board of Control.

ARTICLE VII—UNFAIR METHODS OF COMPETITION

To accomplish the purpose contemplated by the Act, the following practices are hereby declared to be unfair methods of competition.

(a) To quote, offer for sale, or sell within his own home market area, as defined in paragraph (j) of this Article, any product of the Industry at a price below his reasonable F.O.B. foundry cost of such product (as reasonable cost is hereinafter defined), except in special instances specifically authorized by the Board of Control. Provided further that foundries making pit-cast pipe may sell pit-cast pipe below cost in their home market area to meet the competition of light weight pipe made in accordance with Federal Specifications

W.W.P. 421 and W.W.P. 423, except that such foundries may not sell pit-cast pipe at a price below a figure obtained by using their cost thereof per net ton, reduced to a cost per pound and multiplying such cost per pound by the weight in pounds per foot of light-weight pipe. For the purpose of determining the reasonable cost of the products of an individual member of the Industry, the following method shall be used: Include the cost of direct and indirect labor plus a reasonable amount per ton to cover some charge for such items as administration, selling, depreciation, obsolescence, and power; plus the cost of miscellaneous materials such as coke, sand, limestone, etc., F.O.B. foundry; plus the cost of metal per net ton in finished products. To determine the cost per net ton of metal there shall be used the replacement cost F.O.B. foundry less one dollar and fifty cents (\$1.50), of Number 2 foundry pig iron per gross ton as quoted in *The Iron Age* at the time of sale or quotation of the finished product. The cost of items such as the following shall be excluded: Research, development, publicity, interest charges, and servicing of employees. The accounting practices used for determining costs as above by individual members of the Industry shall be approved by the Board of Control and subject to the supervision and disapproval of the Administrator. Information furnished to the Board of Control shall be certified by a certified public accountant or by an accountant having the equivalent in qualifications and ability of a certified public accountant; provided, however, that as to any service to be performed in any particular State or governmental subdivision of the United States, such accountant in any event shall have the qualifications required by law in such State or governmental subdivision of the United States for the performance of such service. For determining cost F.O.B. foundry of finished products where a delivered price is involved, the actual cost of transportation on a net-ton basis shall be deducted.

(b) To give or accept secret rebates, refunds, allowances, or unearned discounts directly or indirectly in connection with any work performed.

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

(d) Making or giving to any purchaser of any product any guaranty or protection in any form against decline in the market price of such product.

(e) To sell or offer for sale any product except on standard terms of payment, which are net cash within thirty (30) days from date of invoice or one half of one percent from net foundry price, for payment within ten (10) days from date of invoice, cash with order, or sight draft against bill of lading. The standard rate of interest on past-due accounts shall be six percent (6%) per annum and no member shall waive interest nor willingly make any concession with respect to interest as a competitive factor. Exceptions to the above terms are when specification or proposal form and contract of sale based thereon specifically provide other terms.

(f) To state in any invoice of any product a date other than the date of actual shipment.

(g) To agree to allow anything other than the replacement cost of defective material, unless in a special case approved by the Board of Control.

(h) Making any sale or contract of sale of any product under any description which does not fully and correctly describe such product in terms customarily used in the Industry.

(i) The making, or causing, or permitting to be made or published any false or deceptive statement by way of advertisement or otherwise, concerning the substance, grade, quantity, size, quality, origin, or preparation of any product of the Industry having the tendency and capacity to mislead or deceive purchasers or prospective purchasers.

(j) The quoting of F.O.B. foundry prices for distant markets lower than those quoted for home markets is destructive of sound business and is unfair competition. A producer shall not directly or indirectly sell or offer for sale the product of a foundry outside the "home market" of that foundry (as the term "home market" is hereinafter defined) at a price F.O.B. foundry less than the average "home market" price F.O.B. the same foundry as sold or quoted over a period of fifteen (15) days next preceding such sale or offer for sale, except in special instances specifically authorized by the Board of Control. For determining the price F.O.B. foundry where a delivered price is involved the actual cost of transportation on a net ton basis shall be deducted.

The States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, and the District of Columbia shall constitute the "home market" of all foundries located within said group of States. The "home market" of foundries located in States other than the foregoing States shall be the territory comprising the remainder of the United States.

Provided, that when a member operating one or more foundries in both of said areas obtains an order in one of said areas through one of its foundries located in that area and at prices in conformity with the requirements of paragraph (a) of this Article, such member may fill such order from any other of its foundries regardless of location.

(k) For a member of the Industry to make a request, application, or attempt, directly or indirectly, to change the railroad rates now established by the Interstate Commerce Commission between recognized railroad territories such as Official, Southern, Western, and their subdivisions, unless such member shall previously give written notice to all other members of the Industry and to the Secretary of the Institute.

ARTICLE VIII

Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Code Author-

ity. Nor shall any member of the Code Authority be liable to anyone for any action or omission to act under the Code, except for his own willful misfeasance or nonfeasance.

ARTICLE IX—MONOPOLIES, ETC.

No provision of this Code shall be interpreted or applied in such a manner as to promote monopolies, permit or encourage unfair competition, eliminate, oppress, or discriminate against small enterprises.

ARTICLE X—EFFECTIVE DATE

This Code shall become effective at 12:01 A.M. on the first Monday after its approval by the President.

Approved Code No. 192.

Registry No. 1128-06.



Approved Code No. 193

CODE OF FAIR COMPETITION
FOR THE
FOLDING PAPER BOX INDUSTRY

As Approved on December 30, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Folding Paper Box Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said Code of Fair Competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said Code of Fair Competition complies in all respects with the pertinent provisions of Title I of said Act, and that the requirements of clauses (1) and (2) of subsection (a) of Section 3 of the said Act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations, and findings of the Administrator, and do order that the said Code of Fair Competition be, and it is hereby, approved.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 30, 1933.

DECEMBER 20, 1933.

The PRESIDENT,
The White House.

SIR: This is a report of the hearing on the Code of Fair Competition for the Folding Paper Box Industry, conducted in Washington on October 26, 1933, in accordance with the provisions of Title I of the National Industrial Recovery Act.

HOURS AND WAGES

The Code provides a forty-hour week for factory workers, plus additional time for machine cleaning and plant operation work to be paid for as overtime. For office employees the Code provides forty hours per week averaged over thirteen weeks, but not more than forty-eight hours in any one week. Slightly longer hours are specified for additional nonproductive employees.

The minimum wage rates specified are 40¢ per hour in the North and 35¢ per hour in the South for male factory workers, with a 5¢ differential for women in each case. It is provided that women doing the same work as men shall receive the same pay. Office employees are to be paid a minimum of \$16.00 a week in the North and \$14.00 in the South.

Exemption from the minimum rates is provided only for office boys and girls and handicapped workers. Home work is prohibited, and the usual provisions for safeguarding employees are included.

OTHER PROVISIONS

The Code provides detailed regulations for accounting and selling, to meet the particular necessities of this industry. Provision for reports and recommendations is made, and certain unfair Trade Practices are prohibited.

ECONOMIC EFFECT OF THE CODE

There are about 370 firms engaged in the manufacture of folding boxes, employing approximately 15,500 persons. Since 1929, production in this industry has fallen off 15%. In the same period dollar volume of sales decreased 36½%, largely as a result of price wars. Under the President's Reemployment Agreement 2,773 employees were added to the industry's pay rolls, bringing the present total of employment 2% above the 1929 level.

Owing partially to price decreases, wages have been severely depressed in this industry. Under the President's Reemployment Agreement, the average hourly wage rates were increased 22% for male and 35% for female labor in the North, and 41% for male and 50% for female labor in the South. The wage rates provided in the

Code will increase the present minimum rates by about 15%. It is estimated that the rates under the President's Reemployment Agreement increased annual pay rolls by 1½ million dollars, and that the rates proposed in this Code will add an additional 2 million dollars to present pay rolls.

FINDINGS

The Administrator finds that:

(a) The Code as recommended complies in all respects with the pertinent provisions of Title I of the Act, including, without limitation, subsection (a) of Section 7 and subsection (b) of Section 10 thereof; and that

(b) The applicant group imposes no inequitable restrictions on admission to membership therein and is truly representative of the Folding Paper Box Industry; and that

(c) The Code, as recommended, is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

It is recommended, therefore, that this Code be approved.

Respectfully submitted.

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION
FOR THE
FOLDING PAPER BOX INDUSTRY

To effectuate the policies of Title I of the National Industrial Recovery Act, the following is hereby established as a Code of Fair Competition for the above named Industry and shall be binding on every member thereof:

ARTICLE I—DEFINITIONS

The following words are used in this Code with the meanings herein set forth:

“Industry.”—The manufacture and sale of containers (other than fibre or corrugated shipping containers), which, or the integral parts of multi-piece units of which, are made from a single piece of one or more plies of box board and in the primary joints and/or closures of which the final outer surface of the blank is in direct contact with the final inner surface of the blank, when assembled.

“Member.”—A natural person, partnership, corporation, association, trust, trustee, trustee in bankruptcy, or receiver engaged in such Industry.

“Act.”—Title I of the National Industrial Recovery Act.

“Administrator.”—The National Industrial Recovery Administrator.

ARTICLE II—ORGANIZATION AND ADMINISTRATION

1. Eight persons engaged in the Industry to be elected by the Board of Directors of the Folding Paper Box Association of America, together with such other person or persons as the Administrator may designate are hereby constituted the Code Authority of the Industry. The members of the Code Authority designated by the Administrator shall act in an advisory capacity and shall have no vote.

(a) At least one Industry member shall be a person who operates a paper-board mill;

(b) At least one Industry member shall be a person who does not own, operate, or have controlling affiliations with a paperboard mill;

(c) At least one Industry member shall be a person who does not own, operate, or have controlling affiliation with a paperboard mill, and whose product is divided between folding paper boxes and other paperboard products.

Industry members of the Code Authority shall serve for one year, or until their successors are selected. A majority of such members shall be persons who do not own or operate or have controlling affiliations with paperboard mills, and whenever practicable such majority shall be in the ratio of two to one.

2. The said Association shall file with the Administrator certified copies of any amendments of its Bylaws relating to eligibility or admission to membership in such Association, or relating to the method of selection of the members of such Board of Directors, which such Association may hereafter adopt.

3. The Administrator may at any time prescribe a different method for selecting the Industry members of the Code Authority, and thereafter such members shall be chosen in the manner so prescribed.

4. The Code Authority is charged generally with the duty of administering this Code under the sanction and with the approval of the Administrator. All acts of the Code Authority shall be subject to review by the Administrator and to suspension, modification, or cancellation by him in any case in which he shall determine that any such act violates the purposes of the National Industrial Recovery Act.

5. The expenses of administering this Code shall be borne pro rata, in accordance with a formula to be adopted by the Code Authority, by all members of such Industry who accept the benefit of the services of the Code Authority or otherwise assent to this Code.

6. The Code Authority shall have power to investigate alleged violations of this Code and acts or courses of conduct by any member which are or appear to be contrary to the policy of the Act or which tend or may tend to render ineffective this Code and to report the same with recommendations to the Administrator.

7. The Code Authority may divide the country into geographical divisions for the purpose of administering this Code. Different divisions for different products of the Industry may be so created.

8. The Code Authority may appoint a Divisional Committee for each such geographical division and may delegate to such Committees such of its powers and duties as it shall deem necessary for the proper administration of this Code under the sanction and with the approval of the Code Authority.

ARTICLE III—HOURS OF LABOR

1. Employees in the Industry shall not be required or permitted to work hours in excess of the limits prescribed in the following schedule:

SCHEDULE OF WORKING HOURS

(a) *Watchmen*.—56 hours in any one week, but not more than 6 days in any 7-day period.

(b) *Chauffeurs and truckmen*.—192 hours in any period of 4 consecutive weeks; provided, however, that time worked in excess of 9 hours in any one day and 48 hours in any one week shall be paid for as not less than time and one third.

(c) *Engineers, firemen, and electricians*.—168 hours in any period of 4 consecutive weeks; provided, however, that all time worked in

excess of 9 hours in any one day and 48 hours in any one week shall be paid for as time and one third.

(d) *All other laborers, mechanical workers, or artisans employed in any plant, mill, or factory, or on work connected with the operation of such plant, mill, or factory.*—8 hours in any one day and 40 hours in any one week, with the following exceptions:

First.—Additional time shall be allowed for machine cleaning and maintenance and routine plant cleaning work, which cannot be done while the machines are in operation; provided, that not more than 10% of the total number of such employees may be so engaged; and provided, that all time in excess of 10 hours in any one day and 48 hours in any one week shall be paid for as not less than time and one third.

Second.—Additional time, to the extent of not more than 8 hours in any one week, shall be allowed for plant-operation work; provided, however, that all time in excess of 8 hours in any one day and 40 hours in any one week shall be paid for as not less than time and one third.

(e) *Executives and their personal secretaries and other employees engaged in a supervisory capacity receiving \$35.00 or more per week and outside salesmen.*—No limitation.

(f) *All other employees.*—An average of 40 hours per week over any period of 13 consecutive weeks, but not more than 48 hours in any one week.

2. No limitation contained in said Schedule shall apply to employees of any class when engaged in emergency repairs or emergency maintenance work occasioned by breakdowns or involving protection of life or property; provided, however, that all time worked under this section in excess of the limitations prescribed in said Schedule shall be paid for as not less than time and one third.

3. No employee shall be permitted to work for two or more members of the industry an aggregate number of hours in excess of the number prescribed in said Schedule.

ARTICLE IV—WAGES

1. The minimum rate of wage of any laborer, mechanical worker, or artisan employed in any plant, mill, or factory or on work connected with the operation of any such plant, mill, or factory shall be as follows:

(a) In the Northern zone, which shall consist of all of the territory of the United States except the states named in subdivision (b) hereof:

Male labor, 40 cents per hour.

Female labor, 35 cents per hour.

(b) In the Southern zone, which shall consist of the States of Virginia, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, and Texas:

Male labor, 35 cents per hour.

Female labor, 30 cents per hour.

2. Pieceworkers shall be paid at rates which will yield a worker for an hour's work not less than the minimum rate above prescribed.

3. The minimum rates of wages for all other employees shall be as follows:

(a) In the Northern zone, as defined in Section 1 hereof, \$16.00 per week.

(b) In the Southern zone, as defined in said Section, \$14.00 per week.

4. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees. The Code Authority shall, within 90 days after the effective date of this Code, file with the Administrator a description of all occupations in the Industry in which both men and women are employed.

5. The wage rates of all employees receiving more than the minimum rates herein prescribed shall be reviewed and such adjustments, if any, made therein as are equitable in the light of all the circumstances, and within sixty (60) days after the effective date hereof, the Code Authority shall report to the Administrator the action taken by all members of the Industry under this section.

6. Office boys and girls under 18 years of age may be employed at a wage of not less than 80% of the minimum prescribed by Section 3 hereof, provided that not more than 5%, but at least one, of the employees of such class may be paid as office boys and girls.

7. A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage of not less than 80% of the minimum prescribed by this Code, provided the State Authority designated by the United States Department of Labor shall have issued a certificate authorizing his employment on such basis. Each member shall file with the Code Authority a list of all such persons employed by him. The provision of this Section requiring a certificate of authority shall not become effective until sixty days after the effective date of this Code.

ARTICLE V—GENERAL LABOR PROVISIONS

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

2. Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection. No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing. Employers shall comply with the maximum hours of la-

bor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

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

4. No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge for the purpose of defeating the purposes or provisions of the Act or of this Code.

5. All employers shall post copies of Articles III, IV, and V of this Code in conspicuous places accessible to employees.

6. Every employer shall make reasonable provisions for the safety and health of his employees at the place and during the hours of their employment. Standards for safety and health shall be submitted by the Code Authority to the Administrator within six (6) months after the effective date of this Code.

7. No provision in this Code shall supersede provisions as to hours, wages, and conditions of employment which are established for specific projects by competent governmental authority acting in accordance with law, or to terms of employment which are established by labor agreements now in force, where either the wages are higher or the hours of labor are shorter, or both, than are those set forth in this Code.

8. The Code Authority shall make a study of conditions in the industry to determine the feasibility of the adoption of a shorter working week and shall, within three (3) months after the effective date of this Code, make a report of its findings to the Administrator. The Code Authority shall also submit to the Administrator within six (6) months after the effective date of this Code, a plan for the stabilization and regularization of employment.

9. The manufacture or partial manufacture of any product of the Industry in the home of a worker shall be prohibited.

ARTICLE VI—ACCOUNTING—SELLING

1. The Code Authority shall, as soon as practicable, formulate a standard method of accounting and costing for the industry and submit the same to the Administrator. When it shall have been approved by the Administrator, every member shall use an accounting and costing system which conforms to the principles of, and is at least as detailed and complete as, such standard method.

2. The Code Authority may from time to time determine that an open price plan of selling such product or products of the Industry as it shall specify shall be put into effect on such date as it shall fix. Notice of such determination shall be announced to all known members of the Industry who manufacture such products not less than 30 days prior to the date so fixed.

3. At least 10 days prior to such date, every such member shall file with the Code Authority a schedule of prices and terms of sale for all such products or, in the alternative, shall be deemed to have filed a schedule conforming in respect to price and terms of sale with the

schedule at any time on file which states the lowest price and the most favorable terms.

4. All such schedules shall be in such form as the Code Authority shall prescribe and shall contain all information necessary to permit any interested person to determine the exact net price per unit after all discounts or other deductions have been made, whether pertaining to a single order, a commitment for future delivery, or a contract. All such original schedules shall become effective on the date fixed by the Code Authority as provided in Section 2 hereof. Any such schedule, or any price therein, may apply nationally or may be limited to one or more geographical divisions created as provided in Section 7 of Article II hereof.

5. A revised schedule or schedules, or a new schedule or schedules, or a notice of withdrawal of a schedule previously filed may be filed by a member with the Code Authority at any time, provided, however, that any member who withdraws a schedule without substituting a new schedule therefor shall be deemed to have filed a schedule conforming in respect to price and terms of sale with the schedule at any time thereafter on file which states the lowest price and the most favorable terms. Any schedule or notice filed hereunder shall become effective five days after the date of filing, provided, however, that an increased price may become effective at such earlier date as the member filing the same shall fix.

6. The Code Authority shall promptly supply all members of the industry, who manufacture any particular product, with copies of all schedules, revised schedules, and notices of withdrawal, which pertain to such product. Immediately upon receipt of information relative to the withdrawal of a price for any product, any member may file notice of withdrawal of his own price for the same product effective as of the same date as the notice of withdrawal of such other member. Immediately on receipt of information that a schedule then on file has been revised, or that a new schedule has been filed, any member may file a revised schedule conforming as to price and terms to the schedule of such other member, and effective on the same date, or may notify the Code Authority that he adopts as his own the schedule of such other member. In the latter event, he shall be deemed to have filed a revised schedule conforming to the revised schedule of such other member.

7. No such schedule of prices and terms of sale filed by any member, or in effect at any time, shall be such as to permit the sale of any product at less than the cost thereof to such member determined in the manner provided in Section 11 hereof, provided, however, that any member may by notice to the Code Authority, adopt as his own a lower price filed by another designated member. Such adoption shall become automatically void upon the withdrawal or revision upward of the price adopted.

8. No member who shall have filed a price, or adopted as his own, a price filed by another member for any product of the Industry, shall sell such product for less than such price or upon terms or conditions more favorable than stated in such price schedule. No member, who shall have failed to file a price for any product for which the open price plan is in effect, shall sell such product at a lower

price or on terms more favorable than the lowest price and most favorable terms stated in any price schedule for such product then on file.

9. The Code Authority shall furnish at cost to any nonmember requesting them copies of any price schedules which have been filed with it. Such price schedules shall be made available to nonmembers at the same time that they are sent to members.

10. No member shall sell any product of the Industry for which no open-price plan is in effect at less than the cost thereof to such member, determined as provided in Section 11 hereof, except to meet the price of a competitor whose price does not violate this Section.

11. Cost, for the purposes of this Article, shall be determined pursuant to the method of accounting and costing prescribed as provided in Section 1 hereof as soon as such method is adopted and approved, and theretofore pursuant to the method employed by such member subject to such preliminary rules as the Code Authority shall, from time to time, prescribe with the approval of the Administrator.

12. For the purpose of determining whether Sections 7 and 10 hereof have been complied with, every member shall upon the request of the Code Authority furnish a designated agency of the Code Authority, in respect to closed transactions only, with complete information in regard to any quotation, order, contract, or sale of any product of the industry, including information as to specifications, quantities, price, conditions of storage, transportation or delivery, terms of billing, cash, or trade discounts allowed, and other pertinent facts relating to such quotation, contract, or sale.

13. Nothing herein contained shall be construed to prevent the disposition of distress merchandise required to be sold to liquidate a defunct or insolvent business in such manner at such price and such terms and conditions as the Code Authority may approve.

14. Nothing herein contained shall be construed to prevent the fulfillment of a bona fide contract existing on the effective date of this Code.

ARTICLE VII—REPORTS AND STATISTICS

1. Each member shall prepare and file with an impartial agent designated by the Code Authority at such times and in such manner as it may prescribe, such statistics, data, and information relating to plant capacity, volume of production, volume of sales in units and dollars, orders received, unfilled orders, stocks on hand, inventory, both raw and finished, number of employees, wage rates, employee earnings, hours of work, and other matters, as the Code Authority or the Administrator may from time to time require. Any or all information so furnished by any member shall be subject to checking for the purpose of verification by an examination of the books and accounts and records of such member by any disinterested accountant or accountants or other qualified person or persons designated by the Code Authority.

2. Except as otherwise provided in the Act, or in this Code, all statistics, data, and information filed or required in accordance with the provisions of this Code shall be confidential and the statistics,

data, and information of one member shall not be revealed to another member. No such data or information shall be published except in combination with other similar data and in such a manner as to avoid the disclosure of confidential information. The Code Authority shall arrange in such manner as it may determine for the current publication of industry statistics to members.

3. The Code Authority shall make such reports to the Administrator as he may from time to time require.

4. In addition to information required to be submitted to the Code Authority there shall be furnished to Government Agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act.

ARTICLE VIII—RECOMMENDATIONS

1. The Code Authority may, from time to time, present to the Administrator recommendations based on conditions in the Industry which will tend to effectuate the operation of this Code and the policy of the Act, and in particular along the following lines:

(a) For the establishment of additional rules of fair trade practice for the Industry and for the codification of its trade customs and the enforcement thereof.

(b) For the establishment of a standard method for determining the current cost of any product of the Industry, and for a requirement that no Member shall sell any such product below such cost.

(c) For the establishment of terms and conditions regarding sales to dealers and distributors by Members of the Industry.

(d) For the establishment of plans to equalize production with demand, so that the interests of the Industry and the public may be properly served.

(e) For dealing with any other inequality that may arise to endanger the stability of the Industry and of production and employment.

(f) For an increase or decrease in the number of Industry members of the Code Authority and/or for a change in the method of choosing such members.

2. The Code Authority shall as soon as practicable formulate a plan both for determining fairly and equitably the price at which paperboard produced by a member shall be included as a factor in estimating the cost of folding boxes for the purpose of offering the same for sale, and for cooperative action by the Code Authorities of this Industry and of the Paperboard Industry relative to the purchase and sale of paperboard.

3. Recommendations made pursuant to Sections 1 and 2 hereof when approved by the Administrator shall have the same force and effect as other provisions of this Code.

ARTICLE IX—TRADE PRACTICES

1. The following are hereby constituted The Trade Practices for the Industry and failure to comply with the provisions thereof shall be a violation of this Code.

(a) Members of the Industry shall not practice deception in regard to that which is sold or its selling price by false or misleading description, statement, record, or undisclosed consideration.

(b) Members shall refrain from dumping, deferred delivery, extension of stated credit, and secret rebates.

(c) Members shall not wilfully injure, by falsely defaming a competitor's goods, credit, or ability to perform his contracts.

(d) Members shall not wilfully induce or attempt to induce the breach of a competitor's contract.

(e) Members shall not entice away any employee of a competitor; provided, however, that nothing herein contained shall prevent an employee of one member from offering his services to a competitor, nor prevent any member from employing the employee of another member.

(f) Members of the Industry shall not accept contracts which do not specify the date of final delivery and in the event that final delivery is not accepted on or before said date, shall thereafter charge storage on such undelivered goods at the rate of 1% per month on the sales price thereof.

(g) No Member shall accept an order at a firm price for shipment later than six months after date of acceptance, except in particular circumstances upon application to and approval by the Code Authority.

(h) Uniform terms of sale shall be maintained by all Members in the Industry, which shall be thirty (30) days net or 1% discount for cash ten (10) days, except in particular circumstances upon application to and approval by the Code Authority.

(i) No Member shall give, permit to be given, or directly offer to give anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent, or the represented party, without the knowledge of such employer, principal, or party. The foregoing provisions shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as herein defined.

ARTICLE X—GENERAL PROVISIONS

1. If any member is also a member of another industry, the provisions of this Code shall apply to and affect only that part of his business which is included in this industry.

2. Any work or process incidental to and carried on by a member at his plant as a part of the manufacture of any product of the industry shall be regarded as a part of this industry.

3. Such of the provisions of this Code as are not required to be included therein by the Act may, with the approval of the President of the United States, be modified and eliminated as changes in circumstances or experience may indicate.

4. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of Section 10 (b) of the Act, from time to time to cancel or

modify any order, approval, license, rule, or regulation issued under Title I of said Act; and specifically, but without limitation, to the right of the President to cancel or modify his approval of such code or any conditions imposed by him upon his approval thereof.

5. This Code shall become effective on the second Monday after the date upon which it shall be approved by the President of the United States.

Approved Code No. 193.
Registry No. 406-1-09.



Approved Code No. 194

CODE OF FAIR COMPETITION

FOR THE

**BLOUSE AND SKIRT MANUFACTURING
INDUSTRIES**

As Approved on December 30, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Blouse and Skirt Manufacturing Industries, and hearings having been held thereon, and the Administrator having rendered his report containing an analysis of the said Code of Fair Competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said Code of Fair Competition complies in all respects with the pertinent provisions of Title I of said Act and that the requirements of clauses (1) and (2) of subsection (a) of Section 3 of the said Act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do approve the report and recommendations, and adopt the findings of the Administrator, and do order that the said code of fair competition be, and it is hereby approved, subject to the following condition that:

(1) Pending the public hearing on a code of fair competition for the industries engaged in the manufacture of women's neckwear and scarfs and the determination by the Administrator hereinafter referred to, the application of the Code of Fair Competition for the Blouse and Skirt Manufacturing Industries is hereby stayed in respect to the manufacture and sale of vestees, gilets and guimpes.

The Administrator after such public hearing shall determine whether the manufacture and sale of vestees, gilets and guimpes shall be included under the Code of Fair Competition for the Blouse and Skirt Manufacturing Industries and such determination by him shall be incorporated by him as a part of this Code.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,

Administrator.

THE WHITE HOUSE,
December 30, 1933.

DECEMBER 21, 1933.

The PRESIDENT,
The White House.

SIR: The Public Hearing on the Code of Fair Competition for the Blouse and Skirt Manufacturing Industries as proposed jointly by the National Association of Blouse Manufacturers, Inc., and the National Skirt Manufacturers Association, Inc., was conducted in Washington on September 7, 1933. Every person who requested an appearance was fairly heard in public in accordance with the usual procedure. The Code has the approval of the Labor, Industrial, and Consumer Advisory Boards of the National Recovery Administration. The Code Committee of the submitting associations, being duly authorized by their respective associations, have also indicated their approval of the final draft of the Code on behalf of the industries.

DESCRIPTION OF THE INDUSTRIES

The industries as defined in the Code include the manufacture and sale by the manufacturer, contractor, or jobber of women's, misses', and children's blouses, blousettes, waists, vestees, tunic blouses, gilets, and guimpes; and the manufacture and sale by the manufacturer, contractor, or jobber of women's and misses' skirts and jumper skirts.

The skirt history parallels very closely with the blouse industry. These two industries have a community of interest and their sale and fashion activities are almost identical. These factors, together with a mutual desire for close cooperation impelled a joint code in the industry, resulting in possibilities of many desirable future joint activities.

More than thirty years ago blouses and skirts were beginning to be popular as an item of wearing apparel. Shirt waists with a suit or skirt were practically indispensable to a wardrobe. Many stores maintained profitable waist departments; waists were in demand and were utilized in a variety of combinations. New York City with hundreds of factories was the leading city in production, with Philadelphia second, and Boston and Chicago contributing a part of the production.

The decreasing demand for blouses and separate skirts which became evident in 1921 was due mainly to the increased demand for dresses. This brought about a decrease in the number of blouse departments in retail stores and a consequent curtailment in wholesale production. By 1924 important units had left the industry and within the last year or two very few firms were left.

During the last few years, however, ensembles have come into vogue again and there is a revival again of the manufacture of waists and blouses. The fashion for sportswear and the depression have both caused an increase in the manufacture of separate skirts.

The value of production in the blouse industry in the year 1929 was approximately ten million dollars. It had increased close to fourteen million dollars in 1931. It is reasonable to assume that the manufacture of blouses and waists has increased still more since 1931. A much greater increase in the production of separate skirts since 1929 is apparent. In value, the increase in the manufacture of blouses during the period from 1929 to 1931 amounted to 63%. It is highly probable that the upward trend in the manufacture of separate skirts has continued since 1931.

New York and Philadelphia are again the leading blouse markets. It is estimated that there are 100 firms in the industry, some of which produce seasonally other items of apparel. Additional concerns, not generally identified as blouse manufacturers, enter each season temporarily into the production of blouses.

RÉSUMÉ OF THE CODE

Article I sets forth certain definitions.

Article II contains the maximum hour provisions. The hours of employees engaged in the mechanical processes of manufacture are limited to thirty-five hours per week and to seven hours per day; all other employees are permitted to work a maximum of forty hours per week. The maximum hours provisions do not apply to salesmen or executives. Overtime is allowed all employees for a specific number of weeks per year with the provision that the Code Authority may recommend that further overtime be allowed.

Article III sets forth the minimum wage provisions. A basic minimum of fourteen dollars per week for employees employed in cities of over 250,000 population, and of twelve dollars per week for employees employed in cities of 250,000 population or less, is provided. In addition to these basic minimums, separate minimums are set up for employees engaged in the following crafts: operators, ironers, cutters, finishers, cleaners, and examiners. Provision is also made for the employment of apprentices and superannuated or physically or mentally handicapped persons at wage rates less than these minima.

Article IV eliminates child labor and contains the labor provisions mandatory under the Act.

Article V provides for the establishment of a Code Authority. This body, consisting of twelve members, is charged with the responsibility of administering the Code. This Article also provides for the establishment of a Confidential Agency to secure for and to submit to the Code Authority information necessary for the proper administration of the Code. A provision is also contained in this Article requiring the Code Authority to investigate the problem of style piracy and to make recommendations for the effective protection of original designs.

Article VI provides that all garments manufactured or distributed subject to the provisions of the Code shall bear a special N.R.A. label to symbolize to purchasers that the garments are manufactured under the conditions required by the Code. The Code Authority is given the exclusive right in the industry to issue and furnish such labels to the members of the industry.

Article VII provides for the elimination of certain unfair trade practices.

Articles VIII and IX contain the mandatory provisions referring to monopolies and discrimination against small enterprises.

Article X is designed to clarify the jurisdiction of the Code.

LABOR PROVISIONS OF THE CODE—POSSIBLE REEMPLOYMENT

Because of the close connection between the Blouse industry and the Dress industry and between the Skirt industry and the Suit industry and because of the increased production and employment in the Blouse and Skirt industries, it is not possible to tell whether or not there is any unemployment in these industries and if there is, to what extent. Records show that there were 1,631 workers in blouse factories in 1929, and 2,235 in 1931, with a possible increase in the number employed after that. In the skirt factories the average number of workers employed in 1929 was 539; in 1931, 729.

HOURS

Based upon the estimated average 48-hour work week in the Blouse Manufacturing Industry prior to the Recovery Program, the 35-hour maximum work week will result in a 37% increase in the total number of workers employed in the industry.

WAGES

The average annual wage of the Blouse Industry in 1929 was \$1,144 while in 1931 it had declined to \$980. In the Skirt Industry the average annual wage of 1929 was \$1,461 and in 1931, \$1,166. There is of course no way to determine to what extent the scales contained in the Code as recommended will bring about an increase in pay roll.

FINDINGS

The Administrator finds that:

(a) The Code as recommended complies in all respects with the pertinent provisions of Title I of the Act, including, without limitation, subsection (a) of Section VII and subsection (b) of Section X thereof; and that

(b) The applicant groups impose no inequitable restrictions on admission to membership therein and are truly representative of the Blouse and Skirt Manufacturing Industries; and that

(c) The Code as recommended is not designed to promote monopolies or to eliminate or oppress small enterprises, and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act. It is recommended, therefore, that this Code be approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION

FOR THE

BLOUSE AND SKIRT MANUFACTURING INDUSTRIES

PURPOSE

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Blouse and Skirt Manufacturing Industries, and shall be the standard of fair competition for such industries and shall be binding upon every member thereof.

ARTICLE I—DEFINITIONS

1. The term "Blouse Industry" as used herein includes the manufacture and sale by the manufacturer, contractor, or jobber as such terms are defined in Section 7, 8, and 9 of this Article, of women's, misses', and children's blouses, blousesettes, waists, vestees, gilets, tunic blouses, and guimpes, when not sold as part of an ensemble or suit, irrespective of the manner of distribution thereof, and such other related branches of the industry as the President, after such notice and hearing as he may prescribe, may include under the provisions of this Code.

2. The term "Skirt Industry" as used herein includes the manufacture and sale by the manufacturer, contractor, or jobber as such terms are defined in Sections 7, 8, and 9 of this Article, of women's and misses' skirts and jumper skirts, when not sold as part of an ensemble or suit, irrespective of the manner of distribution thereof, and such other related branches of the industry as the President, after such notice and hearing as he may prescribe, may include under the provisions of this Code.

3. The Administrator, after such notice and hearing as he shall prescribe, may make exemption from or modify the definitions of the industries in order to coordinate the administration of this Code with the administration of the code of any other industry engaged in the manufacture and sale of women's, misses', or children's apparel.

4. The term "employee" as used herein includes any one engaged in the industries in any capacity receiving compensation for his services, irrespective of the nature or method of payment of such compensation.

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

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

7. The term "manufacturer" as used herein includes, without limitation thereto, all those who manufacture garments in the industries from their own material, in a factory or establishment maintained and operated by them.

8. The term "jobber" as used herein includes without limitation thereto all those for whom and/or under whose direction or orders garments in the industries are manufactured, in whole or in part, by contractors and/or other manufacturers, and who also act as wholesale distributors of such garments.

9. The term "contractor" includes without limitation thereto, all those who manufacture garments in the industries from material provided for them by manufacturers, jobbers, or others.

10. The term "effective date" as used herein shall mean and this Code shall become effective on the first Monday after this Code shall have been approved by the President of the United States.

11. Population for the purposes of this Code shall be determined by reference to the latest Federal Census.

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

ARTICLE II—HOURS OF LABOR

1. No employee shall be permitted to work in the manual or mechanical processes of manufacture in excess of thirty-five (35) hours in any one (1) week or more than seven (7) hours in any twenty-four (24) hour period, except as hereinafter provided.

2. No employee shall be permitted to work in the manual or mechanical processes of manufacture for more than five (5) days in any seven (7) day period, unless permitted by the Code Authority under special circumstances.

3. All other employees shall not be permitted to work in excess of forty (40) hours in any one (1) week.

4. The Code Authority, subject to review by the Administrator, may designate the hour before which work shall not begin, and the hour after which work shall cease, and may determine in which localities these regulations shall apply.

5. There shall be no more than one (1) shift of employees in any one (1) day. The Administrator, upon showing and after such notice and hearing as he shall prescribe, may grant such exceptions to this provision as he may deem necessary to effect the purposes of the Act.

6. The Code Authority may allow employees to work overtime for sixteen (16) weeks in any one (1) year, provided that in no case shall the number of hours of overtime worked by any one (1) employee exceed five (5) hours in any one (1) week or one (1) hour in any one (1) day; and provided further that all overtime shall be paid for at the rate of time and one half.

7. The Code Authority, with the approval of the Administrator, may authorize additional weeks of overtime beyond that specifically provided for by Section 6 of this Article, provided that in no case shall employees engaged in the manual or mechanical processes of manufacture be permitted to work in excess of forty (40) hours in any one (1) week.

8. The provisions of this Article shall not apply to executives and/or heads of departments receiving more than thirty-five dollars (\$35.00) per week; nor to outside salesmen.

9. No member of the industry shall knowingly engage any employee for any time which when totaled with that already performed with another member, or members, of the industry, exceeds the maximum permitted herein.

10. Any member of the industry who is himself engaged in the manual or mechanical processes of manufacture shall be subject to the provisions of this Code as to hours of labor.

ARTICLE III—WAGES

1. Except as hereinafter provided, this Article establishes minimum rates of pay which shall apply, irrespective of whether an employee is actually compensated on a time rate, piecework, or other basis.

2. No employee shall be paid at less than the rate of fourteen dollars (\$14) per week in cities over 250,000 population nor less than at the rate of twelve dollars (\$12.00) per week in cities or places of 250,000 population or less, except as hereinafter provided.

3. Employees performing duties of the occupations enumerated in the following schedules shall be paid at not less than the rate set forth for each occupation for each hour or each full week's work of thirty-five (35) hours:

A. BLOUSE INDUSTRY SCALES

(1) *In New York City:*

Operators.....	\$0.60 per hour
Ironers.....	.50 per hour
Machine Cutters.....	36.00 per week
Finishers.....	16.00 per week
Cleaners and examiners.....	15.00 per week

(2) *In cities over 250,000 population, excepting New York City:*

Operators.....	\$0.54 per hour.
Ironers.....	.45 per hour.
Machine Cutters.....	32.40 per week.
Finishers.....	14.40 per week.
Cleaners and examiners.....	14.00 per week.

(3) *In cities or places of 250,000 population or less:*

Operators.....	\$0.45 per hour.
Ironers.....	.40 per hour.
Machine Cutters.....	31.00 per week.
Finishers.....	12.00 per week.
Cleaners and examiners.....	12.00 per week.

B. SKIRT INDUSTRY SCALES

(1) *In New York City:*

Operators.....	\$0.70 per hour.
Pressers.....	.80 per hour.
Machine Cutters.....	33.00 per week.
Finishers.....	16.00 per week.

(2) *Outside of New York City:*

Operators-----	\$0.60 per hour.
Pressers-----	.68 per hour.
Machine Cutters-----	28.00 per week.
Finishers-----	13.60 per week.

4. No employee whose normal full time weekly hours for the four (4) weeks ending on the effective date of this Code are reduced by less than twenty percent (20%) shall have his full-time weekly earnings reduced. Employees whose full-time weekly hours are reduced by more than said twenty percent (20%) shall have his or her said earnings equitably adjusted. Nothing herein contained shall relieve any member of the industry from paying the minimum wage rates established in this Code.

5. The Code Authority, upon the adoption of this Code, shall make a thorough study for the purpose of introducing an apprentice system into the industries, taking into consideration the school and other requirements of the respective States. On the basis of this study the Code Authority shall, within sixty (60) days of the effective date of this Code, make recommendations to the Administrator for provisions for apprentice systems which, upon approval by the President, after such notice and hearing as he shall prescribe, shall become a part of this Code. Pending the incorporation of such provisions in this Code, no member of the industry shall employ as learners more than ten percent (10%) of the total number of employees employed by him in the manual or mechanical processes of manufacture in any factory or establishment and such learners shall be paid at not less than at the rate of eleven dollars (\$11.00) per week.

6. Employees whose earning capacity is limited because of age, physical or mental handicap, may be employed on light work at a wage below the minimum established by this Code; provided that such employees shall be paid not less than other employees in the same factory or establishment in proportion to the amount or character of the work done; that none of such employees be paid less than at the rate of fourteen dollars (\$14.00) per week in cities of over 250,000 population, nor less than at the rate of twelve dollars (\$12.00) per week in cities or places of 250,000 population or less; and that the total number of such employees shall not exceed ten percent (10%) of the total number of employees engaged in the manual or mechanical processes of manufacture in a factory or establishment of any member of the industry. Members of the industry shall report monthly to the Code Authority the names of those employees included in this class, and the reason justifying such employment. The Code Authority shall report to the Administrator within three (3) months and from time to time as to the operation of this provision, both generally and in cases of individual hardship, and the Administrator on due showing, after such notice and hearing as he may prescribe, may grant exceptions thereto in order to effect the purposes of the Act.

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

8. All manufacturers and/or jobbers who cause their garments to be made by contractors shall adhere to the payment of rates for

such production in an amount sufficient to enable the contractor to pay the employees the wages and earnings provided in this Code and in addition a reasonable payment to the contractors to cover overhead.

ARTICLE IV—GENERAL LABOR PROVISIONS

1. No person under sixteen (16) years of age shall be employed in the industries, nor anyone under eighteen (18) years of age at operations or occupations hazardous in nature or detrimental to health. The Code Authority shall submit to the Administrator before February 1, 1934, a list of such occupations. In any state a member of the industry shall be deemed to have complied with this provision if he shall have on file a certificate or permit duly issued by the Authority in such State empowered to issue employment or age certificates or permits, showing that the employee is of the required age.

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

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

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

5. Within each State this Code shall not supersede any laws of such State imposing more stringent requirements on employers, regulating the age of employees, wages, hours of work, health, fire protection, or general working conditions than under this Code.

6. Employers shall not reclassify employees or duties of occupations performed by employees so as to defeat the purposes of the Act.

7. Each employer shall post in conspicuous places accessible to employees Articles II, III, and IV of this Code.

8. No home work shall be permitted by members of the industries.

ARTICLE V—ADMINISTRATION

A Code Authority is hereby constituted to cooperate with the Administrator in the administration of this Code.

1. *Organization and Constitution of the Code Authority.*—(a) The Code Authority shall consist of twelve (12) members. Four (4) of these members shall be selected by the National Association of Blouse Manufacturers, Inc. Four (4) of these shall be selected by the National Skirt Manufacturers' Association, Inc. Two (2) of these members shall be appointed by the Administrator on the nomination of the Labor Advisory Board of the National Recovery Administration, and shall serve without expense to the industry. The Administrator, upon due showing and after such notice and hearing as he may prescribe, may appoint two (2) additional voting members to

represent members of the industries who are not members of the aforesaid associations, but who are entitled to participate in the selection of the Code Authority. In addition thereto, the Administrator may also appoint two (2) members without vote for terms of from six (6) months to one (1) year to represent the National Recovery Administration. Such members appointed by the Administrator shall be given notice of and, together with the Administrator, may sit at all meetings of the Code Authority.

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

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

(d) The Code Authority shall adopt bylaws and shall furnish to the Administrator true and correct copies of the bylaws and all amendments thereto immediately upon their adoption, together with true and correct copies of all rules and regulations which may be adopted by the Code Authority and true and correct minutes of all of its meetings, all certified by the Secretary of the Code Authority.

(e) Members of the industry who assent to this Code through membership in the National Association of Blouse Manufacturers, Inc., or the National Skirt Manufacturers Association, Inc., or otherwise, shall be entitled to participate in the selection of the Code Authority and the benefits of its activities, as herein set forth, by complying with this Code and paying their reasonable share of the expense of maintaining the Code Authority and its activities on the basis of volume of business and/or such factors as may be deemed equitable.

2. The Code Authority shall have the following further powers and duties, subject to the right of the Administrator on review to disapprove any action taken by the Code Authority, if he shall find that such action is unfair to any private interest or contrary to the public interest or the purposes of the Act:

(a) To elect officers and to assign to them such duties as it may consider advisable, and to provide rules for its procedure and its continuance as the administrative agency of this Code, in accordance with the terms of the Act and the principles herein.

(b) To receive, investigate, and to cooperate with the Administrator in the adjustment of complaints of violations of this Code and to make recommendations in respect thereto to the proper authorities for the prosecution of such violations.

(c) To use the National Skirt Manufacturers Association, Inc., and the National Association of Blouse Manufacturers, Inc., and/or

other agencies as it deems proper for the carrying out of any of its activities provided for herein, and to pay such associations and/or other agencies the cost thereof, provided that such associations and/or agencies shall at all times be subject to and comply with the provisions of this Code, and provided further, that nothing herein shall relieve the Code Authority of any of its duties and responsibilities hereunder.

(d) To obtain through a confidential agency from members of the industry periodical reports in such form and at such times with respect to wages, hours of labor, conditions of employment, number of employees, and such other matters pertinent to the purposes of this Code as the Code Authority, with the approval of the Administrator, may require for the administration and enforcement of this Code, and to submit reports to the Administrator in such form and at such times as he may require in order that the President may be informed as to the observance or nonobservance of this Code and to further effectuate the policies of the Act.

The Confidential Agency shall be in no way engaged in the industry nor connected with any member thereof, and all reports received by it shall be held as secret and confidential, except that they shall be made available to the Administrator. Such agency shall analyze, digest, and consolidate such reports and shall disclose only general findings based thereon.

Such general findings shall be made available to the Code Authority, to the members of the National Association of Blouse Manufacturers, Inc., and the National Skirt Manufacturers Association, Inc., and to any other members of the industry who are entitled to participate in the activities of the Code Authority.

(e) To provide for the establishment and distribution of an N.R.A. label to those members of the industry who are entitled to participate in the selection of the Code Authority.

(f) To coordinate the administration of this Code with such other Codes, if any, as may be related to the industries herein, or any subdivision thereof, with a view to promoting joint and harmonious action upon such matters of common interest.

(g) To provide ways and means for financing the operation of said Code Authority and to determine an equitable method of apportioning in the industry the cost of administering this Code. Money raised in any manner shall not exceed in amount such reasonable cost.

(h) To investigate complaints of unfair competition which arise out of the wage differentials provided in this Code, and to make recommendations to the Administrator for such modification of these differentials as it deems necessary in order to eliminate unfair competition in the industry. Such recommendations, upon approval by the Administrator after such hearing and notice as he may prescribe, shall become a part of this Code.

(i) To initiate, consider, and make recommendations for the modification or amendment of this Code.

3. In addition to the information required to be submitted to the Code Authority, there shall be furnished to government agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act.

4. The Code Authority shall make investigation into the problem of style piracy, and make recommendations in connection therewith to the Administrator within sixty (60) days after the effective date of this Code.

ARTICLE VI—LABELS

All garments manufactured or distributed subject to the provisions of this Code shall bear an NRA label to symbolize to purchasers of said garments the conditions under which they were manufactured. Under the powers vested in him by Executive Order of October 14, 1933, and under grant of the necessary authority by the Administrator, the Code Authority shall have the exclusive right in this industry to issue and furnish said labels to the members thereof. Each label shall bear a registration number especially assigned to each employer by the Code Authority and remain attached to such garment when sold to the retail distributor. Any and all employers may apply to the Code Authority for a permit to use such NRA label, which permit to use the label shall be granted to them, but only if and so long as they comply with this Code. The Code Authority subject to approval by the Administrator, shall establish rules and regulations and appropriate machinery for the issuance of labels, and the inspection, examination, and supervision of the practices of employers using such labels in observing the provisions of this Code for the purpose of ascertaining the right of said employer to the continued use of said labels; of protecting purchasers in relying on said labels; of insuring to each individual employer that the symbolism of said label will be maintained by virtue of compliance with the practices herein contained by all other employers using said label.

The charge made for such labels by the Code Authority shall at all times be subject to supervision and orders of the Administrator and shall be not more than an amount necessary to cover the actual reasonable cost thereof, including actual printing, distribution, and administration and supervision of the use thereof as hereinabove set forth.

ARTICLE VII—TRADE PRACTICES

The following practices constitute unfair methods of competition for members of the industry and are prohibited:

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

(b) *Misrepresentation or False or Misleading Advertising.*—The making or causing or knowingly permitting to be made or published any false, materially inaccurate, or deceptive statement by way of advertisement or otherwise, whether concerning the grade, quality, quantity, substance, character, nature, origin, size, finish, or preparation of any product of the industries, or otherwise having the tendency or capacity to mislead or deceive customers or prospective customers.

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

(d) *Interference with Contractual Relations*.—Maliciously inducing or attempting to induce the breach of an existing oral or written contract between a competitor and his customer or source of supply or interfering with or obstructing the performance of any such contractual duties or services.

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

(f) *Defamation*.—The defaming of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by the false disparagement of the grade or quality of their goods.

(g) *Threats of Litigation*.—The publishing or circularizing of threats of suits for infringement of patents or trade marks or any other legal proceedings not in good faith with the tendency or effect of harassing competitors or intimidating their customers.

(h) *Espionage of Competitors*.—Securing confidential information concerning the business of a competitor by a false or misleading statement or representation, by a false impersonation of one in authority, bribery, or by any other unfair method.

(i) *Consignment Merchandise*.—Selling on consignment or memorandum except under such regulations as may be adopted by the Code Authority with the approval of the Administrator after such notice and hearing as he shall prescribe.

(j) *Terms*.—It shall be unfair trade practice to sell merchandise at a cash discount in excess of eight per cent (8%) ten (10) days E.O.M. (end of month) except that merchandise shipped after the twenty-fifth (25th) day of any month may be dated as of the first (1st) day of the following month. Anticipation shall not be allowed at a rate in excess of six percent (6%) per annum.

(k) *Labels*.—Shipping any orders with labels imprinted with the customer's name or mark unless customer supplies same or pays the cost thereof.

(l) *Unjust Returns*.—No member of the industries shall accept for credit returned merchandise except for defects in manufacture, delay in delivery, errors in shipment, or failure to conform to specifications. No returned merchandise shall be accepted for credit if returned after five (5) days from date of receipt by customer except on account of failure to conform with specifications or on account of defects in manufacture not discoverable by reasonable inspection. No member of the industry shall accept for credit any return mer-

chandise which is not accompanied by a written statement containing the reasons for such return. Further recommendations on this subject may be made by the Code Authority to the Administrator and upon his approval after such notice and hearing as he shall prescribe shall become a part of this Code.

(m) 1. *Selling Below Cost*.—No member of the industries shall sell any article at a price below cost calculated as hereinafter provided. Any member of the industry may meet the price of any other member of the industry whose cost under this provision is lower and may sell dropped lines or distress merchandise below such cost, provided that the facts regarding such sales shall be reported immediately to the Code Authority. The Code Authority may make recommendations to the Administrator for the adoption of a standard cost system which upon the approval of the Administrator after such notice and hearing as he shall prescribe shall become a part of this Code. Thereafter cost under this Article shall be determined in accordance with formulae enumerated in such cost system.

2. Upon the recommendation of the Code Authority, and with the approval of the Administrator after such notice and hearing as he may prescribe, a uniform order blank shall be used by members of the industry and it shall be an unfair trade practice for anyone engaged in the industry to sell to a purchaser without using such uniform order blank.

3. No member of the industry shall knowingly withhold from or insert in any quotation or invoice any statement that makes it incorrect in any material particular.

4. No member of the industry shall use any subterfuge to evade the provisions of this Code.

5. *Other Unfair Practices*.—Nothing in this Code shall limit the effect of any adjudication by the courts or holding by the Federal Trade Commission on complaint, finding, and order that any practice or method is unfair, providing that such adjudication or holding is not inconsistent with any provision of the Act or of this Code.

6. Further recommendations to the Code Authority on unfair trade practices may be presented for its consideration by the National Association of Blouse Manufacturers, Inc., and the National Skirt Manufacturers Association, Inc., and the Code Authority may make proposals in connection therewith or additional recommendations for trade-practice provisions to the Administrator, which proposals, after such notice and hearing as the Administrator may prescribe shall, upon his approval, become part of this Code.

ARTICLE VIII—MONOPOLIES

This Code shall not be construed or applied to promote or permit monopolies or monopolistic practices or to eliminate or oppress small enterprises or to discriminate against them.

ARTICLE IX—MODIFICATIONS

1. This Code and all provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of subsection (b) of Section 10 of the National Industrial Recovery

Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under Title I of said Act and specifically, but without limitation, to the right of the President to cancel or modify his approval of this Code or any conditions imposed by him upon his approval thereof.

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

ARTICLE X—GENERAL

1. Any employer who at any time or times shall manufacture any article or articles within the provisions of this Code shall be bound by all the provisions of this Code as to all employees engaged in whole or in part in such manufacture. In case any employee shall be engaged partly in such manufacture and partly in the manufacture of goods of another character, this Code shall apply to such portions of such employee's time as is applied to the manufacture of such articles covered by this Code.

Approved Code No. 194.

Registry No. 210-01.



Approved Code No. 195

CODE OF FAIR COMPETITION
FOR THE
AMERICAN MATCH INDUSTRY

As Approved on December 30, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

An application having been duly made, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the American Match Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said Code of Fair Competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said Code of Fair Competition complies in all respects with the pertinent provisions of Title I of said Act and that the requirements of clauses (1) and (2) of subsection (a) of Section 3 of the said Act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations and findings of the Administrator and do order that the said Code of Fair Competition be and is hereby approved.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 30, 1933.

(621)

DECEMBER 19, 1933.

The PRESIDENT,
The White House.

SIR: A Public Hearing on the Code of Fair Competition for the American Match Industry, submitted by the Match Institute, Graybar Building, New York, N.Y., was conducted in Washington on the 23rd of October 1933, in accordance with the provisions of the National Industrial Recovery Act. This Association claims to represent approximately one hundred percent (100%) of the Industry.

The maximum hours permitted under this Code are forty (40) per week or sixteen (16) hours in any two-day period. Provision is made for thirty-six (36) hours overtime in any three (3) months' period. Time and one third to be paid for all hours worked in excess of forty (40) per week. Chauffeurs, truckmen, etc., may work forty-eight (48) hours per week, but this type of employee shall not exceed ten percent (10%) of the total number of employees. Watchmen may work fifty-six (56) hours per week. Office employees, receiving less than \$35.00 per week, may work forty-four (44) hours per week.

The minimum wage for male employees is fifteen dollars and twenty cents (\$15 20) per week, or thirty-eight cents (38¢) per hour; females, twelve dollars (\$12.00) per week, or thirty cents (30¢) per hour. Where females perform substantially the same work as males they are to receive the same pay. Learners, who shall be paid not less than eighty percent (80%) of the minimum wage for a six weeks' learning period, are provided for, but they shall not exceed eight percent (8%) of the total number of employees.

The American Match Industry, unlike most industries, neither overlaps nor is overlapped by any other industry. Competition from abroad has always been severe and at present the American Match Industry is being subjected to rivalry never experienced before. For instance, nine different countries have been dumping matches into the American market, and, of these, Japan represents a typical example. Matches from that country are produced for 11¢ a gross and are delivered to the American markets for 44¢, whereas it costs the domestic manufacturer 66¢ a gross. Mechanical lighters and pilot lights also represent factors in competition with this Industry.

In 1929 the American Match Industry produced approximately \$20,351,025 worth of matches. During 1931 this had been reduced approximately 15%. Of the 21 concerns operating in 1929 there were nineteen (19) operating in 1931. Figures are only available up to the end of 1931.

Wage-earner employment declined 15.2 percent from 1929 to 1931. To bring the number of wage earners back to the 1929 level it would be necessary for the Industry to adopt a 43-hour week. However, on the basis of a 40-hour week, more wage earners will be placed on the pay roll of this Industry than were employed in 1929. This will

mean the reemployment of approximately 674 wage earners. It is estimated that this will mean an increase of 26.9 percent over the 1931 pay-roll total.

FINDINGS

The Administrator finds that:

(a) The Code as recommended, complies in all respects with the pertinent provisions of Title I of the Act, including, without limitation, subsection (a) of Section 7, and subsection (b) of Section 10 thereof; and that

(b) The Match Institute, the applicant group herein, imposes no inequitable restrictions on admission to membership and is truly representative of the American Match Industry.

(c) The Code as recommended is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

This Industry has cooperated in a most satisfactory manner with the Administration in the preparation of this Code. From evidence adduced during this hearing and from recommendations and reports of the various Advisory Boards it is believed that this Code as now proposed and revised represents an effective, practical, equitable solution for this Industry and its approval as herewith submitted is recommended.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION
FOR THE
AMERICAN MATCH INDUSTRY

ARTICLE I—PURPOSES

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

ARTICLE II—DEFINITIONS

1. The term "Match Industry" as used in this Code, means the manufacture for sale of matches, including the "Strike-Anywhere", "Strike-on-Box", and "Book Match" varieties.

2. The term "Match Institute" as used herein means the Trade Association of the American Match Manufacturing Industry, whose address is 420 Lexington Avenue, New York City.

3. The term "employee" as used herein includes anyone engaged in the industry in any capacity receiving compensation for his services, irrespective of the nature or method of payment of such compensation.

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

5. The term "broker" as used herein means an agent of a manufacturer, who obtains no title to the goods but sells the same, for the manufacturer on commission.

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

ARTICLE III—HOURS

1. No employee shall be permitted to work in excess of forty (40) hours in any one week nor in excess of sixteen (16) hours in any two consecutive days, except as follows:

(a) Employees may be permitted to work thirty-six (36) hours overtime every three (3) months, during emergency periods of peak production, provided that no employee shall be permitted to work for more than forty-eight (48) hours in any one week nor more than eight (8) hours in any one day, and provided further that time and one third shall be paid for all hours worked in excess of forty (40)

hours in any one week. Machine repair and maintenance men are specifically excepted from the provisions of this section and such employees may work forty-eight (48) hours in any one week, provided that time and one third shall be paid to such employees for all hours worked in excess of forty-four (44) hours in any one week.

(b) Chauffeurs, truckmen, shipping crews, engineers, firemen, electricians, and cleaners shall be permitted to work not more than one hundred sixty-eight (168) hours in any period of four (4) consecutive weeks, nor more than ten (10) hours in any one day and forty-eight (48) hours in any one week provided that all of such employees shall not exceed ten percent (10%) of the total number of employees in any one plant.

(c) Watchmen shall be permitted to work not more than eight (8) hours in any one day and fifty-six (56) hours in any one week.

(d) The maximum hours herein established shall not apply to office employees, executives, and employees engaged in a managerial capacity, who now receive more than thirty-five dollars (\$35.00) per week, or to outside salesmen.

(e) Office employees receiving less than thirty-five dollars (\$35.00) per week shall be permitted to work forty-four (44) hours per week, provided that the average number of hours per week for such employees shall not exceed forty (40) when averaged over a three-months' period.

(f) It is hereby specifically provided that no limitation on hours of work as set forth in this section shall apply to employees, of any class, when engaged in emergency work involving break-downs or protection of life and property.

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

ARTICLE IV—WAGES

1. No male employee shall be paid less than at the rate of fifteen dollars and twenty cents (\$15.20) per week of forty (40) hours or thirty-eight cents (38¢) per hour; no female employee shall be paid less than at the rate of twelve dollars (\$12.00) per week or thirty cents (30¢) per hour.

(a) Females performing substantially the same work as males shall receive the same pay.

2. Learners, who are persons having had no previous experience or employment in this industry, shall be paid not less than eighty percent (80%) of the minimum wage herein provided for a forty (40) hour week; provided, however, that such learners shall be limited to a six weeks learning period, and provided further that the number of learners employed by any one employer in any one month shall not exceed eight percent (8%) of the total number of employees of such employer.

3. This Article establishes a minimum rate of pay which shall apply, irrespective of whether an employee is actually compensated on time-rate, piecework performance, or other basis.

4. The hourly rate, the base piecework rate, and salaries for all duties and occupations now paid at more than the minimum herein

prescribed shall be equitably adjusted by all members of the industry who have not already done so, and in no case shall these rates be decreased. Reports concerning the action taken, whether prior to or after the date of approval of this Code, shall be reported to the Code Authority not later than thirty days after the effective date, and to the Administrator upon his request.

ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under sixteen (16) years of age shall be employed in the industry, nor anyone under eighteen (18) years of age at operations or occupations hazardous in nature or detrimental to health. The Code Authority shall submit to the Administrator a list of such occupations. In any State an employer shall be deemed to have complied with this provision if he shall have on file a certificate or permit duly issued by the authority in such State empowered to issue employment or age certificates or permits, showing that the employee is of the required age.

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

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

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

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

6. Employers shall not reclassify employees or duties of occupations performed by employees so as to defeat the purposes of the Act.

7. Each employer shall post and keep posted full copies of this Code in conspicuous places accessible to employees.

ARTICLE VI—ADMINISTRATION

1. A Code Authority is hereby established to cooperate with the Administrator in the administration of this code and shall consist of three (3) members to be chosen by the industry through a fair method of selection, approved by the Administrator. The Administrator in his discretion may appoint not more than three (3) additional members without vote (and without compensation from the industry) to serve for such period of time and to represent the Administrator or such group or groups as he may designate.

(a) Vacancies in the personnel of the Code Authority selected by the industry shall be filled, pending a selection as provided for the appointment of the original members, though appointment by the Administrator upon nomination of the Code Authority.

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

(c) In order that the Code Authority shall at all times be truly representative of the industry and in other respects comply with the provisions of the Act, the Administrator may provide such hearings as he may deem proper; and if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, he may take such action as he may deem necessary under the circumstances.

(d) Members of the industry shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the selection of the members thereof by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the expenses of its administration. Such reasonable share of the expenses of administration shall be determined by the Code Authority, subject to review by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable.

2. The Code Authority shall have the following duties and powers to the extent permitted by the Act and subject to the review and disapproval of the Administrator:

(a) From time to time to require such reports from the members of the industry as may be necessary to adequately provide for the administration and to enforce the provisions of this Code.

(b) To make such inquiry or investigation of this Code, upon complaint of interested parties or upon its own initiative, as may be necessary.

(c) To make rules or regulations necessary for the administration of this Code and to propose and submit to the Administrator, for the approval of the President, amendments and/or modifications of this Code.

(d) To administer the provisions of this Code and provide for the compliance of the industry with the provisions hereof and of the Act.

(e) To adopt rules and regulations for its procedure and for the administration and enforcement of the Code.

(f) To obtain from members of the industry such information and reports as are required for the administration of the Code and to provide for submission by members of such information and reports as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act, which information and reports shall be submitted by members to such administrative and/or government agencies as the Administrator may designate; provided that

nothing in this Code shall relieve any members of the industry of any existing obligations to furnish reports to any government agency. No individual reports shall be disclosed to any other member of the industry or any other party except to such governmental agencies as may be directed by the Administrator.

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

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

(i) To secure from members of the industry, who assent to this Code and participate in the activities of the Code Authority, such proportionate payment of the reasonable expenses of maintaining the Code Authority, as may be determined by the Code Authority and approved by the Administrator.

(j) To cooperate with the Administrator in regulating the use of any N.R.A. insignia solely by those members of the industry who have assented to, and are complying with, this Code.

(k) To recommend to the Administrator further fair-trade-practice provisions to govern members of the industry in their relations with each other or with other industries and to recommend to the Administrator measures for industrial planning, including stabilization of employment.

3. Each member of the Industry shall install an accounting and cost system, applicable throughout the industry, adopted by the Code Authority and approved by the Administrator, within a reasonable time and as soon as practicable after the approval by the President.

(a) Each member of the Industry shall furnish to the Code Authority from time to time such information as may be deemed necessary for the putting into effect and the effectual working of such accounting system on forms prescribed by the Code Authority.

ARTICLE VII—PRICE LISTS AND DISCOUNT SHEETS

1. Each member of the industry shall file with the Code Authority his net current price lists or price lists with discount sheets, as the case may be, which shall become effective immediately upon being filed with the Code Authority; revised price lists and discount sheets may be filed with the Code Authority from time to time and shall become effective immediately upon being filed with the Code Authority.

ARTICLE VIII—TRADE PRACTICES

1. The following constitute unfair methods of competition for members of the industry and are prohibited:

(a) No member of the industry shall sell his products below the price as set forth in his net current price list on file with the Code Authority and in no case at a price less than his own individual cost, except to meet bona fide competition.

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

(c) No member of the Industry shall falsely brand or mark or represent products of the Industry in any manner which has the tendency to mislead or deceive customers or prospective customers, whether as to the grade, quality, quantity, substance, nature, origin, size, finish, or preparation of any product of the industry or otherwise.

(d) No member of the Industry shall cause the defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations or by the false disparagement of the grade or quality of their goods.

(e) No member of the Industry shall guarantee prices and floor stocks against decline in prices.

(f) No member of the Industry shall pay or allow a commission or discount except cash discount, on a Federal or State tax.

(g) No member of the Industry shall store goods with customers.

(h) No member of the Industry shall allow a credit or discount to customers on account of advertising.

(i) No member of the Industry shall allow a credit or discount to customers on account of trucking.

(j) No member of the Industry shall make sales through brokers except under uniform written contract approved by the Code Authority and the Administrator.

(k) No member of the Industry shall permit brokers or salesmen on commission to split or divide commissions.

(l) No member of the Industry shall sell to brokers.

(m) No member of the Industry shall make sales to distributors not under uniform written contracts embodying the applicable fair trade practice provisions of this Code adopted by the Code Authority and approved by the Administrator.

(n) No member of the Industry shall give or allow discounts in addition to those specified in the price lists and/or price list and discount sheets, as the case may be, on file with the Code Authority.

(o) No member of the Industry shall extend terms of payment beyond thirty (30) days from date of shipment.

(p) No member of the Industry shall accept orders for staple products for shipment more than thirty (30) days beyond date of the order.

(q) No member of the Industry shall permit sale of pool cars at other than L.C.L. prices, unless the total expense of distribution, including freight from the breaking point, is actually less by reason of the pooled car shipment.

(r) No member of the Industry shall induce or attempt to induce the breach of an existing oral or written contract between a competitor and his customer or source of supply, or interfere with or obstruct the performance of any such contractual duties or services.

(s) No member of the Industry shall make contracts which do not specify definite prices, terms, quantities, and delivery dates.

(t) No member of the Industry shall consign stocks to the jobbing trade in any manner or for any purpose.

(u) No member of the Industry shall postdate, antedate or otherwise falsify invoices.

(v) No member of the Industry shall secure confidential information concerning the business of a competitor by a false or misleading statement or representation, by a false impersonation of one in authority, by bribery, or by any other unfair method.

(w) No member of the Industry shall issue an invoice to any purchaser which does not show the precise quantity delivered and the net cost to the purchaser of such quantity.

(x) Nothing in this Code shall limit the effect of any adjudication by the Courts or holding by the Federal Trade Commission on complaint, finding, and order that any practice or method is unfair, providing that such adjudication or holding is not inconsistent with any provision of the Act or of this Code.

ARTICLE IX—MODIFICATION

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

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

ARTICLE X—MONOPOLIES, ETC.

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

ARTICLE XI—PRICE INCREASES

1. Whereas the policy of the Act to increase real purchasing power will be made impossible of consummation if prices of goods and services increase as rapidly as wages, it is recognized that price

Increases should be delayed and that, when made, the same should, so far as reasonably possible, be limited to actual increases in the seller's costs.

ARTICLE XII—EFFECTIVE DATE

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

Approved Code No. 195.
Registry No. 314-01.

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AMENDMENTS

Approved Code No. 9—Amendments Nos. 3-4

AMENDMENTS TO CODE OF FAIR COMPETITION
FOR THE
LUMBER AND TIMBER PRODUCTS INDUSTRY

As Approved on December 7, 1933

BY
PRESIDENT ROOSEVELT

EXECUTIVE ORDER

An application having been made by the Lumber Code Authority pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for amendment of the Code of Fair Competition for the Lumber and Timber Products Industries, as heretofore approved by me, and for the modification of my approval of said Code of Fair Competition accordingly, and hearings having been held thereon, and the Administrator having rendered his report recommending the granting of such application, such proposed amendments to be designated as Amendment No. 3 and Amendment No. 4, establishing the "Broom and Mop Handle Division":

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report of the Administrator recommending the granting of the aforesaid application, and do order that the Code of Fair Competition for the Lumber and Timber Products Industries, as approved by me on August 19, 1933, be amended in accordance with the foregoing.

FRANKLIN D. ROOSEVELT.

Approval recommended:
HUGH S. JOHNSON,
Administrator.
THE WHITE HOUSE,
December 7, 1933.

LETTER OF TRANSMITTAL

NOVEMBER 22, 1933.

The PRESIDENT,
The White House.

SIR: Under the Code of Fair Competition for the Lumber and Timber Products Industries, as approved by you on August 19, 1933, the Lumber Code Authority has submitted Amendments creating the "Broom and Mop Handle Division." This is a report of the hearing on the application of the Broom and Mop Handle Manufacturing Industry to be included under the Code, conducted in Washington on October 20, 1933, in accordance with the provisions of the National Industrial Recovery Act.

Final Amendment No. 3 and final Amendment No. 4 submitted are included and attached.

The Amendments submitted herewith do not involve any new principles and are designed solely to provide an administrative division under the Code for broom, mop, sweeper, and sweeping brush handle manufacturers. By proposing that the jurisdiction of the Code be extended to include the Broom and Mop Handle Manufacturing Industry, the National Handle Manufacturers' Association, representing the Industry, has concurred in all its provisions.

The close relationship of the Industry to the Lumber and Timber Products Industries was established at the hearing. Factories producing so-called long cleaning device handles made of wood are located almost of necessity in sawmill towns. It was stated that at least 60% of the known production occurred in factories operated in conjunction with sawmills. It was pointed out also that labor in handle factories and in sawmills is interchangeable.

WAGES

The minimum wages proposed are the same as those established for the several regions of the United States defined in the Code. In each region the proposed minimum represents an increase over former average rates, and substantial increases over former minimum rates. Anticipating the approval of its application to become a Division under the Code, the group represented at the hearing adopted voluntarily the Code minimums, and adjusted wages of the higher-paid classes accordingly on August 22, 1933, when the wage provisions of the Code became effective.

HOURS

The maximum hours of employment proposed are 40 per week. Tolerance for seasonal, as provided for certain operations under the Code, does not extend to this proposed division. This shorter week, already adopted, has provided some immediate reemployment of

labor and it was shown that with only a moderate recovery in business volumes a satisfactory further absorption would occur.

ADMINISTRATION

The National Handle Manufacturers' Association is to be designated as the agency of the Lumber Code Authority to administer the provisions of the Code for this proposed Division. Evidence that it is prepared to assume this responsibility has been submitted. Pursuant to Article III of the Code, the Lumber Code Authority reserves the power and duty to enforce the provisions of the Code and to establish and maintain the representative character of its designated agency.

EFFECT OF THE AMENDMENTS

I believe that the Amendments provide an effective means of bringing this Industry under a Basic Code of Fair Competition, the mandatory provisions of which a representative group of the Industry has applied to itself voluntarily, and that the aim of the National Industrial Recovery Act will be served.

FINDINGS

The Administrator finds that:

(a) Amendment No. 3 and Amendment No. 4 as recommended comply in all respects with the pertinent provisions of Title I of the Act, including, without limitation, subsection (a) of Section 7 and subsection (b) of Section 10 thereof, and that

(b) The applicant group imposes no inequitable restrictions on admission to membership therein and is truly representative of the Broom and Mop Handle Manufacturing Industry; and that

(c) Amendment No. 3 and Amendment No. 4 as recommended are not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

It is recommended, therefore, that Amendment No. 3 and Amendment No. 4 to the Code of Fair Competition for the Lumber and Timber Products Industries, as heretofore approved by you, be adopted.

Respectfully,

HUGH S. JOHNSON,
Administrator.

AMENDMENTS TO CODE OF FAIR COMPETITION FOR: THE LUMBER AND TIMBER PRODUCTS INDUSTRY

Amendment No. 3.—Insert in Article VII at end of subparagraph d, the following section:

(H) Broom and Mop Handle Division.

Minimum rates of wages in this division shall be as follows:

	Cents per hour
Southern Hardwood Area.....	24
Appalachian Hardwood Area and Delaware.....	28½
Northern Hardwood Area: Mills and factories.....	30
Northeast Hardwood Area: Mills and factories.....	30
North Central Hardwood Area and Iowa, Nebraska & Kansas: Mills and factories.....	32½
Western Pine:	
Except Arizona, New Mexico, and Colorado, south of 38° North Latitude but including all of State of California, factories.....	40
Arizona, New Mexico, and Colorado, south of 38° North Latitude.....	24
West Coast Lumber and Logging Area: Factories.....	40

The above-mentioned areas shall coincide with their definitions and territorial descriptions as set forth in this Code.

Amendment No. 4.—Add at the end of Schedule (a) the following new section:

No. 37. Broom and Mop Handle Division. Division (Article IIC) and Products (Article IIA).

The Broom and Mop Handle Manufacturers Division consists of Manufacturers of Broom and/or Mop, Sweeper, and Sweeping Brush Handles.

ADMINISTRATIVE AGENCY

The National Handle Manufacturers' Association is designated as the agency of the Lumber Code Authority for the administration of the Code in this Division. Said Association through its Board of Control is authorized to make rules and regulations necessary to administer the Code in this Division, and shall designate and authorize such agencies as may be required for this purpose.

Approved Code No. 9—Amendments Nos. 3-4.
Registry No. 313-1-06.

Approved Code No. 15—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

MEN'S CLOTHING INDUSTRY

As Approved on December 15, 1933

BY

PRESIDENT ROOSEVELT

EXECUTIVE ORDER

An application having been made by the Men's Clothing Code Authority pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, and pursuant to Section 6 of Article XIII of the Code, for amendment of the Code of Fair Competition for the Men's Clothing Industry as heretofore approved by me on August 26, 1933, and for the modification of my approval of said Code of Fair Competition accordingly, and the Administrator having recommended the granting of such approval, such proposed amendments to be in accordance with the following proposals:

A. That there be added to Article III of the Code, a new paragraph as follows:

“For a period of three (3) months after December 11, 1933, any employer affected by Article III of the Code may engage learners to supplant home workers, who shall be paid not less than seventy percent (70%) of the minimum wage provided in the Code; provided, that no employee shall be classified as a learner for longer than the first eight (8) weeks of his employment in the industry, and, provided further, that if any learner working on a piecework operation, earns more, he shall receive what he earns.”

B. That the following be added to Article IV of said Code:

“Employers shall post such portions of this Code and in such manner as may be prescribed by the Code Authority.”

C. That there be added to the second paragraph of Article X of said Code the following:

“Top coats, spring season, April 15.

“Top coats, fall season, November 15.

"Top coats are defined to be garments made of fabrics of twenty-two (22) oz. or less in weight per yard of fifty-six (56) inches in width."

D. That there be added to Article II of said Code a new paragraph (g) as follows:

"Persons whose earning capacity is limited because of physical or mental handicap, may be employed at a wage below the minimum established by this Code, provided—

(1) That they shall be paid proportionately no less than the other employees receive for similar work, but in no case shall their compensation amount to less than seventy percent (70%) of the amount required by the Minimum Wage Provision of this Code.

(2) That the proportion of such excepted persons to the total number of employees in any plant shall not at any time exceed five percent (5%).

(3) The Code Authority shall have the right to investigate and disallow any claims for exemption. The decision of the Code Authority shall be final and the employer shall comply therewith, unless and until the Administrator shall upon appeal by an employer or employee, disapprove the decision of the Code Authority.

(4) That where it has been the custom of an employer to maintain a proportion of such employees in excess of five percent (5%) of the total number of employees in his plant, the Code Authority may, upon application and proof, allow the employer to employ more than five percent (5%) of excepted persons, subject to these provisions.

(5) That on or before the tenth (10th) day of each month, the employer shall prepare and transmit to the Code Authority a list for the preceding month of such excepted persons, stating names, class of occupation, wage rating, length of service, and reasons for exemption.

(6) These exceptions shall not be used by employers as a device to evade the provisions of this Code.

"(7) The Code Authority shall report to the Administrator within three (3) months, and from time to time thereafter, as to the effect of these provisions, both generally and in cases of individual hardship, so that the Administrator may determine, in his discretion, whether or not the provisions of this amendment shall be continued or changed."

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do approve the granting of the aforesaid applications, and do order that the final approval of the Code of Fair Competition for the Men's Clothing Industry contained in my Executive Order, dated August 26, 1933, be and it is hereby modified to the foregoing effect.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,

Administrator.

THE WHITE HOUSE,

December 15, 1933.

LETTER OF TRANSMITTAL

DECEMBER 12, 1933.

The PRESIDENT,

The White House.

SIR: The Code Authority of the Men's Clothing Industry has applied for certain amendments to the Code of Fair Competition for the Men's Clothing Industry, approved August 26, 1933.

Article III of the Code provides that three (3) months after the effective date no manufacturer shall have work done or labor performed on any garment or part thereof in the home of a worker.

However, in view of the fact that a substantial part of certain operations has been performed in homes in the New York, Philadelphia, and some other clothing centers, it is agreed by most members of the Industry that there is not a sufficient supply of skilled factory workers to absorb the work previously done in the home.

In order that learners may be employed on these tasks, the Code Authority recommends that the Code be amended to allow members of the Industry to employ learners at wages less than the minimum provided in the Code, for a period not to exceed three (3) months from December 11, 1933.

Many codes which you have approved contain a provision that certain portions of the Code be posted in factories for the information of employees. The Men's Clothing Code, as approved, contains no such provision, and the Code Authority has recommended that it will be of substantial assistance in the enforcement of the Code to amend the Code by adding a provision for posting.

The Code Authority unanimously recommends that Article X of the Code, which fixes the date for seasonal sales for clearing surplus merchandise, be amended to provide dates for the clearance of topcoats in the Spring and Fall seasons.

The Code Authority unanimously recommends the approval of a provision which would allow the employment of substandard or handicapped workers at a wage below the minimum provided in the Code, but in no event less than seventy percent (70%) thereof, and with a proviso that such excepted workers shall not exceed five percent (5%) of the total number of employees in any plant, unless good cause to the contrary can be shown, and the employer obtains the prior approval of the Code Authority. The recommendation of the Code Authority contains a provision for periodic reports by members of the Industry working under the exceptions and for reports by the Code Authority as to the working of the requested amendment.

The Administrator recommends the approval of all the foregoing proposals.

Respectfully,

HUGH S. JOHNSON,
Administrator.

Approved Code No. 17—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION
FOR THE
AUTOMOBILE MANUFACTURING INDUSTRY

As Approved on December 18, 1933

BY

PRESIDENT ROOSEVELT

EXECUTIVE ORDER

An application having been duly made in behalf of the Automobile Manufacturing Industry, pursuant to and in full compliance with the provisions of title I of the National Industrial Recovery Act, approved June 16, 1933, and the provisions of the Code of Fair Competition for the Automobile Manufacturing Industry duly approved on August 26, 1933, for my approval of an amendment to said Code of Fair Competition for the Automobile Manufacturing Industry, and the Administrator having rendered his report containing an analysis of the said proposed amendment together with his recommendations and findings with respect thereto, and the Administrator having found that the said proposed amendment complies in all respects with the pertinent provisions of title I of said act and that the requirements of clauses (1) and (2) of subsection (a) of section 3 of the said act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations and findings of the Administrator and do order that the said application be and it is hereby approved, and that, effective immediately, the said Code of Fair Competition for the Automobile Manufacturing Industry be and it is hereby amended as follows:

In article I, the seventh paragraph, which has heretofore read as follows:

“The term ‘expiration date’ as used herein means December 31, 1933, or the earliest date prior thereto on which the President shall by proclamation or the Congress shall by joint resolution declare that the emergency recognized by section 1 of the National Industrial Recovery Act has ended.”

shall be modified to read as follows:

“The term ‘expiration date’ as used herein means September 4, 1934, or the earliest date prior thereto on which the President shall by proclamation or the Congress shall by joint resolution declare that the emergency recognized by section 1 of the National Industrial Recovery Act has ended.”

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,

Administrator.

THE WHITE HOUSE,

December 18, 1933.

LETTER OF TRANSMITTAL

DECEMBER 18, 1933.

The PRESIDENT,
The White House.

SIR: The National Automobile Chamber of Commerce has made application in behalf of the Automobile Manufacturing Industry that the Code of Fair Competition for said Industry be amended as follows:

In Article I. the seventh paragraph, which now reads as follows:

"The term 'expiration date', as used herein, means December 31, 1933, or the earliest date prior thereto on which the President shall by proclamation, or the Congress shall by Joint Resolution, declare that the emergency recognized by Section 1 of the National Industrial Recovery Act has ended";

be modified to read as follows:

"The term 'expiration date', as used herein, means September 4, 1934, or the earliest date prior thereto on which the President shall by proclamation, or the Congress shall by Joint Resolution, declare that the emergency recognized by Section 1 of the National Industrial Recovery Act has ended."

The reports received from the manufacturers operating under this Code indicate that the provisions of the Code have tended to effectuate the policy of Title I of the National Industrial Recovery Act in that employment was increased from approximately 125,600 in July 1933 to approximately 150,700 in September 1933; an increase of approximately 25,100 employees, or 20%.

That this increase was not due to increased production is indicated by a decrease in man-hours from approximately 21,300,000 in July 1933 to approximately 19,600,000 in September 1933, a decrease of approximately 1,700,000 man-hours, or 8%.

Total pay rolls at the same time increased from approximately \$12,700,000 in July 1933 to approximately \$14,700,000 in September 1933, an increase of approximately \$2,000,000, or 16%.

The above figures cover only factory employees of manufacturers who are members of the National Automobile Chamber of Commerce, since complete figures are not available for the entire Industry prior to the Code. The National Automobile Chamber of Commerce represents approximately 78% of the production capacity and approximately 95% of the manufacturing units in the Industry.

It is recommended, therefore, that the application be approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

Approved Code No. 17—Amendment No. 1.
Registry No. 1403-1-04.

Approved Code No. 18—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

CAST IRON SOIL PIPE INDUSTRY

As Approved on December 18, 1933

BY

PRESIDENT ROOSEVELT

EXECUTIVE ORDER

An application having been duly made, pursuant to and in full compliance with the provisions of title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of an amendment (number I) to the Code of Fair Competition for the Cast Iron Soil Pipe Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said Amendment to the code of fair competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said code of fair competition complies in all respects with the pertinent provisions of title I of said act and that the requirements of clauses (1) and (2) of subsection (a) of section 3 of the said act have been met:

NOW, THEREFORE, I Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by title I of the National Industrial Recovery Act approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations and findings of the Administrator, and do order that the said amendment (number I) to the code of fair competition be and it is hereby approved:

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 18, 1933.

LETTER OF TRANSMITTAL

DECEMBER 1, 1933.

The PRESIDENT,
The White House.

SIR: This is a report upon an amendment (number I) proposed to the Code of Fair Competition approved for the Cast Iron Soil Pipe Industry in the United States, and on the hearing conducted thereon in Washington, D.C., on October 23, 1933, in accordance with the provisions of the National Industrial Recovery Act.

RÉSUMÉ OF THIS AMENDMENT AS TO WAGES AND HOURS

This amendment qualifies the exemption provided for executive officers and their supervisory staffs by providing that such exemption shall apply only to those earning \$35.00 or more per week, and provides for certain classes of employees who were not specifically covered in the Code as originally drawn, as follows:

Superannuated Employees

Learners

Watchmen

Shipping Crews

GENERAL STATEMENT

The Code of Fair Competition for the Cast Iron Soil Pipe Industry was signed on September 7, 1933. Since its consideration the development of codes has shown the desirability of making special provision for the classes of workers named in the amendment and the need for such provision in this Industry. It is believed that the amendment will prevent improper interpretations by clarification of Sections 3 and 4 of the Code.

The limitation on the number of learners and superannuated employees and the establishment of minimum wages for them, and of maximum working hours for watchmen and shipping crews, will prevent misunderstanding and resultant discrimination and result in increased stabilization of labor.

I believe that the amendment to the Code is fair to Industry, and to Labor, and within the intent and purpose of Title I of the National Industrial Recovery Act.

Accordingly, I hereby recommend the approval of this proposed Amendment Number I to the Code of Fair Competition for the Cast Iron Soil Pipe Industry approved September 7, 1933.

Respectfully,

HUGH S. JOHNSON,
Administrator.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE CAST IRON SOIL PIPE INDUSTRY

Section 3 should read:

(a) On and after the effective date, the minimum wages that shall be paid by employers in The Cast Iron Soil Pipe Industry to any of their employees, except learners during a three months' apprenticeship, and *superannuated employees*, not employed on productive labor, shall be at the rate of thirty-two cents (32¢) per hour for common labor when employed in the South, and at the rate of forty cents (40¢) per hour for common labor when employed in the Eastern, Western, and Pacific Coast sections of the United States.

(b) The minimum rates of pay for learners and superannuated employees shall be not less than 80% of the rates provided in this section of the Code for common labor in the respective sections where employed.

(c) The total number of learners and superannuated employees employed in any one month shall not exceed 5% of the total number of employees of each Company.

(d) For the purpose of this Code the South comprises the territory South of the Ohio and Potomac Rivers and East of the Mississippi River.

(e) For the purpose of the Code the Eastern, Western, and Pacific Coast sections comprise the balance of the United States.

Section 4 should read:

(a) On and after the effective date twenty-seven (27) hours will be the maximum hours of labor per week, except as hereinbelow provided.

(b) Clerks, bookkeepers, stenographers, and shipping crews may be employed forty hours per week, not exceeding eight hours in any one day.

(c) No watchman may be employed for more than fifty-six (56) hours in any one week, nor for more than six out of seven days.

(d) Executive officers and their supervisory staffs who earn thirty-five dollars (\$35.00) or more per week are excluded from any of the provisions relating to maximum hours, as provided in this Section 4.

Approved Code No. 18—Amendment No. 1.
Registry No. 1128—01.

(647)

Approved Code No. 15—Amendment No. 2
Approved Code No. 118—Amendment No. 1

AMENDMENTS TO CODE OF FAIR COMPETITION
FOR THE
MEN'S CLOTHING INDUSTRY AND COTTON
GARMENT INDUSTRY

As Approved on December 18, 1933

BY
PRESIDENT ROOSEVELT

EXECUTIVE ORDER

A. A Code of Fair Competition for the Men's Clothing Industry was approved by me on August 26, 1933. A public hearing having been held by the Administrator on due notice, with respect to certain amendments to the said code, the Administrator having recommended the modification of my approval of said code accordingly, the amendments being as follows:

1. That the first paragraph of article I of the code be amended to read as follows:

“The term ‘Clothing Industry’ as used herein is defined to mean the manufacture of men's, boys', and children's clothing, uniforms, single knee pants, single pants (except work pants or single pants when made in work-clothing factories), and men's summer clothing (except men's wash suits of one hundred percent (100%) cotton content when made in work-clothing factories in conjunction with work clothing).”

2. That the second paragraph of article II of the said code be deleted, which paragraph reads as follows:

“The minimum wage paid by employers to employees working on single-knee pants shall be at the rate of thirty-seven cents (37¢) per hour.”

3. That there be substituted for the above paragraph the following:

“The minimum wage paid by employers to employees working on single-knee pants and/or single pants shall be at the rate of thirty-four cents (34¢) per hour when employed in the southern section of the industry, and thirty-seven cents (37¢) per hour when employed in the northern section of the industry.”

4. That the following paragraph be added to article II, which shall be the third paragraph of said article:

"The minimum wage paid by employers to employees working on men's wash suits of one hundred percent (100%) cotton content, shall be at the rate of thirty-four cents (34¢) per hour in the southern section of the industry, and thirty-seven cents (37¢) per hour in the northern section of the industry; the minimum wage paid by employers to employees working on men's summer clothing (other than men's wash suits of one hundred percent (100%) cotton content) shall be at the rate of thirty-seven cents (37¢) per hour in the southern section of the industry, and forty cents (40¢) per hour in the northern section of the industry."

5. That paragraph (a) of article II be amended to read as follows:

"On and after the effective date, the minimum wage which shall be paid to cutters shall be at the rate of one dollar (\$1.00) per hour, and the minimum wage which shall be paid to off-pressers shall be at the rate of seventy-five cents (75¢) per hour; except that in the southern section of the industry the minimum wage which shall be paid to cutters of all men's wash suits and/or summer clothing shall be at the rate of eighty-five cents (85¢) per hour, and the minimum wage which shall be paid to off-pressers of such garments shall be at the rate of sixty cents (60¢) per hour."

B. A Code of Fair Competition for the Cotton Garment Industry was approved by me on November 17, 1933. A public hearing having been held by the Administrator on due notice, pursuant to the second paragraph of section A of article II of the said code, which paragraph reads as follows:

"The products covered by section A, paragraphs 8, 10, and 14, are included in this code pending the prompt holding of such further hearing on such notice as the Administrator in his discretion may fix, and the final determination of whether the definitions of any of them shall be modified or eliminated or whether any of the subdivisions shall continue to be included in this code."

Paragraphs 10 and 14, to which the foregoing refers, include: "(10) men's and boys' pants in chief content of cotton;" "(14) men's cotton wash suits."

The Administrator having rendered his report together with his recommendations and findings with respect to the following amendment to the said code:

That section A of article II be amended to read as follows:

"As used in this code the term 'Cotton Garment Industry' means and includes the production by any of the following processes: (a) cutting, (b) creasing, (c) sewing (all or part of the garment), (d) trimming, (e) pressing, (f) finishing, (g) examining and inspecting, (h) boxing, or all of them, of any article or garment known as (1) work clothing, work garments, work pants, and children's play suits; (2) men's shirts, including knitted outer shirts and polo shirts; (3) boys' shirts and blouses; (4) boys' wash suits; (5) work shirts of any material, including flannel shirts; (6) pajamas and nightshirts; (7) men's collars; (8) cotton wash dresses; (9) oiled cotton garments; (10) men's and boys' pants, when made in work clothing factories; (11) sheep lined and leather garments; (12) nurses' and maids' aprons and uniforms; (13) washable service ap-

parel; (14) men's wash suits of one hundred percent (100%) cotton content, when made in work-clothing factories in conjunction with work clothing."

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do approve the foregoing amendments, on the following conditions:

1. That no manufacturing employee engaged in the production of men's wash suits of one hundred percent (100%) cotton content and/or men's and boys' pants when either of the foregoing is made in work clothing factories in conjunction with work clothing or work pants, shall be paid at less than the rate of thirty-four cents (34¢) per hour in the southern section of the industry, or less than thirty-seven cents (37¢) per hour in the northern section of the industry.

2. It is hereby ordered that an Inter-Code committee of seven (7) persons shall be appointed by the Administrator, three (3) of whom shall be chosen from the Cotton Garment Industry, with the advice of the chairman of its Code Authority, and three (3) of whom shall be chosen from the Men's Clothing Industry, with the advice of the chairman of its Code Authority, and the seventh (7th) member shall be chairman of the said committee. The committee is hereby authorized to administer and supervise enforcement in respect of cotton wash suits and/or single pants. The said committee, may, on its own initiative, or upon reference by either Code Authority concerned, recommend to the Administrator, changes in maximum hours or differentials or changes in the minimum wage to be paid employees engaged in the production of single pants and/or cotton wash suits, and issue interpretations of this order with respect to such garments. All questions arising from the operation of this Order shall be referred to the Inter-Code Committee for determination. Interpretations or determinations made by the said committee shall be subject to an appeal to the Administrator.

On or before June 30, 1934, the Inter-Code Committee shall report to the two Code Authorities concerned, and to the Administrator, as to whether these provisions should be changed or modified by the Administrator.

The Administrator shall arrange with the two Code Authorities for an equitable basis of contribution to cover the necessary expenditures for administration by the Inter-Code Committee.

It is hereby ordered that the final approval of the Code of Fair Competition for the Men's Clothing Industry, contained in my Executive order, dated August 26, 1933, and that the final approval of the Code of Fair Competition for the Cotton Garment Industry, contained in my Executive order, dated November 17, 1933, shall be modified to the foregoing effect on and after January 2, 1934.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,

Administrator.

THE WHITE HOUSE,

December 18, 1933.

LETTER OF TRANSMITTAL

DECEMBER 12, 1933.

The PRESIDENT,
The White House.

SIR: The Cotton Garment Code includes in its definitions (Article II, Section A, Subdivisions 1, 10, and 14), "work clothing, work garments, work pants, and children's play suits", "Men's and boys' pants in chief content of cotton", and "men's cotton wash suits." They were so included subject to a final determination by the Administrator of whether the definitions "shall be modified or . . . shall continue to be included in this Code." The Men's Clothing Code includes as a part of its definition of the Industry, "single knee pants, single pants, and men's summer clothing (exclusive of cotton wash suits)." The Cotton Garment Code provides minimum wages of thirty cents (30¢) an hour for the South and thirty-two and one half cents (32½¢) an hour for the North, a maximum week of forty (40) hours, and no classified scales. The Men's Clothing Code provides minimum wages of thirty-seven cents (37¢) per hour in the South and forty cents (40¢) an hour in the North, a maximum week of thirty-six (36) hours, and classifications for cutters and off-pressers.

A large part of the Cotton Garment Industry has grown up around the manufacture of overalls and work clothing. These factories have added many lines of merchandise which could be made without changing their plant equipment, personnel, or organization. This results in greater continuity of employment. All these lines are sold largely through the same channels of distribution. The South is a big market for this merchandise.

Single pants and cotton wash suits constitute an important part of such lines. What were formerly work pants, through developments of materials became rather extensively used for sport and dress purposes. The men's wash suits made in work clothing factories are mostly of the seersucker type. These are distributed in competition with lines of single pants and summer clothing made in the Men's Clothing Industry.

Until a few years ago the competition between these industries on these lines was not serious. Recently the trend of fashion and the downward trend of prices have brought them into sharp competition. During the past two seasons the competition has been unusually severe.

The Men's Clothing manufacturers believe that their business is very seriously threatened by the difference in wages, hours, and classifications provided in the two Codes, so serious in fact that right at the present moment the single pants manufacturers working under the Clothing Code are said to be organizing a "shut-down" until the competitive situation accentuated in the two Codes could be straightened out.

The difficulties in definitions were clearly set forth in the Administrator's report submitting the Clothing Code and the Cotton

Garment Code to the President for his approval. Many hearings and conferences have been held, the last hearings being held on Monday and Tuesday, November 27 and 28. Successive conferences failed to produce an agreement, and it became necessary to leave the matter for determination by the Administrator, as provided in the Cotton Garment Code. In the various conferences it was conceded by all parties that work pants should be made under the provisions of the Cotton Garment Code and that pants which are part of men's suits, and separate pants made of wool for dress use should be made under the provisions of the Men's Clothing Code. Between these two extremes there were irreconcilable differences regarding definitions.

All parties were in agreement upon the desirability of avoiding jurisdiction by both Code Authorities in one factory.

With particular reference to summer clothing and men's wash suits, the Men's Clothing manufacturers claimed protection against unfair competition, and a break-down of their standards from the sale of men's cotton wash suits under the Cotton Garment Code. After hearings held on September 26 and 27 conferences were held, which resulted in an agreement between the New Orleans manufacturers and others representing a substantial part of the industry making wash suits. This agreement was put in the form of a recommendation by the Administrator for an Executive Order making the necessary amendments to include the manufacture of wash suits as a part of the Men's Clothing Industry. The submission of these recommendations was held pending final action on the Cotton Garment Code. During the final conferences preceding the submission and adoption of this Code, representatives of the work clothing factories who manufacture and distribute inexpensive cotton wash suits, principally of the seersucker type, claimed that they were not bound by the agreement entered into by the New Orleans manufacturers. The definition of men's wash suits was included in the Cotton Garment Code subject to a later hearing and final determination by the Administrator, as explained above. Hearings and various conferences were held on November 27, at which all parties were asked to show cause why the agreement entered into in September should not be made effective through the proper amendments to the Clothing and Cotton Garment Codes:

With reference to single pants it is my conclusion that:

1. Work pants as included in Subdivision 1, Paragraph A, of Article II, covers a field of merchandise not in competition with the Men's Clothing Industry, and can be defined for the purposes of administration.

2. There are lines of one hundred percent (100%) cotton trousers manufactured in work clothing factories, which are used in substantial quantities for sport and dress occasions and do constitute an important factor of competition with trousers now made as a part of the Men's Clothing Industry. Manufacturers should be allowed to continue manufacture under both Codes, with an increased minimum in the Cotton Garment Code which will, in effect, operate to reduce the difference in minima between the two Codes.

3. With the exception of certain very cheap materials used for the manufacture of work clothing, trousers made of wool and woolen

mixtures should largely be reserved for manufacture under the Men's Clothing Code, but that where made in Cotton Garment factories, should be made under an increased minimum.

With reference to men's cotton wash suits, it is my conclusion that:

1. Wash suits made from linens, Palm Beaches and similar materials are competitive with summer clothing made in the Men's Clothing Industry, and should be produced under the provisions of that Code.

2. Men's wash suits of one hundred percent (100%) cotton content, particularly of the better grades, do compete with other summer clothing, and the minima in the two Codes should be equalized. Such wash suits manufactured in work clothing factories and in conjunction with work clothing are generally so low in price as to constitute a less important factor of competition, and should be allowed to be made under the provisions of the Cotton Garment Code, with a higher minimum.

3. That the products of the New Orleans manufacturers are in substantial competition with summer clothing produced in Men's Clothing factories, and that no controlling reason was shown why the agreement entered into by the representatives of the New Orleans and other manufacturers, with representatives of the Men's Clothing Industry, should not stand substantially as covered in the pending recommendations of Deputy Administrator Lindsay Rogers.

NOTE.—Recommended amendments carry a slight modification of rates in the interest of simplification of rates in the same factory.

It is recommended that the necessary amendments be made to the Codes of Fair Competition for the Men's Clothing Industry and the Cotton Garment Industry which will in effect provide:

1. That work pants as defined and interpreted by the Inter-Code Committee shall be produced under the wage and hour provisions now provided in the Cotton Garment Code.

2. All other single pants should be allowed to be made under the terms of both Codes; at a minimum hourly wage of thirty-four cents (34¢) in the South and thirty-seven cents (37¢) in the North.

3. That men's wash suits of one hundred percent (100%) cotton content, when made in work clothing factories in conjunction with work clothing, may be made under the Cotton Garment Code, subject to a minimum of thirty-four cents (34¢) an hour in the South and thirty-seven cents (37¢) per hour in the North.

4. That all wash suits, other than men's wash suits of one hundred percent (100%) cotton content when made in work clothing factories in conjunction with work clothing, be made under the provisions of the Men's Clothing Code, provided (a) that this Code carry a special minimum of thirty-four cents (34¢) per hour in the South and thirty-seven cents (37¢) per hour in the North for men's wash suits of one hundred percent (100%) cotton content, (b) That a minimum of thirty-seven cents (37¢) per hour in the South and forty cents (40¢) per hour in the North be provided for men's wash suits made of materials other than one hundred percent (100%) cotton, and (c) That there be lower differentials for cutters and off-pressers engaged in the manufacture of wash suits made in Clothing factories in the South.

For Administration I recommend an Inter-Code committee be appointed by the Administrator to observe the effects of competition between the manufacturers of single pants and men's wash suits operating under the two Codes, with authority to supervise enforcement, make interpretations, and study the need for redefinitions necessary to establish and maintain fair competitive conditions.

The expense of the administration for this committee should be arranged by the two Code Authorities, and labels should be required for all single pants (other than work pants), and wash clothing made under both Codes, as a means of enforcement.

On or before June 30, 1934, the Inter-Code Committee should be required to report to the two Code Authorities with recommendations as to whether these amendments to the Codes should be continued or modified.

In accordance with the above, the approval of the attached Executive Order is recommended.

Respectfully,

HUGH S. JOHNSON,
Administrator.

Approved Code No. 15—Amendment No. 2.
Registry No. 216-1-06.
Approved Code No. 118—Amendment No. 1.
Registry No. 217-1-06.

Approved Code No. 39—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

FARM EQUIPMENT INDUSTRY

As Approved on December 21, 1933

BY

PRESIDENT ROOSEVELT

EXECUTIVE ORDER

IN THE MATTER OF THE APPLICATION OF THE SOUTHERN PLOW MANUFACTURERS ASSOCIATION AND THE BLOUNT PLOW WORKS, FOR CERTAIN EXEMPTIONS FROM THE CODE OF FAIR COMPETITION FOR THE FARM EQUIPMENT INDUSTRY

A Code of Fair Competition for the Farm Equipment Industry has been heretofore approved by me. After such approval, and in accordance with the provisions of my further Executive Order dated July 15, 1933, hearings have been granted by the Administrator to the above-named applicants, allegedly directly affected by said Code, who have claimed that applications thereof have been unjust to them and have applied for an exemption therefrom with reference to the minimum wage provided in the said Code, and a change in wording to effect more complete dissemination of statistics.

It appears to me on the basis of the showing made at the hearings granted the applicants above named as set forth in the report thereon, dated November 21, 1933, rendered to me by the Administrator, which is hereby adopted and approved, that no case of injustice has been made out by the Southern Plow Manufacturers Association respecting minimum rates, but that the wording of Article VI, Section 2 of the Code is unnecessarily restrictive:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority and discretion vested in me under Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, and in accordance with the provisions of my Executive Order dated July 15, 1933, providing for hearing on the application of Codes under certain circumstances, do order that the application for exemption by the Southern Plow

Manufacturers Association, be and is hereby denied, but that the words "members of the Association" in the last sentence of Article VI, Section 2, be and is hereby changed to "employers who have agreed to the Code."

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 21, 1933.

LETTER OF TRANSMITTAL

DECEMBER 4, 1933.

The PRESIDENT,

The White House.

SIR: This is a report of the hearing which has been granted, in accordance with the provisions of your Executive Order dated July 15, 1933, to certain manufacturers, the Southern Plow Manufacturers Association and the Blount Plow Works, who have alleged that they are directly affected by the Code of Fair Competition for the Farm Equipment Industry, and who have claimed that applications of that Code have been unjust to them and have applied for exemption therefrom.

I am attaching herewith—

1. Report of the Assistant Deputy Administrator, who conducted said hearing, which report is accepted and approved.

2. Copy of transcript of the records.

It appears to me on the basis of showing made at the hearing granted the Southern Plow Manufacturers' Association that no case of injustice requiring special treatment has been made out by the above-named applicant, and, accordingly, I recommend that the application of the aforementioned party for exemption or for stay of application of the provisions of the Code of Fair Competition for the Farm Equipment Industry be denied.

Because the wording of Article VI, Section 2, of the Code prevents a nonmember of the Association from review of the statistics of which he is part, I recommend that the application of the Blount Plow Works for access to the statistics be granted, and that the words "members of the Association" in the last sentence of Article VI, Section 2, be changed to "employers who have agreed to the Code."

Respectfully,

HUGH S. JOHNSON,
Administrator.

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

AMENDMENT TO CODE OF FAIR COMPETITION
FOR THE
GASOLINE PUMP MANUFACTURING INDUSTRY

As Approved on December 21, 1933

BY

PRESIDENT ROOSEVELT

EXECUTIVE ORDER

An application having been duly made by the Executive Committee of the Code of Fair Competition for the Gasoline Pump Manufacturing Industry under date of October 18, 1933, pursuant to and in full compliance with the provisions of title I of the National Industrial Recovery Act, approved June 16, 1933, and pursuant to article X of the Code of Fair Competition for the Gasoline Pump Manufacturing Industry, approved by me in my Executive order of September 18, 1933, for my approval of modifications of said code of fair competition proposed in said application, and full hearings having been held thereon and the Administrator, under date of December 9, 1933, having rendered his report on the hearing held in Washington, D.C., on November 7, 1933, together with his recommendations and findings with respect thereto, and the Administrator having found as set forth in said report that the said modifications comply in all respects with the pertinent provisions of title I of said act and that the requirements of clauses 1 and 2 of subsection (a) of section 3 of said act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations, and findings of the Administrator and do order that said modifications of the Code of Fair Competition for the Gasoline Pump Manufacturing Industry be, and they hereby are approved and made a part of said code.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 21, 1933.

LETTER OF TRANSMITTAL

DECEMBER 9, 1933.

The PRESIDENT,
The White House.

This is a report on a hearing of the modification of the Code of Fair Competition for the Gasoline Pump Manufacturing Industry held in Washington, D.C., on November 7, 1933, submitted by the Executive Committee of the Gasoline Pump Manufacturing Industry in accordance with Article X of said Code approved by you in your Executive Order of September 18, 1933. Application was made to this office under date of October 18, 1933, by the Planning and Fair Practice Agency for the administration of the Code of Fair Competition for the Gasoline Pump Manufacturing Industry for modification of Articles VI and IX of said Code, since the operation of the Code had demonstrated the fact that these provisions as originally drafted did not adequately regulate the actions of the members of the Industry in their effort to cooperate with the Administration toward the stabilization of their Industry.

These provisions do not in any way affect the Wage and Hour provisions of the Code or the number of workers employed, and it may be said in summary that their specified purpose is further to stabilize an Industry where unfair competition may be exceedingly detrimental to the continued successful operation of the legitimate manufacturers.

The Administration finds that:

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

(b) The applicant group imposes no inequitable restrictions on admission to membership therein, and are truly representative of their industry.

(c) The provisions of the Code as amended are not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Clauses one and two of the National Industrial Recovery Act.

It is recommended, therefore, that the modification to this Code be adopted immediately.

Respectfully submitted.

HUGH S. JOHNSON,
Administrator.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE GASOLINE PUMP MANUFACTURING INDUSTRY

1. Subsection 4 (c), Article VI of the Code of Fair Competition for the Gasoline Pump Manufacturing Industry shall be and hereby is amended by deleting the words "f.o.b. factory" in the sixth line and the words "charges prepaid" in the seventh line and further by deleting the last sentence of said Subsection as follows: "The manufacturer's liability for damages caused by any such defective parts shall be limited to such repair or replacement and in no event shall the manufacturer be liable for indirect or consequential damage", so that said Subsection as amended shall read:

"The following standard guarantee: The manufacturer guarantees all parts of the equipment shipped under this agreement for one year and no more from date of invoice thereof, against defective material or workmanship (but not against damage caused by accident, abuse, or faulty installation) when the equipment is installed in accordance with the manufacturer's specifications, and will repair or replace free of charge all such defective parts if returned to the factory."

2. Section (c), Article IX of said code shall be and hereby is amended by adding thereto after the words "as above provided" the following: "except to purchasers with whom other members of the industry have legally binding contracts, made prior to the effective date of this code, during the term of any such contract; provided, however, that this exception shall be limited to the products specified herein, and to the requirements of any such purchaser in excess of the quantity or percentage of requirements so specified during the term of said contract and provided, further, that any member of the industry may meet but shall not exceed such contract prices, discounts and terms of payment" so that said Section is hereby amended to read:

"No manufacturer in the Industry shall sell any product of the Industry at prices lower or discounts greater or on more favorable terms of payment than the approved schedule of such manufacturer on file at the office of the Executive Committee as above provided, except to purchasers with whom other members of the Industry have legally binding contracts, made prior to the effective date of this code, during the term of any such contract; provided, however, that this exception shall be limited to the products specified herein, and to the requirements of any such purchaser in excess of the quantity or percentage of requirements so specified during the term of said contract, and provided further that any member of the Industry may meet but shall not exceed such contract prices, discounts and terms of payment".

3. Article IX of said code shall be and hereby is amended by adding thereto a new section to be designated Section (e) as follows:

“ Any member of the Industry may enter into an agreement with a jobber or distributor by which such jobber or distributor may agree that he will sell the products purchased from such manufacturer at not less than the prices contained in the published price schedules of such manufacturer in effect at the time of any such sale ”.

4. Article IX of said code shall be and hereby is amended by adding thereto a new section to be designated Section (f) as follows:

“ Each member of the industry shall file with the Executive Committee within five days after the effective date of this amendment, and from time to time thereafter, but not oftener than once every thirty days, a list of discontinued lines, or obsolete or surplus stocks, of products which such member is willing to sell below the prices noted in the price lists or on more favorable terms and conditions of sale than the terms and conditions of sale previously filed by such member with the Executive Committee in accordance with the provisions of paragraph (b) of this Article IX, and in effect at the time of the filing of such list, and the prices at which, or the terms and conditions of sale in accordance with which, such member is willing to sell the same or any part thereof, which list shall contain such information as to the quantity, size, weight, etc., of the products therein as the Executive Committee may deem necessary. Before any sales of any such products shall be made by any member of the industry, the list, prices, and terms and conditions of sale so filed shall first be approved by the Executive Committee. When all of any class of products noted on any such list shall have been sold the member of the industry filing such list shall notify the Executive Committee to that effect. The foregoing provisions of this paragraph (f) of Article IX shall at all times be subject to modification or disapproval by the Administrator.”

5. These amendments shall become effective on the third day after their approval by the President.

Approved Code No. 26—Amendment No. 1.
Registry No. 1326-01.

Approved Code No. 6—Amendment No. 1

AMENDMENTS TO CODE OF FAIR COMPETITION

FOR THE

LACE MANUFACTURING INDUSTRY

As Approved on December 23, 1933

BY

PRESIDENT ROOSEVELT

EXECUTIVE ORDER

An application having been duly made by the Lace Manufacturing Industry Committee under date of September 27, 1933, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, and pursuant to Articles V and XI of the Code of Fair Competition for the Lace Manufacturing Industry approved by me in my Executive Order of August 14, 1933, for my approval of amendments to said Code proposed in said application, and full hearings having been held thereon and the Administrator, under date of December 9, 1933, having rendered his report containing an analysis of said amendments, together with his recommendations and findings with respect thereto, and the Administrator having found, as set forth in said report, that the said amendments comply in all respects with the pertinent provisions of Title I of said Act and that the requirements of Clause 2 of subsection (a) of Section 3 have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations, and findings of the Administrator and do order that said amendments to the Code of Fair Competition for the Lace Manufacturing Industry be, and they hereby are, approved and made a part of said Code.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 23, 1933.

LETTER OF TRANSMITTAL

DECEMBER 9, 1933.

The PRESIDENT,
The White House.

SIR: This is a report on a hearing of the modification of the Code of Fair Competition for the Lace Manufacturing Industry held in Washington, D.C., on October 18, 1933, submitted by the Lace Manufacturing Industry Committee in accordance with Article V of said Code approved by you in your Executive Order of August 14, 1933. Application was made to this office under date of September 27, 1933, by the Lace Manufacturing Industry Committee, the Planning and Fair Practice Agency for the administration of the Code of Fair Competition for the Lace Manufacturing Industry, for modification of Article V and the elimination of Article VII, and the addition of Articles XII, XIII, and XIV. Article V provides that the Planning and Fair Practice Agency may submit recommendations to the Administrator for changes in, or additions to, the Code from time to time if the necessity therefor becomes apparent. Operation of the Code developed that a more comprehensive regulation was needed for the stabilization of the sales practices of the Industry.

These provisions do not in any way affect the Wage and Hour provisions of the Code or the number of workers employed.

The Administrator finds that:

(a) The code as amended complies in all respects with the pertinent provisions of Title 1 of the National Industrial Recovery Act, including, without limitation, subsection (a) of Section 7, and subsection (b) of Section 10 thereof.

(b) The applicant group imposes no inequitable restrictions on admission to membership therein, and is truly representative of their Industry.

(c) The provisions of the Code as amended are not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Clauses one and two of the National Industrial Recovery Act.

It is recommended, therefore, that the modifications to this Code be adopted immediately.

Respectfully submitted.

HUGH S. JOHNSON,
Administrator.

AMENDMENTS TO CODE OF FAIR COMPETITION FOR THE LACE MANUFACTURING INDUSTRY

The first sentence of *Article V* shall be modified to read as follows:

“To effectuate further the policies of the Act, a Lace Manufacturing Industry Committee is hereby created to cooperate with the Administrator as a Planning and Fair Practice Agency for the Lace Manufacturing Industry, which Committee shall consist of five representatives of the Lace Manufacturing Industry elected by a fair method of selection, to be approved by the Administrator, and three members without vote appointed by the Administrator.”

and *Article VII* shall therefore be eliminated.

There shall be added at the end of said Code the following Article:

XII

“1. Every person engaged in the Industry shall furnish the Code Authority within ten (10) days after the effective date of this Article a certificate listing and registering all his productive machinery, with sufficient information and description to make possible the positive identification of such machinery at all times.

“2. Prior to the installation of additional productive machinery by persons engaged or engaging in the Industry, except for the replacement of a similar number of existing machines or parts of productive machinery to be used for replacement or maintenance of existing machinery, such persons shall make application to the Administrator and secure a certificate from the Administrator that such installation will be consistent with effectuating the policy of the National Industrial Recovery Act.”

There shall be added to said Code the following Article:

XIII

“1. No person engaged in the Industry shall sell or offer for sale any product of the Industry at a price below his cost of production. It is provided, however, that any person may sell any product of the Industry at a price as low as the price set by any competitor on products which are identical or essentially the same, to meet the price competition of a lower cost producer. Any person who reduces his price to meet a competitor's price shall not be deemed to have violated the provisions of this Article if such person immediately notifies the Code Authority of his action and all facts pertinent thereto.

“It is further provided that the provisions of the foregoing paragraph shall not apply to the sale of discontinued patterns which the Code Authority, with the approval of the Administrator, may authorize.

"The foregoing provisions of this Article shall not become effective until the Code Authority, with the approval of the Administrator, shall have established and published a standard cost-finding system for the Industry.

"2. Persons engaged in the Industry shall sell the products of the Industry only in compliance with the following terms: either 8 percent, ten days, end of month, or 6 percent, ten days, 60 days extra, with no additional dating. It is provided, however, that where payment is made on the basis of 8 percent, ten days, end of month, it shall be permissible to grant dating as of the first of the following month on shipments made on and after the 25th of the month. Anticipation of payment may be allowed at the rate of not more than 6 percent per annum. Selling terms shall be either f.o.b New York or f.o.b. mill, deliveries to be free of charge to common carriers and to customers located in the city where the mill is located, and optionally to customers located within corporate limits of the City of Greater New York. Provided, however, that the foregoing section shall not apply to government contracts.

"3. Secret discounts, extra dating, rebates, gratuities, acceptance of payment for invoices below original amount, credit allowances for purpose of reducing the price, shipping goods on consignment, or any other arrangement the effect of which will amount to a secret discount or rebate, is prohibited. This paragraph shall not apply to sample pieces shipped on memorandum, provided such shipments do not exceed one piece of any one pattern in one color for a period of not more than two weeks.

"4. Every person engaged in the Industry shall file with the Code Authority certified lists of prices and discounts, and also all subsequent revisions of such prices and discounts, and such lists and revisions shall be forwarded immediately to all manufacturers. A new price or revision of any price shall be given to the Code Authority ten (10) days prior to the date upon which such price or revision shall become effective, provided, however, that where any person files a new price or revision of a price any of his competitors may also file a corresponding new or revised price to become effective upon the same date.

"No person engaged in the Industry shall sell or contract to sell any product of the Industry at less than his published list price less published discounts as filed with the Code Authority.

"5. Misrepresentation as to weight, quantity, size, quality, or grade of any product offered for sale shall be an unfair trade practice.

"6. It shall be an unfair trade practice for any person engaged in the Industry to make a colorable imitation of an original design of any other such person. The question of what constitutes a colorable imitation of an original design shall be determined by majority vote of a Board of seven appointed by the Code Authority and composed of persons engaged in the Industry or their representatives, subject to appeal to the Administrator. Where a question of design originality arises which involves a member of the Board, the Code Authority shall relieve such member of his duties during settlement of such question, replacing him with appointment, pro tempore, of another person engaged in the Industry or his representative.

“7. The sale or offer for sale of veils or veilings which are unfinished or in the raw shall be an unfair trade practice.”

There shall be added to said Code the following Article:

XIV

“In order to prevent the manufacture of merchandise unsatisfactory to the consumer, the Code Authority, subject to the approval of the Administrator, may from time to time establish standards of minimum qualities for laces of particular technical descriptions. After reasonable notice has been given no laces shall be made of inferior quality to these minimum standards; provided, however, that the standards so established shall be approved by the majority of the Industry.”

Approved Code No. 6—Amendment No. 1.

Registry No. 244-01.

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

TEXTILE BAG INDUSTRY

As Approved on December 23, 1933

BY

PRESIDENT ROOSEVELT

EXECUTIVE ORDER

An application having been duly made by the Textile Bag Industry Control Committee under date of November 13, 1933, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, and pursuant to Article VIII, Section (b) of the Code of Fair Competition for the Textile Bag Industry, approved September 18, 1933, for my approval of modifications of said Code proposed in said application, and full hearings have been held thereon and the Administrator, under date of December 14, 1933, having rendered his report containing an analysis of said modifications together with his recommendations and findings with respect thereto, and the Administrator having found as set forth in said report, that the said modifications comply in all respects with the pertinent provisions of Title I of said Act and that the requirements of clauses (1) and (2) of subsection (a) of section 3 of said Act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations, and findings of the Administrator and do order that said modifications of the Code of Fair Competition for the Textile Bag Industry be, and they hereby are approved and made a part of said Code.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 23, 1933.

LETTER OF TRANSMITTAL

DECEMBER 14, 1933.

The PRESIDENT,
The White House.

SIR: This is a report on the Hearing of certain modifications of the Code of Fair Competition for the Textile Bag Industry submitted by the Control Committee of the Textile Bag Manufacturers Association.

This Hearing was conducted in the Department of Commerce Building, Washington, D.C., on November 23, 1933. Every person who requested an appearance was heard in accordance with the statutory and regulatory requirements.

The proponents of the modifications are the duly authorized members of the Industry, complying with the statutory requirements, as representing eighty (80%) percent of the capacity of the Industry.

The first modification, copy of which is attached herewith, calls for a clarification of the working hours during the peak period of the Industry, as set forth in Article III, Section (a) of the Code. It intends to make clear that the forty-eight (48) hour week provision during a period of eight (8) weeks in any one year does not apply to individuals as such but to groups of employees in any one department as such.

The second modification deals with the Code Authority called the Control Committee, for the Textile Bag Industry as established in Article VI, Section (a) of the Code. At the time the original Code was approved, there were a number of concerns engaged in the Textile Bag Industry who were not members of the Textile Bag Association, but in the selection of the Control Committee, representation was given to the nonmembers of the Textile Bag Association. Since the approval of the Textile Bag Manufacturers Code, many manufacturers have joined the Association so that it now constitutes and represents in its membership close to one hundred (100%) percent of the Industry.

There were no objectors to these amendments.

I find that:

The provisions of the Code, as amended, are not designed to promote monopolies or to oppress small enterprises and will not operate to discriminate against them and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

It is recommended, therefore, that the amendments to the Code of Fair Competition of the Textile Bag Industry be adopted immediately.

Respectfully,

HUGH S. JOHNSON,
Administrator.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE TEXTILE BAG INDUSTRY

(1) Article III, Sec. (a) (1), which reads as follows:

(a) (1) No employee except emergency maintenance and repair crews, engineers, electricians, firemen, supervisory staff, shipping crews, watching crews, outside crews, and cleaners shall work more than forty hours per week, or more than eight hours in any twenty-four-hour period; provided, however, that during peak seasons (not to exceed eight weeks in any one year) employees may work not more than forty-eight hours per week.

be modified to read as follows:

(a) (1) No employee except emergency maintenance and repair crews, engineers, electricians, firemen, supervisory staff, shipping crews, watching crews, outside crews, and cleaners shall work more than forty hours per week, or more than eight hours in any twenty-four-hour period; provided, however, that during peak seasons (not to exceed eight (8) weeks in any one year) the sewing, printing, engraving, and/or such other departments as may hereafter be designated by the control committee may operate, and employees in such departments may work in shifts of not more than forty-eight (48) hours per week or more than ten (10) hours in any twenty-four (24) hour period.

(2) Article VI, Sec. (a), which reads as follows:

(a) To effectuate further the policies of the National Industrial Recovery Act a Control Committee is hereby designated to cooperate with the Administrator as a planning and fair practice agency for the textile-bag industry. This committee shall consist of the members of the Executive Committee of the Textile Bag Manufacturers Association, one representative to be elected by companies engaged in the textile-bag industry who are not members of the Textile Bag Manufacturers Association, and such governmental representatives, without vote, as shall be appointed by the President of the United States. Such agency may from time to time present to the Administrator recommendations based on conditions in the textile-bag industry as they may develop from time to time which will tend to effectuate the operation of the provisions of this Code and the policy of the National Industrial Recovery Act.

be modified to read as follows:

(a) To effectuate further the policies of the National Industrial Recovery Act a Control Committee is hereby designated to cooperate with the Administrator as a planning and fair practice agency for the textile-bag industry. This committee shall

consist of the members of the Executive Committee of the Textile Bag Manufacturers Association, one representative to be selected for a term of one year by the members of the Textile Bag Manufacturers Association who operate one bag plant only, said election to be held at the same time and place as the election of the Executive Committee of the Textile Bag Manufacturers Association, and such governmental representatives, without vote, as shall be appointed by the President of the United States. For the period from the effective date of this Article to the next election of the Executive Committee of the Textile Bag Manufacturers Association the representative of the members of the Association operating one bag plant only shall be elected in a special election to be held within thirty days after the approval of this Article. Such agency may, from time to time, present to the Administrator recommendations based on conditions in the textile-bag industry as they may develop which will tend to effectuate the operation of the provisions of this Code and the policy of the National Industrial Recovery Act.

Approved Code No. 27—Amendment No. 1.
Registry No. 203-1-01.

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

COTTON TEXTILE INDUSTRY

As Approved on December 27, 1933

MINIMUM WAGES OF OUTSIDE EMPLOYEES, CLEANERS AND SUB-STANDARD WORKERS; MAXIMUM HOURS OF OUTSIDE EMPLOYEES AND CLEANERS

The Cotton Textile Industry Committee, in accordance with the Executive Orders of July 9, 1933, and July 16, 1933, approving the Code of Fair Competition for the Cotton Textile Industry on certain conditions, and in accordance with Section VI of said Code, have submitted for my approval the following recommendations:

(a) There shall be added at the end of Section II of the Code of Fair Competition for the Cotton Textile Industry the following:

“In the case of outside employees and cleaners the minimum wage shall not be less than 75% of the Standard minimum wage hereinabove set forth. In the case of employees in the Industry who are partially incapacitated by reason of age, injury, incompetency or infirmity the minimum wage shall be not less than 80% of the standard minimum wage hereinabove set forth, provided that such employees employed by any one employer shall not exceed 4% of the total number of his employees, and further that as a condition to the employment of such employees the Cotton Textile National Industrial Relations Board may require such certificate as it may find advisable with relation thereto.”

(b) There shall be added at the end of the first paragraph of Section III of the Code of Fair Competition of the Cotton Textile Industry the following:

“In the case of outside employees, employers in the Cotton Textile Industry shall not operate on a schedule of hours of labor in excess of 44 hours per week, except in cases of emergency. In the case of cleaners, no employer in the Cotton Textile Industry shall operate on a schedule of hours of labor in excess of 44 hours per week.”

Pursuant to the authority vested in me by said Executive Orders and By Section VI of the Code, I hereby approve said recommendations and order that beginning January 1, 1934, they become effective as part of the Code.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

DECEMBER 27, 1933.

Approved Code No. 19—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

WALL PAPER MANUFACTURING INDUSTRY

As Approved on December 30, 1933

BY

PRESIDENT ROOSEVELT

EXECUTIVE ORDER

Applications having been duly made by the Executive Committee of the Wall Paper Manufacturing Industry under date of September 27 and October 7, 1933, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, and pursuant to Article XIV of the Code of Fair Competition for the Wall Paper Manufacturing Industry approved by me in my Executive Order of September 7, 1933, for my approval of amendments to said Code proposed in said applications, and full hearings having been held thereon and the Administrator having rendered his report containing an analysis of said amendments, together with his recommendations and findings with respect thereto, and the Administrator having found, as set forth in said report, that the said amendments comply in all respects with the pertinent provisions of Title I of said Act and that the requirements of Clause 2 of subsection (a) of Section 3 have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations, and findings of the Administration, and do order that said amendments to the Code of Fair Competition for the Wall Paper Manufacturing Industry be, and they hereby are, approved and made a part of said Code.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE.

December 30, 1933.

LETTER OF TRANSMITTAL

DECEMBER 21, 1933.

THE PRESIDENT,
The White House.

SIR: This is a report on two hearings of the modifications of the Code of Fair Competition for the Wall Paper Manufacturing Industry held in Washington, D.C., on October 18, 1933, and October 31, 1933, submitted by the Executive Committee of the Wall Paper Manufacturing Industry in accordance with Article XIV of said Code approved in your Executive Order of September 7, 1933. Application was made to this office under date of September 27 and October 7, 1933, by the Executive Committee of the Wall Paper Manufacturing Industry, the Planning and Fair Practice Agency for Wall Paper Manufacturing Industry, for modification of certain Articles of their Code.

In modifying Articles II, III, and IV, general labor provisions were added in accordance with policies adopted since approval of this Code. Amendments to other provisions of the Code were made to clarify existing provisions and to provide for more supervision of the selling methods and trade practices of the Industry.

These provisions do not in any way affect the Wage and Hour provisions of the Code or the number of workers employed.

The Administrator finds that—

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

(b) The applicant group imposes no inequitable restrictions on admission to membership therein, and is truly representative of this industry.

(c) The provisions of the Code as amended are not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

(d) It is recommended, therefore, that the modifications to this Code be adopted immediately.

Respectfully submitted.

HUGH S. JOHNSON,
Administrator.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE WALL PAPER MANUFACTURING INDUSTRY

There shall be added to *Article I* the following, which shall be known hereafter as *Section 1*:

"Wherever in the said Code or the said amendment the words 'Executive Committee' appear they shall be construed to mean 'Code Authority.'"

There shall be added to *Article II* the following, which shall be known hereafter as *Section c*:

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

There shall be added to *Article II* the following, which shall be known hereafter as *Section d*:

"A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage below the minimum established by this Code if the employer obtains from the State authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Each employer shall file with the Code Authority a list of all such persons employed by him."

There shall be added to *Article III* the following, which shall be known hereafter as *Section c*:

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

Article IV shall be eliminated and the following provisions substituted therefor:

(a) "No person under sixteen (16) years of age shall be employed in the Industry. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous or dangerous to health. The Code Authority shall submit to the Administrator before January 1, 1934, a list of such operations or occupations. In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly signed by the Authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age."

(b) "No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge for the purpose of defeating the purposes or provisions of the Act or of this Code."

(c) "Every employer shall make reasonable provision for the safety and health of his employees at the place and during the hours of their employment. Standards for safety and health shall be sub-

mitted by the Code Authority to the Administrator for approval within six (6) months after the effective date of this Code."

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

(e) "All employers shall post complete copies of this Code in conspicuous places accessible to employees."

Article VI. Section (b) shall be eliminated and the following provision substituted therefor:

(b) "As an addition to the matter set forth in the said Commercial Standard CS 16-29, a further standard for this industry and further regulation of the kinds and weights of raw stock to be used hereby are established, to wit: No wall paper printed on less than number ten (#10) stock, or below the said Commercial Standard requirements in any other respect, shall bear any mark or statement that such papers conform to the said Commercial Standard CS 16-29."

Article VI shall be modified by eliminating *Section c*, and the following provision substituted therefor:

(c) "No wall paper shall be printed on raw stock in weight less than number nine (#9) stock, which shall be of the following basis of weight: four hundred eighty (480) sheets, 19½ x 36" equals thirty (30) pounds."

Article VII be modified by eliminating *Section e* and the following provision be substituted therefor:

"The selling of jobs at lower prices than 33⅓% below the individual seller's established current minimum price of the same grade to the same buyer. No goods manufactured between July 1, 1932, and July 1, 1933, shall be sold as jobs before December 31, 1933. No goods manufactured between July 1, 1933 and July 1, 1934, shall be sold as jobs before December 31, 1934. No goods manufactured between July 1, 1934 and July 1, 1935, shall be sold as jobs before December 1, 1935. On or before July 15th in each year each manufacturer shall file with the Executive Committee of the Wall Paper Manufacturing Industry an itemized inventory of its jobs on hand on the preceding July 1st, showing paper numbers and quantities. Each manufacturer between December 15th and December 30th in each year shall file with said Executive Committee a like itemized inventory of its jobs then on hand. No manufacturer shall sell as jobs a greater quantity of any paper shown on said inventory filed on or before July 15th as on hand July 1st than the quantity of such paper shown on said inventory unless the manufacturer shall, after a showing to the Executive Committee that such excess was manufactured in good faith to fill bona fide orders, receive permission from the Executive Committee to sell such excess subject to appeal to the Administrator. Damaged goods, misprints, papers printed off shade and so-called seconds shall be classed and sold as jobs and under the same conditions as to time and price. This Article shall not apply to any goods manufactured before July 1st, 1932."

Article VII be modified by eliminating *Section m* and the following provision be substituted therefor:

"To make any sample allowance to any purchaser on any borders or any goods less than thirty (30) inches in width, except that sample allowances may be allowed on borders in connection with orders received and accepted by manufacturers on or before November 18, 1933. On thirty (30) inch goods the sample allowance shall not be greater than an allowance of eight (8) yards for the price of five (5)."

Article VIII be modified by elimination and the following provision be substituted therefor:

"No manufacturer shall sell any goods on more favorable terms to the buyer than the following: 91 days net (with no dating, date of invoice to be date of actual shipment). Discount for cash payment, 3%, 30 days; 2%, 60 days; 1%, 90 days. An additional deduction to be allowed for cash payment within discounting periods for shipments made in September, 4%; in October, 3%; in November, 2%; in December, 1%. Cash discounts and deductions to apply for cash payments only, and not to be allowed when any other charges are overdue."

Article X be modified by elimination and the following provision be substituted therefor:

"The Code Authority of this Industry shall develop a uniform cost system which, when approved by the Administrator, shall be adopted by manufacturers in the Industry or to which manufacturers shall make their accounting systems conform in substance within ninety (90) days after such approval."

Article XI shall be modified by elimination and the following provision substituted therefor:

(a) "A Wall Paper Manufacturing Industry Committee is hereby constituted as the Code Authority to administer this Code. The Code Authority shall consist of five (5) representatives of the Wall Paper Manufacturing Industry, elected by a fair method of selection and approved by the Administrator. In addition to membership as above provided there may be not more than three (3) members without vote, to be appointed by the President, to serve for terms of from six months to one year, arranged so that the terms do not expire at the same time. Said representatives appointed by the President shall serve without compensation from the industry."

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

(c) "Each trade or industrial association, directly or indirectly, participating in the selection or activities of the Code Authority shall:

1. Impose no inequitable restrictions upon membership, and
2. Submit to the Administrator true copies of its Articles of Association, Bylaws, regulations, and any amendments when made thereto, together with such other information as to membership, or-

ganization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act."

(d) "All action taken by the Code Authority or other agency relative to the administration of this Code, where not specifically made subject to the approval of the Administrator, shall be made subject to review and disapproval by the Administrator.

The Code Authority shall have the following further powers and duties, the exercise of which shall be reported to the Administrator and shall be subject to his right to review and to disapprove any action taken by the Code Authority:

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

2. To recommend to the Administrator further fair trade practice provisions to govern members of the industry in their relations with each other and to recommend to the Administrator amendments to this Code on the basis of experience or changes in circumstances.

3. To adopt Bylaws or rules and regulations for its procedure and for the administration and enforcement of the Code.

4. To obtain from members of the industry such information and reports as are required for the administration of the Code and to provide for submission by members of such information and reports as the Administrator may deem necessary for the purposes recited in Section 3(a) of the Act, which information and reports shall be submitted by members to such administrative and/or government agencies as the Administrator may designate. Each employer shall file with the Code Authority statistics covering the number of employees, wage rates, employees' earnings, hours of work, and such other data and information as may be from time to time required by the Administrator.

5. To secure from members of the industry an equitable and proportionate payment of the reasonable expenses of maintaining the Code Authority and its activities.

6. To cooperate with the Administrator in regulating the use of any NRA insignia solely by those members of the industry who have assented to and are complying with this Code."

There shall be added to the end of Article XI the following paragraph:

"There shall be established by the Administrator a National Industrial Relations Board for the Industry consisting of an equal number of representatives of employers and employees to deal with all matters in the Code relating to labor. Where a majority agreement cannot be reached, the Board shall select an impartial chairman to render a decision. The creation and functioning of these Boards including the selection of representatives of employees shall be in accordance with Section 7 of the National Industrial Recovery Act. If no truly representative labor organization exists, the employee members of such Board shall be chosen by the Labor Advisory Board of the National Recovery Administration. The employer representatives shall be chosen by the Code Authority. The Industrial Relations Board may establish such subsidiary agencies constituted in like manner as it finds necessary."

Article XIII be eliminated and the following provisions substituted therefor:

"Any manufacturer shall be entitled to participate in and share the benefits of the Code Authority and to participate in the selection of the members thereof by assenting to and complying with the requirements of this Code and sustain their reasonable share of the expenses of its administration. Any manufacturer who shall have participated in the selection of the members of the Code Authority heretofore shall sustain his reasonable share of the expenses of the administration of this Code. Such reasonable share of the expenses of the administration shall be determined by the Code Authority subject to approval by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable."

There shall be added to the said Code the following Article:

XVIII

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

The effective date of these modifications of the Wall Paper Manufacturing Industry Code shall be the first Monday after approval by the President.

Approved Code No. 19—Amendment No. 1.
Registry No. 410-02.

EXECUTIVE ORDERS

EXECUTIVE ORDER

DISAPPROVAL OF EXCEPTION AND TERMINATION OF STAY UNDER
THE CODE OF FAIR COMPETITION FOR THE COTTON TEXTILE
INDUSTRY

EXECUTIVE ORDER

A Code of Fair Competition for the Cotton Textile Industry was approved by me July 9, 1933. At that time the provision limiting machine hours was stayed for a period of 3 weeks as applied to the production of tire yarns or fabrics for rubber tires. After further hearings the Administrator on July 30, 1933, in accordance with the Executive order issued by me July 15, 1933, further stayed the application of said provision of the code pending determination by me of the issues raised by the application for exemption from such provision of the code.

Pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, the application for exemption from the machine hour provision of said code as applied to the use of machinery in the production of tire yarns or fabrics for rubber tires is hereby denied and beginning November 13, 1933, the above-mentioned stay of said provision shall be terminated, and no further exemption from or exceptions to the provision of said code shall be made except by me upon recommendation of the Cotton Textile Industry Committee and the Administrator, or the Administrator, or as approved by me.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,

Administrator for Industrial Recovery.

THE WHITE HOUSE,

November 6, 1933.

(No. 6407)

EXECUTIVE ORDER

CODE OF FAIR COMPETITION FOR THE UPHOLSTERY AND DRAPERY TEXTILE INDUSTRY—ORDER No. 125-2, FURTHER EXTENSION OF TIME FOR CERTAIN MANUFACTURERS TO ELECT NOT TO BE BOUND

The Code of Fair Competition for the Upholstery and Drapery Textile Industry has been approved by me subject to the following condition:

“(1) Any manufacturer producing upholstery and drapery fabrics, and known to the trade as a cotton manufacturer, a wool-goods manufacturer, a silk manufacturer, or a rayon manufacturer, who has been operating as of August 15th, under a code of fair competition for such industry, may elect not to be bound by any of the provisions of this code, with the exception of article IX, provided, that notice of such decision by such manufacturer shall be filed in writing with the National Upholstery and Drapery Textile Association, incorporated, at its offices, 185 Madison Avenue, New York, N. Y., and also filed in writing with the Cotton Textile Institute, 320 Broadway, New York, N. Y., or the National Association of Wool Manufacturers, 229 Fourth Avenue, New York City, or the Silk Association of America, 468 Fourth Avenue, New York City, or the National Rayon Weavers Association, 40 Worth Street, New York City, not later than 6:00 p. m., Eastern standard time, on the second Monday following the approval of this paragraph.”

It appearing to me that further time is necessary for manufacturers to receive notice of and comply with the above provision:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do hereby modify said condition of approval by extending the time for complying with the condition to December 23, 1933, not later than 6:00 p. m., Eastern standard time, and my approval of said Code is in all other respects affirmed.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 11, 1933.

EXECUTIVE ORDER

PROVIDING FOR NOTICE OF PROCEEDINGS AND MATTERS IN THE ADMINISTRATION OF THE NATIONAL INDUSTRIAL RECOVERY ACT

In order to effectuate the policies of Title I of the National Industrial Recovery Act, approved June 16, 1933, and to provide for due and adequate notice to all parties in interest of hearings upon submitted codes, amendments, or exceptions to and exemptions from provisions of approved codes and of all other matters, hearings, or proceedings in the administration of said Act, pursuant to the authority vested in me by Title I of said National Industrial Recovery Act,

I, Franklin D. Roosevelt, President of the United States, do hereby order:

1. That there is hereby established an official bulletin board of the National Recovery Administration which shall be situated in the building of the Department of Commerce in the City of Washington, D.C., and shall be continuously maintained therein until removed or abolished by future Executive Order.

2. That the public shall have free access to said official bulletin board during all business hours and, for the purposes of this order, the room in which said bulletin board is located at any time is hereby declared to be a public place.

3. That there shall be posted at said official bulletin board, in accordance with the terms and conditions of such rules and regulations as may be prescribed by the Administrator for Industrial Recovery, pursuant to the authority in him vested by Executive Order, true and accurate copies of notices of all hearings and other proceedings and all other matters to which the attention of the public and/or parties in interest is sought to be directed.

4. The posting of any such notice at said official bulletin board, together with proper proof of the posting thereof, as hereinafter provided, and of full compliance with such of said rules and regulations of the Administrator for Industrial Recovery as may pertain thereto, shall constitute due notice to all parties in interest who have not been otherwise served with such notice after the exercise of due diligence on the part of the Administrator or other proper agency, of the time, place, and purpose of any such hearing, or other proceeding, and of all other provisions contained in any such notice. Due diligence shall be deemed to have been exercised if the Administrator or his agent shall have made appropriate demand on and have given proper instructions to the code authorities, trade associations, and/or other trade or industrial agencies deemed by him reasonably calculated to bring notice to the various parties in interest to exercise every reasonable effort to cause to be delivered or mailed copies of such notice or material to all known members of the industry, and to all other known parties in interest, as their names and addresses appear on their mailing lists.

5. Proof of such publication and posting shall be made by the duly appointed and acting exemplification and certification clerk for the National Recovery Administration. All such notices and materials to be so published and posted shall be delivered to such clerk, who upon receipt thereof shall forthwith post the same at said official bulletin board. Thereupon such clerk shall issue and sign a certificate, sealing the same with the official seal of the National Recovery Administration, which certificate shall contain the title or other description of such notice and the date and manner of the posting thereof. A copy of the notice and any accompanying material so published shall be attached to such certificate and made a part of the permanent record of said clerk and a copy shall be filed by said clerk as a part of the record of any hearing or proceeding. Duplicate copies of such certificates, notices, and materials shall be issued to any party in interest upon application therefor and payment of the reasonable cost thereof.

FRANKLIN D. ROOSEVELT.

Approval recommended:
HUGH S. JOHNSON.

THE WHITE HOUSE,
Dec. 21st, 1933.

[No. 6527]

EXECUTIVE ORDER

DELEGATING FURTHER FUNCTIONS AND POWERS TO THE ADMINISTRATOR FOR INDUSTRIAL RECOVERY

Pursuant to the authority vested in me by and under the provisions of title I of the National Industrial Recovery Act, and in addition to the functions and powers heretofore delegated to the Administrator for Industrial Recovery;

I, Franklin D. Roosevelt, President of the United States, do hereby order that the following functions and powers be, and they are hereby, delegated to the Administrator for Industrial Recovery:

(1) The approval of codes of fair competition, with the exception of codes for major industries (being in general those industries normally employing in excess of 50,000 employees), as so classified by the Administrator for Industrial Recovery, and with the exception also of any code of fair competition imposed under section 3 (d) of said title of said act.

(2) The approval of any amendment or modification to, exception or exemption from, or elimination of any one or more provisions of any code of fair competition.

(3) Nothing herein contained shall be construed as amending any previous delegations of power to any other Department of the Government.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 30, 1933.

[No. 6543-A]

ADMINISTRATIVE ORDERS

ADMINISTRATIVE ORDER NO. 1-12

STAY OF CODE PROVISIONS AS TO PRODUCTIVE MACHINERY
OPERATION FOR THE COTTON TEXTILE INDUSTRY

EXECUTIVE ORDER OF ADMINISTRATOR

A Code of Fair Competition for the Cotton Textile Industry has been heretofore approved by the President on certain terms and conditions. In accordance with the provisions of a further Executive Order of the President dated July 15, 1933, after such approval, hearings have been granted by the Administrator to certain persons directly affected by the said Code and who have claimed that applications thereof have been unjust to them and have applied for an exemption therefrom with reference to the limitations of the use of productive machinery as applied to the production of tire yarns or fabric for rubber tires, in addition to the exemption granted by the President in his Code Approval No. 1 in Paragraph (1) thereof which extended for a period of three weeks after July 9, 1933.

Pursuant to the Authority vested in me under Title I of the National Industrial Recovery Act, approved June 16, 1933, and by virtue of Executive Orders thereunder issued by the President and pursuant to the provisions of the Executive Order dated July 15, 1933, providing for a stay of the application of Codes under certain circumstances where justice may require; it appearing to me on the basis of the showing made at the hearings above-mentioned, that a temporary scarcity and disruption of the supply of tire yarns or fabrics for rubber tires may result if this stay be not granted pending adjustment to the requirements of such Code and in order that there may be equality of treatment:

The application of the Cotton Textile Code is hereby stayed pending determination by the President of the issues raised by the applications for exemptions hereinbefore referred to, insofar as such Code, including therein the interpretations and conditions contained in Executive Orders of the President relating thereto, applies to limitations of the use of machinery in use for the production of tire yarns or fabrics for rubber tires.

HUGH S. JOHNSON,
Administrator.

JULY 30, 1933.

Recommended for approval by:

W. L. ALLEN,
Deputy Administrator.

ADMINISTRATIVE ORDER NO. 60-5

CODE OF FAIR COMPETITION FOR THE RETAIL TRADE—ORDER NO. 5,
STAY OF MINIMUM WAGE PROVISIONS AS TO OUTSIDE SALESMEN
AND DRUG STORE DELIVERY EMPLOYEES

Pursuant to the Authority vested in me by the Executive Order issued by the President on July 15, 1933, and upon application of interested parties for a modification of the Code of Fair Competition for the Retail Trade approved by the President on October 21, 1933, and effective October 30, 1933, and having found that justice requires a stay of the application of said Code to all persons similarly affected, I hereby stay the application of said Code as follows:

1. The provisions of Article VI, Sections 1, 2, and 3, and of Schedule A, Section 3, relating to minimum wages, are stayed as to outside salesmen, as defined in Article II, Section 5 (c).

2. The provisions of Article VI, Sections 1, 2, and 3, and of Schedule A, Section 3, relating to minimum wages, are stayed as to employees of retail drug establishments engaged at least sixty (60) percent of their working hours in delivering merchandise outside the establishment by which they are employed.

This Order shall remain in effect until hearing and determination by the President of the issues raised in objection to the above-mentioned provisions, in accordance with the above Executive Order.

R. W. LEA,

Acting Administrator for Industrial Recovery.

NOVEMBER 8, 1933.

Approval Recommended:

A. D. WHITESIDE,

Division Administrator.

ADMINISTRATIVE ORDER NO. 1-23

LIMITATION OF MACHINE HOURS FOR THE COTTON TEXTILE INDUSTRY

WASHINGTON, D.C., *November 28th, 1933.*

Gen. HUGH S. JOHNSON,

Administrator National Recovery Administration, Washington, D.C.

DEAR SIR: At a meeting of the Cotton Textile Industry Committee (the Code Authority) held on November 28th, 1933, the following resolution was unanimously adopted:

RESOLVED, that pursuant to the provisions of Section 6 of the Cotton Textile Code, it is recommended to meet emergency conditions now prevailing in the Industry, and to preserve an equitable sharing of present inadequate business and employment among concerns engaged in the Industry and the communities and employees dependent upon its activities that during the month of December 1933 productive machinery in the Cotton Textile Industry shall not operate for more than 75 percent of the hours otherwise permitted by the Cotton Textile Code.

IT IS FURTHER recommended that to provide procedure for necessary temporary changes in the limitation of hours of operation of productive machinery provided in the Code to meet particular conditions arising in particular groups in the Industry and to preserve a balance of productive activity with consumption requirements, the Code Authority, with the concurrence of the Government representatives on the same, may hereafter, for periods of not more than ninety days, require a temporary shortening of the hours of such machine operation within any group from those otherwise permitted by the Cotton Textile Code.

We believe that your approval of the recommendations contained in the foregoing resolution will be of tremendous aid to the Code Authority in stabilizing operating and employment conditions during the coming winter months.

Respectfully yours,

GEORGE A. SLOAN,

Chairman, Cotton Textile Industry Committee.

Except the 75%
Provision shall not apply
to the Tire Fabric Group

Dec. 2, 1933.

Approved: HUGH S. JOHNSON

ADMINISTRATIVE ORDER NO. 121-3

STAY OF WAGE-HOUR PROVISIONS FOR THE HOTEL INDUSTRY

ORDER OF THE ADMINISTRATOR

Pursuant to authority vested in me by Executive Order issued by the President on July 15, 1933, and upon application of interested parties who have not in person or by a representative participated in establishing or consenting to the Code of Fair Competition for the Hotel Industry approved by the President on November 17, 1933, but who are directly affected thereby and who claim that applications of the Code to them are unjust and who have applied for an exception to, exemption from, or modification of the aforesaid Code within ten days after the effective date thereof, and having found that justice requires a stay of the application of said Code to all persons similarly affected pending a determination by me of the issues raised, I hereby stay the application of Article V relating to hours of labor and Article VI relating to wages of the aforesaid Code until the first day of January 1934, on the following conditions:

(1) That prior to said first day of January 1934, a Code Authority for the Hotel Industry shall be established and prepared to administer the aforesaid Code pursuant to the provisions of Article VIII thereof.

(2) That prior to the first day of January 1934, members of the Hotel Industry seeking exemption from, exception to, or modification of any of the provisions contained in the aforesaid Code as approved by the President on November 17, 1933, for the reason that compliance therewith would cause undue hardship, shall have filed with the aforesaid Code Authority for the Hotel Industry a petition setting forth the pertinent facts substantiating the necessity for such exemption, exception, or modification.

This Order is intended to relieve members of the Hotel Industry from exceptional hardship but it is expected that all enterprises will conform to the fullest extent possible with the aforesaid provisions which would otherwise be obligatory upon them.

HUGH S. JOHNSON,
Administrator.

Approval recommended:
JAMES B. DICKEY,
Deputy Administrator.

DECEMBER 2, 1933.

ADMINISTRATIVE ORDER NO. 87-2

TEMPORARY HOURS MODIFICATION FOR THE LEATHER AND WOOLEN
KNIT GLOVE INDUSTRY

ADMINISTRATIVE ORDER

CODE OF FAIR COMPETITION LEATHER AND WOOLEN KNIT GLOVE INDUSTRY

A Code of Fair Competition for the Leather and Woolen Knit Glove Industry was approved on November 4, 1933, by the President. Article III of said Code contains Section 1, which reads as follows:

"Section 1. No employees excepting repair crews, firemen, cleaners, watchmen, drivers, shipping and supervisory staff, shall be permitted to work in excess of forty-four (44) hours per week up to December 1, 1933, or thereafter more than forty (40) hours per week, nor more than eight (8) hours in any one day. The Code Authority may, with the approval of the Administrator, fix periods during the seasons of peak production during which the work week shall not exceed forty-four (44) hours, for a total period not to exceed four (4) months in any one (1) year."

Pursuant to the aforesaid Section 1 of Article III, the Code Authority of the above Industry, having requested that the Administrator fix a period from December 1, 1933, to January 1, 1934, during which the work week shall not exceed forty-four (44) hours, the Deputy Administrator having rendered his report together with his recommendations and findings with respect to the aforesaid application:

NOW, THEREFORE, I, Hugh S. Johnson, Administrator of the National Recovery Administration, pursuant to the authority vested in me by the Executive Order of July 15, 1933, and otherwise, hereby order that during the period from December 1, 1933, to January 1, 1934, but not thereafter, the maximum work week may be extended to not more than forty-four (44) hours; provided that no employee shall be permitted to work more than eight (8) hours in any one day, and provided further, that all employees engaged in machine operations shall be paid at the regular rate for all hours worked in excess of forty (40) hours per week.

HUGH S. JOHNSON,
Administrator.

DECEMBER 6, 1933.

ADMINISTRATIVE ORDER NO. 47-3

CODE OF FAIR COMPETITION FOR BANKERS—ORDER No. 47, STAY
OF EFFECTIVE DATE OF ARTICLE VIII

The Banking Code Committee has recommended that on account of unavoidable delay due to the large number of clearing house associations to be organized under the Code of Fair Competition for Banks and the adoption by such clearing house of rules of fair trade practices as provided for in Article VIII of said Code, the effective date of said Article VIII be stayed until January 1, 1934.

Pursuant to the authority vested in me by the Executive Order of July 15, 1933, and otherwise, and having found that the recommendation proposed will tend to effectuate the operation of the provisions of the Code and the policy of the National Industrial Recovery Act, I hereby approve said recommendation and order that the effective date of Article VIII of the Code be stayed until January 1, 1934.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

DECEMBER 11, 1933.

Approval recommended:

A. D. WHITESIDE,
Division Administrator No. 4.

ADMINISTRATIVE ORDER NO. 64-3

DEFINITION OF AREAS, HOURS, AND WAGES FOR THE DRESS
MANUFACTURING INDUSTRY

ADMINISTRATIVE ORDER

CODE OF FAIR COMPETITION FOR THE DRESS MANUFACTURING INDUSTRY

A Code of Fair Competition for the Dress Manufacturing Industry was approved on October 31, 1933, by the President of the United States, subject to the following conditions:

"1. Pending the prompt holding of such further hearing on such notice as the Administrator in his discretion may fix, further orders in this regard, and the final determination of the issues raised concerning the application of the wage scale provided in this code for the western area (as defined in the code), the application of the wage scale provided in section 6, article IV, of said code for said western area, except as to the metropolitan areas, as defined in the 1930 census, of the cities of Chicago and Cleveland, shall be, and the same is hereby, stayed until said determination; and

"2. Upon the further conditions that, and it is hereby ordered that during the period of such stay, section 7 of article IV shall be considered to include within its terms all employees included in this stay, irrespective of craft, in said western area."

Section 6 of Article IV, to which the foregoing refers, reads as follows:

"*Western Area.*—Employees in the Western Area engaged in the mechanical processes of manufacture of higher-priced garments and/or lower-priced garments, respectively, shall be paid not less than 85% of the minimum wages established herein for the City of New York for the various crafts in the two classifications of garments, respectively; provided, however, that cleaners and pinkers shall receive not less than \$14 per week.

"The Pacific Coast or other markets in the Western Area may petition the Administrator for a change in the wage differentials allowed herein. The Administrator, after such hearings as he may deem proper, after taking into consideration the competitive advantages and/or disadvantages of such markets, may modify the aforesaid differentials provided in this Section."

Pursuant to the foregoing provisions, a public hearing having been held on due notice, the Deputy Administrator having rendered his report together with his recommendations and findings with respect thereto:

NOW, THEREFORE, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to the authority vested in me by the Executive Order of July 15, 1933, and otherwise,

Hereby order all employees engaged in the mechanical processes of manufacture of higher-priced garments and/or lower-priced garments, respectively, within a radius of seventy-five (75) miles of the cities of Chicago and Cleveland, shall be paid not less than 85% of the minimum wages established in the Code for the City of New York for the various crafts in the two classifications of garments; and

Further, it is hereby ordered that the Western area shall be divided into a Northern and a Southern section, comprised as follows: the Southern area shall consist of Arkansas, Colorado, Kansas, Kentucky, Utah, Virginia, West Virginia, and all states South of the Southern borders of those states; the Northern section shall consist of the remainder of the states included in the Western area as defined in the Code, within a radius of seventy-five (75) miles of the cities of Chicago and Cleveland; and

Further, it is hereby ordered that employees engaged in the mechanical processes of manufacture of higher-priced and/or lower-priced garments, respectively, in the Northern section of the Western area, as defined above, shall be paid not less than 70% of the minimum wages established in the Code for the City of New York for the various crafts in the two classifications of garments; and

That employees in the Southern section of the Western area, as defined above, engaged in the mechanical processes of manufacture of higher-priced garments and/or lower-priced garments, respectively, shall be paid not less than 60% of the minimum wages established in the Code for the City of New York for the various crafts in the two classifications of garments; and

That all employees included herein shall be paid not less than the rate of \$14.00 per week for the maximum hourly work week.

This Order shall be in full force and effect until July 1, 1934, and prior to that date, the Code Authority of the Dress Manufacturing Industry shall make recommendations to the Administrator so that he may continue or change the provisions of this Order.

HUGH S. JOHNSON,
Administrator.

DECEMBER 14, 1933.

Approval Recommended:

A. D. WHITESIDE,
Division Administrator.

ADMINISTRATIVE ORDERS NO. 64-4 AND 118-6

STAY FOR THE DRESS MANUFACTURING INDUSTRY AND COTTON
GARMENT INDUSTRY

The Code of Fair Competition for the Dress Manufacturing Industry, as approved by the President of the United States on October 31, 1933, contains the following conditions inter alia:

"The application of this code is stayed as to the manufacture of dresses in chief content of cotton which in the custom and practice of the trade are merchandised in what is known in the trade as the house dress or wash dress departments of recognized department stores and other retailers of women's garments, and which cotton dresses, under the established custom and practice of the trade, are customarily bought from the manufacturer by or sold by the manufacturer to the buyer of house or wash dresses, pending the holding of such hearing on such notice as the Administrator in his discretion may fix, further orders in this regard and a final determination of the issues raised concerning the application of this Code to such manufacturer."

A Code of Fair Competition for the Cotton Garment Industry was approved by the President of the United States on November 17, 1933, Section A of Article II of the said Code reads in part as follows:

"The products covered by Section A, paragraphs 8, 10, and 14, are included in this Code pending the prompt holding of such further hearing on such notice as the Administrator in his discretion may fix, and the final determination of whether the definitions of any of them shall be modified or eliminated or whether any of the subdivisions shall continue to be included in this Code."

Paragraph 8, to which the foregoing refers, includes "cotton wash dresses."

To establish and maintain fair competition between manufacturers of house dresses made under the Cotton Garment Code and manufacturers of inexpensive dresses made under the Dress Manufacturing Industry Code, pursuant to the foregoing provision, a public hearing having been held on due notice, the Deputy Administrator having rendered his report together with his recommendations and findings;

NOW, THEREFORE, I, Hugh S. Johnson, Administrator of Industrial Recovery, pursuant to the authority vested in me by the Executive Order of July 15, 1933, and otherwise,

Hereby order that until July 1, 1934, or sooner, if the Administrator so determines, after such further notice and public hearing as he may prescribe, all manufacturers of cotton wash dresses shall continue to operate under the respective code applying to them, provided, however, that all manufacturers of cotton wash dresses, within two weeks of this Order, submit to the Administrator reports showing the nature of their products, the method or agencies through

which they are distributed, the wholesale prices, a summary of the pay rolls, their direct labor cost, and a description of the manner of production; provided further, that all manufacturers of cotton wash dresses who have not, within two weeks, submitted reports substantially as aforesaid, shall thereafter be deemed to be operating under the Dress Manufacturing Industry Code and shall be responsible for noncompliance therewith;

And, further, it is hereby ordered that a Special Administrator for the Wash Dress Industry shall be designated to serve until July 1, 1934, who shall, as soon as practicable after receipt of any of the foregoing reports, determine under which code a manufacturing plant shall operate pending the Special Administrator's further investigation and subsequent determination as to the Code under which the manufacturing plant shall operate. His determination shall be final until such hearing on notice as the Administrator may prescribe an amendment of either or both codes. The Special Administrator shall make a survey and study of the wash dress and house dress industry, and shall prepare a report and recommendations with respect to amendments to the Dress Manufacturing Industry Code and/or Cotton Garment Code concerning definitions, wage rates, and/or hours for manufacturers of such dresses.

HUGH S. JOHNSON,
Administrator.

DECEMBER 14, 1933.

Approval Recommended:

A. D. WHITESIDE,
Division Administrator.

ADMINISTRATIVE ORDER NO. 16-3

TEMPORARY CHANGES OF ARTICLE IV FOR THE HOSIERY INDUSTRY

ADMINISTRATIVE ORDER

CODE OF FAIR COMPETITION FOR THE HOSIERY INDUSTRY

A Code of Fair Competition for the Hosiery Industry was approved by the President of the United States on August 26, 1933. An application having been made by the Hosiery Code Authority, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, and pursuant to Section 3 (e) of Article IX of said Code, for certain temporary changes of Article IV of said Code, the Deputy Administrator having submitted a report and findings recommending the granting of my approval of such temporary changes, which changes are to be in accordance with the following proposals:

1. Hosiery-knitting operations shall be curtailed for the period of five (5) consecutive weeks beginning with the week of Monday, December 18, 1933.

2. The curtailment of knitting operations shall be equivalent to at least a forty-percent (40%) reduction from the maximum weekly shift- and machine-hours permitted under Article IV, Sections 1, 5, 6, 7, and 8 of the Hosiery Code.

3. The curtailment shall be effected by a reduction of the maximum weekly knitting shift-hours from forty (40) hours to twenty-four (24) hours. Such twenty-four (24) hour shifts shall be distributed into three (3) days a week of eight (8) hours each, such days to be Wednesday, Thursday, and Friday. Where the Code provides for maximum weekly shifts of less than forty (40) hours, the curtailment shall reduce such hours by at least forty percent (40%).

4. A plant may distribute its allowed twenty-four (24) knitting hours a week for each shift in any manner, other than that prescribed in Paragraph 3, provided it does not conduct knitting operations on Saturday, or exceed two shifts of eight (8) hours each in any one day.

5. A plant which elects to distribute its curtailed weekly knitting hours in a manner other than that prescribed in provision three (3) shall record with the Hosiery Code Authority the specific method of distribution of hours put into effect by it. In all cases where a plant does not file with the Hosiery Code Authority evidence that it is distributing its hours by any method other than that prescribed in paragraph three (3), it shall be deemed to be operating under the method prescribed in paragraph three (3).

6. Every hosiery plant shall post conspicuously in its knitting department its schedule of knitting hours under the form of curtailment which is in effect in the plant, together with a copy of this Order.

7. No curtailment of knitting operations shall apply to the knitting of infants' goods, in view of the fact that the manufacturing of such goods is especially active during the season covered by the proposed period of curtailment.

8. On or before January 17, 1934, the Hosiery Code Authority shall submit to the Administrator a report on the effect of the first four (4) weeks of the curtailment. After consideration of such report, the Administrator may extend the period of curtailment for an additional period of not to exceed three (3) weeks, if, in his judgment, such extension is desirable.

9. Where a plant believes that the immediate circumstances in its case are such that an undue hardship will result to it from the prescribed curtailment, such plant may petition the Code Authority for an exemption therefrom and shall submit to the Code Authority the essential facts and documents, in properly attested form, to support its petition. The Code Authority shall consider and investigate the facts submitted, and shall take appropriate action thereon. Pending disposition of such petition, the plant shall comply with this Order. The petitioner may appeal to the Administrator from the decision of the Code Authority.

NOW, THEREFORE, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to the authority vested in me by the Executive Order of July 15, 1933, and otherwise, do hereby order that the foregoing temporary changes of Article IV shall become effective on and after Monday, December 18, 1933.

HUGH S. JOHNSON,
Administrator.

DECEMBER 14, 1933.

Recommended:

A. D. WHITESIDE,
Division Administrator.

ADMINISTRATIVE ORDER NO. 1-28

EMERGENCY REQUIREMENT AS TO FURTHER LIMITATION OF HOURS
OF MACHINE OPERATION IN CARDED YARN GROUP OF THE COTTON
TEXTILE INDUSTRY

DECEMBER 15, 1933.

Pursuant to the recommendation of the Cotton Textile Code Authority under Section VI of the Cotton Textile Code, approved by the Administrator December 1, 1933, providing for procedure for temporary changes in the limitation of hours of operation of productive machinery to meet particular conditions arising in particular groups of the industry:

It is required that, for a period of sixty days from January 1, 1934, spinning spindles in the industry, wherever located, operating on the production of any type of carded yarns for sale as such (such spindles comprising the productive machinery of the carded yarn group of the industry) shall not be operated in excess of forty-eight hours each in any week during such period, provided that such period may be shortened by the Code Authority with the concurrence of the Government Representative thereon, or that such restriction of hours of operation may likewise be reduced at any time during the period as changing conditions may warrant; and provided further that during the period when such temporary limitation is in effect, no weaving mill, combed yarn mill, or knitting mill shall operate spindles in the production of any type of carded yarn for sale as such which were not employed in spinning carded yarn for such sale at some time during the ninety days prior to December 1, 1933.

THE COTTON TEXTILE INDUSTRY COMMITTEE,
*Code Authority under the Code of Fair Competition
for the Cotton Textile Industry.*

By GEORGE A. SLOAN, *Chairman.*

The foregoing requirement is concurred in.

HUGH S. JOHNSON,
Administrator.

LEO WOLMAN,

H. A. SLATER,

*Government Representatives on the Cotton Textile Industry
Committee, Code Authority under the Code of Fair Com-
petition for the Cotton Textile Industry.*

ADMINISTRATIVE ORDER NO. 1-29

EMERGENCY REQUIREMENT AS TO FURTHER LIMITATION OF HOURS
OF PRINTING MACHINE OPERATION IN THE FINISHING BRANCH OF
THE COTTON TEXTILE INDUSTRY

Pursuant to the recommendation of the Cotton Textile Code Authority under Section VI of the Cotton Textile Code approved by the Administrator December 1, 1933, providing for temporary changes in the limitation of hours of operation of productive machinery to meet particular conditions arising in particular groups of the Industry:

It is required that, for the month of January, printing machinery shall not operate for more than 75% of the hours otherwise permitted by the Cotton Textile Code; provided that such period may be shortened by the Code Authority with the concurrence of the Government Representation thereon, or that such restrictions of hours of operation may likewise be reduced at any time during the period as changing conditions may warrant.

THE COTTON TEXTILE INDUSTRY COMMITTEE,
*Code Authority under the Code of Fair Competition
for the Cotton Textile Industry.*

By GEORGE A. SLOAN, *Chairman.*

The foregoing requirement is concurred in December 18, 1933.

HUGH S. JOHNSON,
Administrator.

LEO WOLMAN,
H. A. SLATER,

*Government Representatives, on the Cotton Textile Industry
Committee, Code Authority under the Code of Fair Com-
petition for the Cotton Textile Industry.*

DECEMBER 18, 1933.

ADMINISTRATIVE ORDER NO. 48-3

CURTAILMENT OF MACHINE HOURS FOR THE SILK TEXTILE INDUSTRY

CODE OF FAIR COMPETITION FOR THE SILK TEXTILE INDUSTRY. ORDER
NO. 48-3—CURTAILMENT OF MACHINE HOURS

The Silk Code Authority (designated in the Code of Fair Competition for the Silk Textile Industry as the General Planning Committee) has submitted for the approval of the Administrator, in accordance with Article VI, Section 1, of the Code of Fair Competition for the Silk Textile Industry, the following recommendation:

“In order to meet conditions now prevailing in the Industry, it is provided that during the thirty days next succeeding the date of approval of this provision by the National Recovery Administration, each productive machine operating on the date of such approval for the employer's own account or on commission, on or in connection with broad silks, dress silks, underwear silk and special fabrics, shall not operate more than seventy-five percent of the maximum hours permitted by the Code and no greater number of productive machines than are operating on the date of approval shall be operated during such period in the production of such goods.

“In order to provide procedure for necessary temporary changes in the limitation of hours of operation of productive machinery prescribed in the Code to meet particular conditions arising in particular groups in the Industry and to preserve a balance of productive activity with consumption requirements, the Code Authority with the concurrence of Government representatives on the same may hereafter, for periods of not more than ninety days require a temporary shortening of the hours of such machine operation within any group.

“Where a plant believes that the immediate circumstances in its case are such that an undue hardship will result to it from the prescribed curtailment, such plant may petition the Code Authority for an exemption therefrom and shall submit to the Code Authority the essential facts and documents, in properly attested form, to support its petition.

“The Code Authority shall consider and investigate the facts submitted, and shall take appropriate action thereon. Pending disposition of such petition, the plant shall comply with this order. The petitioner may appeal to the Administrator from the decision of the Code Authority.”

Hearings have been held upon said recommendation December 18, 1933, and the Deputy Administrator having rendered a report containing an analysis of said recommendation together with his findings with respect thereto, and it appearing to me that said recommendation will tend to effectuate the operation of the provisions of the Code and the policy of the National Industrial Recovery Act, and that the recommendation complies in all respects with the pertinent provisions of Title I of said Act,

NOW, THEREFORE, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to the authority vested in me by the Executive Order of July 15, 1933, and otherwise, do hereby approve said recommendation and do order that it become operative as part of said Code, the effective date of this approval to be Saturday, December 23, 1933.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

DECEMBER 23, 1933.

Approval recommended:

A. D. WHITESIDE,
Division Administrator.

By: H. B. LUDLUM, Jr.,
Deputy Administrator.

ADMINISTRATIVE ORDER NO. 109-3

ADMINISTRATIVE APPROVAL OF INDUSTRIAL SAND DIVISION OF
CRUSHED STONE, SAND, AND GRAVEL, AND SLAG INDUSTRIES

WHEREAS, a petition having been duly submitted by a committee representing certain producers of industrial sand, in accordance with Section 3 of Article VI of the Code of Fair Competition for the Crushed Stone, Sand, and Gravel, and Slag Industries approved by the President on November 10, 1933.

AND, the recommendations and approval of the Code Authority, so far as it has been organized, having been secured,

AND, a public hearing having been held and facts presented indicating that the petitioners are authorized to represent more than two-thirds of the producers of a specialized type or class of industry products,

AND, the Deputy Administrator having rendered his recommendation with respect to said petition and having found that the petition complies in all respects with the pertinent provisions of the said Code of Fair Competition and that the requirements of Section 3 of Article VI of said Code of Fair Competition have been met,

NOW, THEREFORE, pursuant to the authority vested in me by the Executive Order issued by the President on July 15, 1933, and by said Code of Fair Competition,

I HEREBY APPROVE the recommendations and adopt the findings of the Deputy Administrator and do order that the said petition be and it is hereby approved, and

DO HEREBY DESIGNATE as a division of the Sand and Gravel Industry, such members of the industries defined in Section 1 of Article II of the said Code of Fair Competition, as are engaged in the production of industrial sand.

Dated this 27th day of December, 1933.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

MALCOLM PIRNIE,
Deputy Administrator.

Approval recommended:

MALCOLM MUIR,
Division Administrator.

ADMINISTRATIVE ORDER NO. 121-5

STAY FOR THE HOTEL INDUSTRY

ORDER OF THE ADMINISTRATOR

Pursuant to the authority vested in me by the Executive Order issued by the President on July 15, 1933, and upon application, pursuant to the provisions of the said Executive Order, of interested parties who applied for an exception to, modification of, or exemption from the Code of Fair Competition for the Hotel Industry, approved by the President on November 17, 1933, and having found that justice required a stay of the application of said Code to all persons similarly affected, pending a determination by me of the issues raised, on December 2nd, 1933, I stayed the application of Article V, relating to hours of labor, and Article VI, relating to wages, of the said Code as to such parties until the first day of January 1934, on condition that prior to the first day of January 1934 a Code Authority for the Hotel Industry shall have been established and prepared to administer the said Code pursuant to the provisions of Article VIII thereof, and on the further condition that prior to the first day of January 1934 members of the Hotel Industry claiming that the operation of specific provisions of the Code will impose an unusual or undue hardship on them, and seeking exemptions from, exceptions to, or modifications of such provisions, shall have filed with the Code Authority of the Hotel Industry a petition setting forth the pertinent facts substantiating such claims.

NOW, THEREFORE, it appearing to me that the time granted in my said Order of December 2, 1933, has been inadequate to enable the National Hotel Code Authority to investigate the petitions and appeals so filed with it and to make recommendations to me with respect thereto, and to enable me to make a determination of the issues raised, I hereby further stay the application of those specified provisions of the Code of Fair Competition for the Hotel Industry concerning which applications have been made for specific exceptions, exemptions, or modifications as to those members of the Hotel Industry who have filed written petitions or appeals with respect to such specific provisions with the National Recovery Administration or with the National Hotel Code Authority, until such time as the National Hotel Code Authority, together with its agents, shall have investigated and made recommendations to me with respect to such written petitions or appeals, and until such time as I have made a determination of the issues raised.

This order shall not relieve any member of the industry from complying with all provisions of the said Code except those from which they have specifically requested relief or from complying to the fullest extent possible with those provisions of the said Code from which relief has been so requested.

This stay shall apply only to those members of the industry who on or before midnight, December 31, 1933, have placed in the mail or otherwise communicated in writing their petitions or appeals, addressed to the National Recovery Administration or to the National Hotel Code Authority.

It is further ordered that the National Hotel Code Authority shall proceed with all possible expedition to investigate the petitions so filed with the National Recovery Administration or with it and make recommendations to me with respect thereto.

HUGH S. JOHNSON,
Administrator.

DECEMBER 29, 1933.

Approval recommended:

A. D. WHITESIDE,
Division Administrator.

JAMES B. DICKEY,
Deputy Administrator.

ADMINISTRATIVE ORDER NO. 118-9

ALLOCATION OF STATES OF THE SOUTHERN DIVISION IN THE
COTTON GARMENT INDUSTRY

ADMINISTRATIVE ORDER

CODE OF FAIR COMPETITION COTTON GARMENT INDUSTRY

A Code of Fair Competition for the Cotton Garment Industry was approved on November 17, 1933, by the President of the United States subject to the following condition:

"That the application of Section (g) of Article IV be and hereby is stayed as to members of the Industry located in the State of Kentucky and in those counties in the States of Illinois and Indiana which border on the Ohio River for such period as the Administrator shall determine, which period shall not exceed four (4) months from and after the effective date of the aforesaid Code of Fair Competition for the Cotton Garment Industry, that during such period the said members of the Industry located in the State of Kentucky and in those counties in the States of Illinois and Indiana bordering on the Ohio River shall be included in the Southern section of the Industry for the purpose of the aforesaid Article IV, that during such period the Administrator shall hold such hearings and cause such investigations to be made as he may deem necessary to determine the classification of the above area for the purpose of the aforesaid Article IV and that prior to the termination of such period, the administrator shall determine the classification of the said area for the purposes of said Article IV of the said Code of Fair Competition for the Cotton Garment Industry."

Article IV of said Code contains Sections (g) and (h), reading as follows:

"(g) For the purpose of this Article, the States which shall be included in the southern section are:

"Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia. All other states and the District of Columbia shall be included within the northern section of the Industry, except that for a period of not to exceed six (6) months after the effective date of this Code the northern section provisions of this Article shall not apply to factories operating under this Code which have been established between January 1, 1933, and September 1, 1933, in the area within 50 miles of the northern boundaries of Tennessee and Arkansas."

"(h) The Cotton Garment Code Authority shall, from time to time, report to the Administrator as to the effect of the operation of Section (g), so that the Administrator may determine whether or not the provisions of that section shall be changed. The differentials pro-

vided for in this Article as between the northern and southern sections shall not apply to the Sheep Lined and Leather Garment Industry.”

Pursuant to the aforesaid condition imposed by the President upon his approval of the Code, which authorized that Administrator to determine the period during which Section (g) of Article IV shall be stayed as to members of the Industry located in the State of Kentucky, the Deputy Administrator having rendered his report together with his recommendations and findings with respect to the determination of the period of stay as provided in the aforesaid condition of approval; and, further, pursuant to Section (h) of Article IV with respect to the power of the Administrator to determine whether or not the provisions of Section (g) shall be changed, the Deputy Administrator having rendered his report together with his recommendations and findings with respect to said change:

NOW, THEREFORE, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to the authority vested in me by the Executive Order of July 15, 1933, and otherwise, hereby order that the members of the Industry located in the States of Maryland, West Virginia, and the District of Columbia, shall be included in the Southern section of the Industry as defined in Section (g) of Article IV until and including February 20, 1934;

And, further, it is hereby ordered that a public Hearing shall be held on Thursday, February 14, 1934, for the purpose of determining whether the members of the Industry located in any of the aforesaid states, and the State of Kentucky or portions thereof, shall be included in the northern or southern section of the Industry after February 20, 1934. The Cotton Garment Code Authority, in compliance with the provisions of Article IX, Section I (d), Paragraphs 3 and 4, of the Code of Fair Competition, shall submit a report to the administrator at the time of or prior to such hearing with respect to differentials between the Northern and Southern sections of the Industry, and as between urban and rural communities.

HUGH S. JOHNSON,
Administrator.

DECEMBER 30, 1933.

Approval recommended:

A. D. WHITESIDE,
Deputy Administrator.

ADMINISTRATIVE ORDER NO. 187-2

STAY OF WAGE PROVISIONS FOR THE SOUTHERN SECTION IN THE
COTTON CLOTH GLOVE MANUFACTURING INDUSTRY

ADMINISTRATIVE ORDER

CODE OF FAIR COMPETITION FOR THE COTTON GLOVE MANUFACTURING
INDUSTRY No. 187-2

A Code of Fair Competition for the Cotton Cloth Glove Manufacturing Industry this day approved by the President of the United States, contains Article IV, Section 1, Subsection (b), which provides that glove sewers shall not be paid at less than thirty-two and a half (32½) cents per hour.

The Deputy Administrator having made recommendations with respect to certain exceptions from the foregoing:

NOW, THEREFORE, I, Hugh S. Johnson, Administrator of the National Recovery Administration, pursuant to the authority vested in me by the Executive Order of July 15, 1933, and otherwise, do hereby order that the application of the foregoing subsection of Section 1 of Article IV be and it is hereby stayed as to members of the industry located in the south for a period of thirty (30) days beginning with the effective date of the Code, pending such hearing and notice as the Administrator may deem necessary, provided, however, that no member of the industry located in the states of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Virginia, West Virginia, and Texas shall pay any glove sewer less than at the rate of thirty (30) cents per hour.

HUGH S. JOHNSON,
Administrator.

Approval recommended:

A. D. WHITESIDE,
Division Administrator.

DECEMBER 30, 1933.

INDEX

INDEX

Code No.	Industry	Date, 1933	Vol.	Page
	Administration for Industrial Recovery:			
	Appointment of Hugh S. Johnson, Administrator	June 16	I	711
	Appointment of Administrator as member of each Code Authority	Sept. 29	I	733
	Authority granted to Administrator to stay application of codes if petition is made within 10 days after effective date	July 15	I	715
	Authorizing Administrator to modify agreements entered into or approved by the President under Title I of the National Industrial Recovery Act	Nov. 22	III	657
	Delegation of certain powers and functions to Secretary of Agriculture	June 26	I	712
	Government contractors must comply with approved Codes of Fair Competition	Aug. 10	I	729
	Administration of the Petroleum Industry given to Secretary of the Interior	Aug. 29	I	730
189	Abrasives, Coated	Dec. 30	IV	549
155	Acetylene, Oxy	Dec. 15	IV	61
	Act, Providing for notice of proceedings and matter in the administration of the National Industrial Recovery	Dec. 21	IV	687
	Administration, providing for notice of proceedings and matters in the—of the National Recovery Act	Dec. 21	IV	687
	Administrative approval of Industrial Sand Division of the Crushed Stone, Sand and Gravel, and Slag Industries	Dec. 27	IV	707
	Administrator, Delegating further functions and powers to the — for Industrial Recovery	Dec. 30	IV	689
65	Advertising Specialty Manufacturing	Oct. 31	II	97
55	Air, Compressed	Oct. 11	I	653
111	Air Transport	Nov. 14	III	1
137	Air, Warm-Furnace Manufacturing	Nov. 27	III	461
112	All-Metal Insect Screen	Nov. 14	III	9
	Allocation of states to the southern division under the Cotton Garment Industry	Dec. 30	IV	710
	Aluminum Permanent Mold Castings Supplement	Dec. 18	IV	224
	Ambulance, Funeral Vehicle and Supplement to Automobile Mfg	Nov. 8	II	671
	Amendment:			
	Automobile Manufacturing, No. 1	Dec. 18	IV	641
	Cast Iron Soil Pipe, No. 1	Dec. 18	IV	645
	Cotton Garment, No. 1	Dec. 18	IV	649
	Cotton Textile, No. 1	Nov. 8	II	677
	Cotton Textile, No. 2	Dec. 27	IV	675
	Farm Equipment, No. 1	Dec. 21	IV	657
	Gasoline Pump Manufacturing, No. 1	Dec. 21	IV	661
	Lace Manufacturing, No. 1	Dec. 23	IV	665

Code No.	Industry	Date, 1933	Vol.	Page
	Amendment—Continued.			
	Lumber and Timber Products Industry, Nos. 1 and 2	Oct. 9	I	705
	Lumber and Timber Products, Nos. 3 and 4	Dec. 7	IV	633
	Men's Clothing, No. 1	Dec. 15	IV	637
	Men's Clothing, No. 2	Dec. 18	IV	649
	Oil Burner Industry No. 1	Oct. 3	I	703
	Shipbuilding and Ship Repairing Industry	Oct. 10	I	701
	Textile Bag, No. 1	Dec. 23	IV	671
	Wall Paper Manufacturing, No. 1	Dec. 30	IV	677
195	American Match	Dec. 30	IV	621
85	American Petroleum Equipment	Nov. 2	II	339
138	Anti-Friction Bearing	Nov. 27	III	473
	Appointment of—			
	Central Statistical Board	July 27	I	724
	Hugh S. Johnson as Administrator	June 16	I	711
	Hugh S. Johnson to serve temporarily as Member of each Code Authority	Sept. 29	I	733
	Arches, Suspended Walls and	Dec. 18	IV	255
29	Artificial Flower and Feather	Sept. 18	I	381
	Denial of application for exemption by Kaplan Bros	Nov. 4	II	701
80	Asbestos	Nov. 1	II	273
191	Ashes, Cinders, — and Scavenger Trade	Dec. 30	IV	569
150	Asphalt and Mastic Tile	Dec. 7	III	617
99	Asphalt Shingle and Roofing Manufacturing	Nov. 6	II	523
50	Automatic Sprinkler	Oct. 9	I	605
	Automobile Fabrics, Proofing and Backing Division	Dec. 15	IV	84
17	Automobile Manufacturing	Aug. 26	I	251
	Amendment No. 1	Dec. 18	IV	641
	Supplement No. 1 — Funeral and Ambulance Subdivisions	Nov. 8	II	671
105	Automotive Parts and Equipment Manufacturing	Nov. 8	II	599
163	Automotive, Wholesale — Trade	Dec. 18	IV	185
27	Bag, Textile	Sept. 18	I	361
47	Bankers	Oct. 3	I	575
	Stay of effective date of Article VIII	Dec. 11	IV	699
141	Bankers, Investment	Nov. 27	III	509
52	Banks, Mutual Savings	Oct. 9	I	623
	Basic Refractories	Dec. 18	IV	255
40	Battery, Electric Storage and Wet Primary	Oct. 3	I	499
138	Bearing, Anti-Friction	Nov. 27	III	473
79	Bedspreads, Novelty Curtain, Draperies, and Novelty Pillow	Nov. 1	II	263
	Beet Sugar (Labor Provisions)	Oct. 27	II	687
94	Belt, Men's Garter, Suspender, and — Mfg	Nov. 4	II	471
41	Belt, Women's	Oct. 3	I	511
24	Bituminous Coal	Sept. 18	I	323
	Revision	Sept. 29	I	702
	Blast Furnace Castings Supplement	Dec. 18	IV	230
186	Block, End Grain Strip Wood	Dec. 30	IV	511
194	Blouse and Skirt Manufacturing	Dec. 30	IV	605
	Board, Central Statistical — Appointment of	July 27	I	702
38	Boiler Manufacturing	Oct. 3	I	481
62	Boiler, Steel Tubular and Fire Box	Oct. 23	II	57
	Bonding, High Temperature — Mortars Div	Dec. 18	IV	255
44	Boot and Shoe Manufacturing	Oct. 3	I	541
193	Box, Folding Paper	Dec. 30	IV	591
167	Box, Set Up Paper — Manufacturing	Dec. 18	IV	243

Code No.	Industry	Date, 1933	Vol.	Page
32	Braiding, Knitting — and Wire Covering Machine.....	Oct. 3	I	411
69	Braid, Millinery and Dress Trimming — and Textile.....	Oct. 31	II	149
81	Brass, Copper and — Mill Products.....	Nov. 2	II	289
7	Brassiere, Corset and.....	Aug. 14	I	69
	Denial of application for exemption by Gem-Dandy Garter Co.....	Sept. 18	I	732
129	Broadcasting, Radio.....	Nov. 27	III	353
96	Buff and Polishing Wheel.....	Nov. 14	II	491
97	Buffing and Polishing Composition.....	Nov. 4	II	501
37	Builders Supplies Trade.....	Oct. 3	I	469
33	Building Materials, Retail Lumber, Lumber Products — and Building Specialties.....	Oct. 3	I	417
169	Building, Savings, — and Loan Associations.....	Dec. 21	IV	279
25	Burner, Oil.....	Sept. 18	I	339
	Amendment No. 1.....	Oct. 3	I	703
	Business Furniture, Storage Equipment and Filing Supply.....	Nov. 4	II	383
66	Bus, Motor.....	Oct. 31	II	107
152	Can Manufacturers.....	Dec. 15	IV	15
75	Canning and Packing Machinery.....	Oct. 31	II	219
58	Cap and Closure.....	Oct. 20	II	1
	Carded Yarn Group, Emergency requirement as to further limitation of hours of machine operation in — of the Cotton Textile Industry.....	Dec. 15	IV	703
178	Case, Watch — Manufacturing.....	Dec. 23	IV	403
82	Castling Steel.....	Nov. 2	II	299
	Castings, Aluminum Permanent Mold — Supplement.....	Dec. 18	IV	224
	Castings, Blast Furnace — Supplement.....	Dec. 18	IV	230
	Castings, Miscellaneous Non-Ferrous Sand — Supplement.....	Dec. 18	IV	222
	Castings, Steel and Rolling Mill — Supplement.....	Dec. 18	IV	228
192	Cast Iron Pressure Pipe.....	Dec. 30	IV	579
18	Cast Iron Soil Pipe.....	Sept. 7	I	259
	Amendment No. 1.....	Dec. 18	IV	645
140	Caulking Compounds, Waterproofing, Damp-proofing and Concrete Floor Treatments Manufacturing.....	Nov. 27	III	497
128	Cement.....	Nov. 27	III	325
184	Cement, Shoe and Leather Finish, Polish, and — Manufacturing.....	Dec. 30	IV	485
	Central Statistical Board, Appointment of.....	July 27	I	724
	Certification, rule for — of Documents.....	Nov. 18	III	656
126	Chinaware and Porcelain Manufacturing.....	Nov. 27	III	273
	Chromium Plate, Pewter, — and Miscellaneous.....	Dec. 23	IV	389
135	Cigar Container.....	Nov. 27	III	433
191	Cinders, Ashes, and Scavenger Trade.....	Dec. 30	IV	569
	Clay, Fire — Producers.....	Dec. 18	IV	255
92	Clay, Floor and Wall — Tile Manufacturing.....	Nov. 4	II	443
123	Clay, Structural — Products.....	Nov. 27	III	197
136	Clay, Vitrified — Sewer Pipe Manufacturing.....	Nov. 27	III	445
101	Cleaning and Dyeing Trade.....	Nov. 8	II	547
34	Cleaning, Laundry and Dry — Machinery Mfg.....	Oct. 3	I	437
58	Closure, Cap and.....	Oct. 20	II	1
187	Cloth, Cotton — Glove Manufacturing.....	Dec. 30	IV	525
157	Cloth, Hair — Manufacturing.....	Dec. 15	IV	119

Code No.	Industry	Date, 1933	Vol.	Page
	Cloth, Stay of wage provisions for the Southern Section under the Cotton — Glove Manufacturing Industry	Dec. 30	IV	712
15	Clothing, Men's	Aug. 26	I	229
24	Coal, Bituminous	Sept. 18	I	323
	Revision	Sept. 29	I	702
5	Coat and Suit	Aug. 4	I	51
	Denial of application for exemption by Associated Coat and Suit Manufacturers of Portland, Oregon	Oct. 11	I	735
	Denial of application for exemption by Connecticut Garment Manufacturers Assn	Sept. 7	I	731
189	Coated Abrasives	Dec. 30	IV	549
70	Cock, Gas	Oct. 31	II	157
	Code Authority:			
	Appointment of Administrator to serve on each	Sept. 29	I	732
	Codes of Fair Competition, Regulations	July 15	I	713
	Codes of Fair Competition:			
	Defining effect of certain provisions in the Codes upon cooperative organization	Oct. 23	II	698
	Commercial bribery provisions to be included in codes heretofore approved	Nov. 27	III	659
181	Commercial Refrigerator	Dec. 23	IV	441
	Compliance by Government Contractors with Approved Code of Fair Competition	Aug. 10	I	729
97	Composition, Buffing and Polishing	Nov. 4	II	501
55	Compressed Air	Oct. 11	I	653
133	Concrete Masonry	Nov. 27	III	407
185	Concrete Pipe Manufacturing	Dec. 30	IV	497
135	Container, Cigar	Nov. 27	III	433
36	Container, Glass	Oct. 3	I	457
	Cooperative Organizations, defining effect of provisions	Oct. 3	I	699
81	Copper and Brass Mill Products	Nov. 2	II	289
	Cordage and Twine, Modifying agreement of July 27, 1933	Oct. 20	II	695
	Cordage and Twine, temporarily placed under Cotton Textile Industry	July 27	I	725
7	Corset and Brassiere	Aug. 14	I	69
	Denial of application for exemption by Gem-Dandy Garter Co	Sept. 18	I	732
187	Cotton Cloth Glove Manufacturing	Dec. 30	IV	525
	Cotton Cloth Glove, Stay of wage provisions for the Southern Section under the — — — Manufacturing Industry	Dec. 30	IV	712
118	Cotton Garment	Nov. 17	III	77
	Amendment No. 1	Dec. 18	IV	649
	Allocation of States to the Southern Division under the — — Industry	Dec. 30	IV	710
	Stay for the Dress Manufacturing Industry and — Industry	Dec. 14	IV	699
1	Cotton Textile	July 9	I	1
	Amendment No. 1	Nov. 8	II	677
	Amendment No. 2	Dec. 27	IV	675
	Cordage and Twine, temporarily placed under	July 27	I	725
	Denial of application for exemption by Alabama Mills Co	Aug. 4	I	728
	Denial of application for exemption by Crystal Springs Bleachery	Aug. 4	I	726

Code No.	Industry	Date, 1933	Vol.	Page
1	Cotton Textile—Continued.			
	Denial of application for exemption by Dwight Manufacturing-----	Aug. 4	I	727
	Denial of application for exemption from Cotton Textile Industry-----	Dec. 4	III	661
	Disapproval of exception and termination of stay under Code of Fair Competition for the — — Industry-----	Nov. 6	IV	685
	Emergency requirement as to further limitation of hours of machine operation in carded yarn group of the — — Industry-----	Dec. 15	IV	703
	Emergency requirement as to further limitation to further limitation of hours in printing-machine operation in the Finishing Branch of the — — Industry-----	Dec. 18	IV	704
	Extending termination date of stay limiting machine hours in Cotton Textile Industry-----	Nov. 27	III	658
	Extension of stay limiting Machine Hours in Cotton Textile Industry as applying to rubber tire yarns-----	Nov. 13	II	655
	Garment Mfgr. temporarily placed under Limitation of machine hours for the — — Industry-----	July 26	I	722
	Pajama Mfgs. Temporarily placed under Stay of code provisions as to productive machinery operation for the — Industry-----	Dec. 2	IV	693
		July 26	I	723
		July 30	IV	691
102	Crane, Shovel, Dragline and-----	Nov. 8	II	563
77	Crown Manufacturing-----	Nov. 1	II	243
63	Crucible, Plumbago-----	Oct. 23	II	67
109	Crushed Stone, Sand and Gravel and Slag: Administrative approval of Industrial Sand Division of the-----	Nov. 10	II	641
		Dec. 27	IV	707
76	Crusher, Rock — Manufacturing-----	Nov. 1	II	231
	Curtaiment of machine hours for the Silk Textile Industry-----	Dec. 23	IV	705
78	Curtain, Nottingham Lace-----	Nov. 1	II	253
79	Curtain, Novelty — Draperies, Bedspreads, and Novelty Pillow-----	Nov. 1	II	263
140	Dampproofing, Waterproofing — Caulking, Compounds, and Concrete Floor Treatments Manufacturing-----	Nov. 27	III	497
	Defining Effect of certain provisions in the Codes of Fair Competition upon Cooperative Organizations-----	Oct. 23	II	698
	Definition of areas, hours and wages for the Dress Manufacturing Industry-----	Dec. 14	IV	697
	Delegating further functions and powers to the Administrator for Industrial Recovery-----	Dec. 30	IV	689
	Delegation of certain functions and powers to Secretary of Agriculture-----	June 26	I	712
	Denial of application for exemptions:			
	Alabama Mills Co. from the Cotton Textile Industry-----	Aug. 4	I	728
	Assoc. Cloak and Suit Manufacturers of Portland, Oreg., from the Coat and Suit Industry-----	Oct. 11	I	735
	Connecticut Garment Manufacturing Ass'n. from the Coat and Suit Industry-----	Sept. 7	I	731
	Cotton Textile Industry from "Machine Hours" on tire yarns and fabrics-----	Nov. 6	II	702

Code No.	Industry	Date, 1933	Vol.	Page
	Denial of application for exemptions—Contd.			
	Crystal Springs Bleachery from the Cotton Textile Industry	Aug. 4	I	726
	Dwight Manufacturing Co. from the Cotton Textile Industry	Aug. 4	I	727
	Gem-Dandy Garter Company from the Corset & Brassiere Industry	Sept. 18	I	732
	Greensboro Lumber Company from the Lumber & Timber Products Industry	Oct. 20	II	696
	Kaplan Brothers from Artificial Flower & Feather Industry	Nov. 4	II	701
	Cotton Textile Industry	Dec. 4	III	661
59	Devices, Marking	Oct. 20	II	13
122	Die, Special Tool — and Machine Shop	Nov. 17	III	187
	Disapproval of exception and termination of stay under the code of fair competition for the Cotton Textile Industry	Nov. 6	IV	685
110	Distillation, Hardwood	Nov. 10	II	661
176	Distributing, Paper — Trade	Dec. 23	IV	375
61	Distributor, Industrial Supplies and Machinery Trade	Oct. 23	II	47
	Documents, prescribing rules for certification of	Nov. 18	III	656
162	Domestic Freight Forwarding	Dec. 18	IV	175
171	Door, Rolling Steel	Dec. 21	IV	297
102	Dragline, Shovel, — and Crane	Nov. 8	II	563
8	Dramatic, Legitimate Full Length — and Musical Theatrical	Aug. 16	I	81
79	Draperies, Novelty Curtain — Bedspreads and Novelty Pillow	Nov. 1	II	263
125	Drapery, Upholstery and — Textile	Nov. 27	III	259
	Drapery, Further extension of time for certain manufacturers to elect not to be bound under the code of fair competition for the Upholstery and — Textile Industry	Dec. 11	IV	686
64	Dress Manufacturing	Oct. 31	II	77
	Definition of areas, hours and wages for the — Industry	Dec. 14	IV	697
	Stay for the — Industry and Cotton Garment Industry	Dec. 14	IV	699
69	Dress, Millinery and — Trimming Braid and Textile	Oct. 21	II	149
60	Drug, Retail — Trade	Oct. 21	II	27
	Drug Store, Stay of minimum wage provisions as to outside salesmen and — delivery employees for the Retail Trade	Nov. 8	IV	692
159	Dry and Polishing Mop Manufacturing	Dec. 15	IV	141
34	Dry Cleaning, Laundry and — Machinery Manufacturing	Oct. 3	I	437
101	Dyeing, Cleaning and — Trade	Nov. 8	II	547
172	Dyeing, Rayon and Silk — and Printing	Dec. 21	IV	311
	Temporary Code Approved	Jul. 22	I	718
	Effective, Stay of — date of Article VIII for Bankers	Dec. 11	IV	696
	Elect, Further extension of time for certain manufacturers to — not to be bound under the code of fair competition for the Upholstery and Drapery Textile Industry	Dec. 11	IV	686
4	Electrical Manufacturing	Aug. 4	I	43
40	Electric Storage and Wet Primary Battery	Oct. 3	I	499
179	Electrotyping and Stereotyping	Dec. 23	IV	415

Code No.	Industry	Date, 1933	Vol.	Page
	Emergency requirement as to further limitation of hours of machine operation in Carded Yarn Group of the Cotton Textile Industry	Dec. 15	IV	703
	Emergency requirement as to further limitation of hours of printing machine operation in the Finishing Branch of the Cotton Textile Industry	Dec. 18	IV	704
186	End Grain Strip Wood Block	Dec. 30	IV	511
180	Engraving, Photo	Dec. 23	IV	429
105	Equipment, Automotive Parts and — Machinery	Nov. 8	II	599
88	Equipment, Business Furniture, Storage — and Filing Supply	Nov. 4	II	383
39	Equipment, Farm	Oct. 3	I	489
139	Equipment, Machine Tool and Distributors	Nov. 27	III	485
89	Equipment, Office — Manufacturers	Nov. 4	II	413
85	Equipment, Petroleum — Industry and Trade (American)	Nov. 2	II	339
158	Equipment, Stone Finishing Machinery and	Dec. 15	IV	129
146	Excelsior and Excelsior Products	Dec. 7	III	565
95	Exchange, Stock — Firms	Nov. 4	II	481
	Exception, Disapproval of — and termination of stay under the code of fair competition for the Cotton Textile Industry	Nov. 6	IV	685
	Exemptions from the President's Reemployment Agreement of employers in towns less than 2,500 in population	Oct. 23	II	699
	Extension, Further — of time for certain manufacturers to elect not to be bound under the code of fair competition for the Upholstery and Drapery Textile Industry	Dec. 11	IV	686
	Extension of stay for Underwear and Allied Products Mfg. Ind.	Oct. 20	II	697
	Extension of termination date of Stay limiting machine hours in Cotton Textile Industry as applying to rubber-tire yarn	Nov. 13	III	655
	Extension of termination date of stay limiting machine hours in Cotton Textile Industry	Nov. 27	III	658
	Extension of the effective date of codes of fair competition for the Retail Trade	Nov. 27	III	660
98	Extinguishing, Fire — Appliance Manufacturing	Nov. 4	II	511
84	Fabricated Metal Products Manufacturing Metal Finishing and Metal Coating	Nov. 2	II	327
127	Fabricating, Reinforcing Materials	Nov. 27	III	285
	Fabrics, Automobile —, Proofing and Backing Division	Dec. 15	IV	84
39	Farm Equipment	Oct. 3	I	489
	Amendment No. 1	Dec. 21	IV	657
29	Feather, Artificial Flower and	Sept. 18	I	381
30	Felt Base, Linoleum and — Manufacturers	Sept. 18	I	389
73	Felt, Hair and Jute	Oct. 31	II	199
143	Felt, Wool — Manufacturing	Nov. 27	III	535
67	Fertilizer	Oct. 31	II	119
88	Filing, Business Furniture, Storage Equipment and — Supply	Nov. 4	II	383
	Finishing Branch, Emergency requirement as to further limitation of hours of printing machine operation in the — of the Cotton Textile Industry	Dec. 18	IV	704

Code No.	Industry	Date, 1933	Vol.	Page
84	Finishing, Fabricating Metal Products Mfctg. and Metal —, and Metal Coating	Nov. 2	II	327
158	Finishing, Stone — Machinery and Equipment	Dec. 15	IV	129
	Finishing, Textile —, temporarily placed under Cotton Textile Industry	July 21	I	716
184	Finish, Shoe and Leather — Polish and Cement Manufacturing	Dec. 30	IV	485
62	Firebox, Steel Tubular and — Boiler	Oct. 23	II	57
	Fire Clay Producers	Dec. 18	IV	255
	Fire Clay Refractories Division	Dec. 18	IV	255
98	Fire Extinguishing Appliance Manufacturing	Nov. 4	II	511
108	Fire, Motor — Apparatus Manufacturing	Nov. 8	II	629
95	Firms, Stock Exchange	Nov. 4	II	481
13	Fishing Tackle	Aug. 19	I	217
153	Fittings, Valve and — Manufacturing	Dec. 15	IV	29
	Flatware, Hotelware, — and Hollow Ware	Dec. 23	IV	389
	Flatware, Plated	Dec. 23	IV	389
	Flatware, Sterling	Dec. 23	IV	389
92	Floor and Wall Clay Tile Manufacturing	Nov. 4	II	443
	Flooring, Rubber — Division	Dec. 15	IV	88
140	Floor, Waterproofing, Dampproofing, Caulking Compounds and Concrete — Treatments Manufacturing	Nov. 27	III	497
29	Flower, Artificial — and Feather	Sept. 18	I	381
193	Folding Paper Box	Dec. 30	IV	591
182	Food, Retail — and Grocery Trade	Dec. 30	IV	457
	Retail — and Grocery Trade Labor Provisions	Nov. 15	III	633
	Wholesale — and Grocery Trade Labor Provisions	Nov. 15	III	645
	Footwear, Rubber — Division	Dec. 15	IV	93
103	Forging, Machine Tool and — Machinery	Nov. 8	II	577
165	Foundry, Non-Ferrous	Dec. 18	IV	211
162	Freight, Domestic — Forwarding	Dec. 18	IV	175
	Functions, Delegating further — and powers to the Administrator for Industrial Recovery	Dec. 30	IV	689
90	Funeral Supply	Nov. 4	II	421
	Funeral Vehicle, Supplement to Automobile Manufacturing	Nov. 8	II	671
161	Fur Dressing and Fur Dyeing	Dec. 18	IV	161
	Furnace, Blast — Castings Supplement	Dec. 18	IV	230
137	Furnace, Warm Air — Manufacturing	Nov. 27	III	461
88	Furniture, Business — Storage Equipment and Filing Supplies	Nov. 4	II	383
145	Furniture Manufacturing	Dec. 7	III	551
	Further extension of time for certain manufacturers to elect not to be bound under the code of Fair Competition for the Upholstery and Drapery Textile Industry	Dec. 11	IV	686
160	Fur Trapping Contractors	Dec. 15	IV	151
	Garment, Allocation of States to the southern division under the Cotton — Industry	Dec. 20	IV	710
118	Garment, Cotton	Nov. 17	III	77
	Garment Manufacturers, temporarily placed under Cotton Textile Industry	July 26	I	722
	Garment, Stay for the Dress Manufacturing Industry and Cotton — Industry	Dec. 14	IV	699
94	Garter, Men's — Suspender and Belt	Nov. 4	II	471
134	Gas Appliances and Apparatus	Nov. 27	III	421
70	Gas Cock	Oct. 31	II	157
104	Gas, Liquefied	Nov. 8	II	587

Code No.	Industry	Date, 1933	Vol.	Page
26	Gasoline Pump Manufacturing	Sept. 18	I	349
	Amendment No. 1	Dec. 21	IV	661
117	Gear Manufacturing	Nov. 14	III	67
36	Glass Container	Oct. 3	I	457
	Glass House Refractories	Dec. 18	IV	255
187	Glove, Cotton Cloth — Manufacturing	Dec. 30	IV	525
87	Glove, Leather and Woolen Knit	Nov. 4	II	367
	Glove, Stay of wage provisions for the southern section under the Cotton Cloth — Manufacturing Industry	Dec. 30	IV	712
	Glove, Temporary hours modification for the Leather and Wool Knit — Industry	Dec. 6	IV	695
83	Glycerine, Soap and — Manufacturing	Nov. 2	II	317
42	Goods, Luggage and Fancy Leather	Oct. 3	I	519
	Goods, Mechanical Rubber — Division	Dec. 15	IV	104
109	Gravel, Crushed Stone, Sand and — and Slag	Nov. 10	II	641
	Gravel, Administrative approval of Industrial Sand Division of the Crushed Stone, Sand and —, and Slag Industries	Dec. 27	IV	707
170	Grinding Wheel	Dec. 21	IV	287
182	Grocery, Retail Food and — Trade	Dec. 30	IV	457
	Grocery, Retail Food and — Trade Labor Provisions	Nov. 15	III	633
	Grocery, Wholesale Food and — Trade Labor Provisions	Nov. 15	III	645
73	Hair and Jute Felt	Oct. 31	II	199
157	Hair Cloth Manufacturing	Dec. 15	IV	119
53	Handkerchief	Oct. 9	I	629
	Hard Rubber Division	Dec. 15	IV	98
110	Hardwood Distillation	Nov. 10	II	661
56	Heat Exchange	Oct. 11	I	663
	Heel and Sole Division	Dec. 15	IV	101
	High Temperature Bonding Mortars Division	Dec. 18	IV	255
	Hollow Ware, Hotelware, Flatware and	Dec. 23	IV	389
	Hollow Ware, Plated	Dec. 23	IV	389
	Hollow Ware, Sterling	Dec. 23	IV	389
16	Hosiery	Aug. 26	I	239
	Hosiery Manufactures, temporary code approved	July 26	I	719
	Hosiery, Temporary changes of Article IV for the — Industry	Dec. 14	IV	701
121	Hotel	Nov. 17	III	175
	Stay for the — Industry	Dec. 29	IV	708
	Stay of wage-hours provisions for the — Industry	Dec. 2	IV	694
	Hotelware, Flatware, and Hollow Ware	Dec. 23	IV	389
	Hot Top, Ladle and — Refractories	Dec. 18	IV	255
	Hours, Limitation of machine — for the Cotton Textile Industry	Dec. 2	IV	693
	Hours, Stay of wage — provisions for the Hotel Industry	Dec. 2	IV	694
	Hours, Temporary — modification for the Leather and Woolen Knit Glove Industry	Dec. 6	IV	695
183	Household Ice Refrigerator	Dec. 30	IV	473
43	Ice	Oct. 3	I	529
183	Ice, Household — Refrigerator	Dec. 30	IV	473
	Industrial Recovery, Delegating further functions and powers to the administrator for	Dec. 30	IV	689
	Industrial Recovery, Providing for notice of proceedings and matters in the administration of the National — Act	Dec. 21	IV	687

Code No.	Industry	Date, 1933	Vol.	Page
	Industrial Sand Division, Administrative approval of — of the Crushed Stone, Sand and Gravel, and Slag Industries	Dec. 27	IV	707
61	Industrial Supplies and Machinery Distributors Trade	Oct. 23	II	47
173	Industry Engaged in the Smelting and Refining of Secondary Metals into Brass and Bronze Alloys in Ingot Form	Dec. 21	IV	325
	Information, providing for submission of Statistics by Persons subject to Codes of Fair Competition	Dec. 7	III	662
112	Insect, All-Metal — Screen	Nov. 14	III	9
	International Association of Garment Manufacturers temporarily placed under Cotton Textile Industry	July 26	I	722
141	Investment Bankers	Nov. 27	III	509
11	Iron and Steel	Aug. 19	I	171
192	Iron, Cast — Pressure Pipe	Dec. 30	IV	579
18	Iron, Cast — Soil Pipe	Sept. 7	I	259
93	Ironing, Washing and — Machine Manufacturing	Nov. 4	II	461
132	Iron, Malleable	Nov 27	III	393
175	Jewelry, Medium and Low Priced — Manufacturing	Dec. 23	IV	355
130	Jewelry, Precious — Producing	Nov. 27	III	365
142	Jewelry, Retail — Trade	Nov. 27	III	517
	Johnson, General Hugh S., appointment as Administrator	June 16	I	711
	Appointment as member of each Code Authority	Sept. 29	I	733
73	Jute, Hair and — Felt	Oct. 31	II	199
87	Knit, Leather and Woolen — Glove	Nov. 4	II	367
	Knit, Temporary hours modification for the Leather and Woolen — Glove Industry	Dec. 6	IV	695
164	Knitted Outerwear	Dec. 18	IV	199
32	Knitting, Braiding and Wire Covering Machinery	Oct. 3	I	411
22	Laboratory, Motion Picture	Sept. 7	I	299
	Labor Provisions:			
	Beet Sugar	Oct. 27	II	687
	Retail Food and Grocery Trade	Nov. 15	III	633
	Wholesale Food and Grocery Trade	Nov. 15	III	645
6	Lace Manufacturing	Aug. 14	I	59
	Amendment No. 1	Dec. 23	IV	665
78	Lace, Nottingham — Curtain	Nov. 1	II	253
71	Lacquer, Paint, Varnish and — Mfg	Oct. 31	II	169
107	Ladder Manufacturing	Nov. 8	II	619
	Ladle and Hot Top Refractories	Dec. 18	IV	255
34	Laundry and Dry Cleaning Machinery Manufacturing	Oct. 3	I	437
87	Leather and Woolen Knit Glove	Nov. 4	II	367
	Leather and Woolen Knit Glove, Temporary hours modification for the — Industry	Dec. 6	IV	695
21	Leather Industry	Sept. 7	I	287
42	Leather, Luggage and Fancy — Goods	Oct. 3	I	519
184	Leather, Shoe and — Finish, Polish, and Cement Manufacturing	Dec. 30	IV	485
8	Legitimate Full-Length Dramatic and Musical Theatrical	Aug. 16	I	81
31	Lime	Oct. 3	I	397
113	Limestone	Nov. 14	III	21

Code No.	Industry	Date, 1933	Vol.	Page
	Limitation, Emergency requirement as to further — of hours of machine operation in Carded Yarn Group of the Cotton Textile Industry	Dec. 15	IV	703
	Limitation, Emergency requirement as to further — of hours of printing machine operation in the Finishing Branch of the Cotton Textile Industry	Dec. 18	IV	704
	Limitation of machine hours for the Cotton Textile Industry	Dec. 2	IV	693
30	Linoleum and Felt Base Manufacturers	Sept. 18	I	389
104	Liquefied Gas	Nov. 8	II	587
169	Loan, Savings, Building and — Associations	Dec. 21	IV	279
	Locomotive Arch Refractories	Dec. 18	IV	255
175	Low, Medium and — Priced Jewelry Manufacturing	Dec. 23	IV	355
42	Luggage and Fancy Leather Goods	Oct. 3	I	519
9	Lumber and Timber Products	Aug. 19	I	95
	Amendment 1 and 2	Oct. 9	I	705
	Amendment 3 and 4	Dec. 7	IV	633
	Denial of application for exemption by Greensboro Lumber Co	Oct. 20	II	696
33	Lumber Products, Retail Lumber — Building Materials and Building Specialties	Oct. 3	I	417
	Machine hours, Curtailment of — for the Silk Textile Industry	Dec. 23	IV	705
32	Machine, Knitting, Braiding and Wire Covering	Oct. 3	I	411
	Machine Operation, Emergency requirement as to further limitation of hours of — in Carded Yarn Group of the Cotton Textile Industry	Dec. 15	IV	703
	Machine operation, Emergency requirement as to further limitation of hours of printing — in the Finishing Branch of the Cotton Textile Industry	Dec. 18	IV	704
144	Machine, Paper Making — Builders	Dec. 7	III	543
	Machinery, Stay of code provisions as to productive — operation for the Cotton Textile Industry	July 30	IV	691
122	Machine shop, Special Tool, Die and	Nov. 17	III	187
139	Machine Tool & Equipment Distributing Trade	Nov. 27	III	485
103	Machine Tool and Forging Machinery	Nov. 8	II	577
93	Machine, Washing and Ironing — Manufacturing	Nov. 4	II	461
149	Machined Waste Manufacturing	Dec. 7	III	607
61	Machinery, Industrial Supplies and — Distributors Trade	Oct. 23	II	47
72	Machinery, Packaging — Industry and Trade	Oct. 31	II	187
68	Machinery, Road — Manufacturing	Oct. 31	II	137
35	Machinery, Textile	Oct. 3	I	449
132	Malleable Iron	Nov. 27	III	393
59	Marking Devices	Oct. 20	II	13
133	Masonry, Concrete	Nov. 27	III	407
150	Mastic Tile, Asphalt and	Dec. 7	III	617
195	Match, American	Dec. 30	IV	621
127	Materials, Reinforcing — Fabricating	Nov. 27	III	285
	Mechanical Rubber Goods Division	Dec. 15	IV	104
175	Medium and Low Priced Jewelry Manufacturing	Dec. 23	IV	355

Code No.	Industry	Date, 1933	Vol.	Page
15	Men's Clothing	Aug. 26	I	229
	Amendment No. 1	Dec. 15	IV	637
	Amendment No. 2	Dec. 18	IV	649
94	Men's Garter, Suspender and Belt	Nov. 4	II	471
84	Metal, Fabricated—Products Manufacturing and Metal Finishing and Metal Coating	Nov. 2	II	327
173	Metals, Smelting and Refining of Secondary—Into Brass and Bronze Alloys in Ingot Form	Dec. 21	IV	325
154	Metal Tank	Dec. 15	IV	47
81	Mill, Copper and Brass—Products	Nov. 2	II	289
151	Millinery	Dec. 15	IV	1
69	Millinery and Dress Trimming Braid and Textile	Oct. 31	II	149
	Mill, Steel and Rolling—Castings Supplement	Dec. 18	IV	228
	Miscellaneous Non-Ferrous Sand Castings Supplement	Dec. 18	IV	222
	Miscellaneous, Pewter, Chromium Plate and Modifications:	Dec. 23	IV	389
	Of Executive Order of July 27, 1933, placing the Cordage and Twine Industry temporarily under Cotton Textile Industry	Oct. 20	II	695
	Of President's Reemployment Agreement—Temporary hours—for the Leather and Woolen Knit Glove Industry	Oct. 11	I	734
159	Mop, Dry and Polishing—manufacturing	Dec. 6	IV	695
116	Mop Stick	Dec. 15	IV	141
	Mortars, High-Temperature Bonding—Division	Nov. 14	III	57
	Motion Picture	Dec. 18	IV	255
124	Motion Picture Laboratory	Nov. 27	III	215
22	Motion-Picture Laboratory	Sept. 7	I	299
66	Motor Bus	Oct. 31	II	107
108	Motor Fire Apparatus Manufacturing	Nov. 8	II	629
46	Motor Vehicle Retailing Trade	Oct. 3	I	563
147	Motor Vehicle Storage and Parking Trade	Dec. 7	III	577
8	Musical, Legitimate Full-Length Dramatic and—Theatrical	Aug. 16	I	81
52	Mutual Savings Banks	Oct. 9	I	623
	National Industrial Recovery Act	June 16	I	683
	Providing for notice of proceedings and matters in the administration of the Administration of	Dec. 21	IV	687
	Authorizing Administrator to modify agreements entered into or approved by the President under Title I of the Exemption from the President's Reemployment Agreement of employers in towns less than 2,500 population	Aug. 10	I	729
	Procedure to be followed for tariff relief under section 3 (E) of the	Nov. 22	III	657
	Newsprint	Oct. 23	II	699
119	Newsprint	Oct. 23	II	700
131	Nipple, Pipe—Manufacturing	Nov. 17	III	103
165	Nonferrous Foundry	Nov. 27	III	379
	Nonferrous, Miscellaneous—Sand Castings Supplement	Dec. 18	IV	211
	Nottingham Lace Curtain	Dec. 18	IV	222
78	Novelties, Plated Toiletware and	Nov. 1	II	253
	Novelties, Sterling	Dec. 23	IV	389
	Novelty Curtain, Draperies, Bedspreads and Novelty Pillow	Dec. 23	IV	389
79	Novelty Curtain, Draperies, Bedspreads and Novelty Pillow	Nov. 1	II	263
	Nozzle, Sleeve—and Runner Brick and Tuycres	Nov. 1	II	263
	Nozzle, Sleeve—and Runner Brick and Tuycres	Dec. 18	IV	255

Code No.	Industry	Date, 1933	Vol.	Page
89	Office Equipment Manufacturers-----	Nov. 4	II	413
	Oil (See Petroleum).			
25	Oil Burner-----	Sept. 18	I	339
	Amendment No. 1-----	Oct. 3	I	703
49	Optical Manufacturing-----	Oct. 9	I	599
164	Outerwear, Knitted-----	Dec. 18	IV	199
155	Oxy-Acetylene-----	Dec. 15	IV	61
72	Packaging Machinery-----	Oct. 31	II	187
75	Packing, Canning and — Machinery-----	Oct. 31	II	219
71	Paint, Varnish and Lacquer Manufacturing-----	Oct. 31	II	169
	Pajama Manufacturers temporarily placed under the Cotton Textile Industry-----	July 26	I	723
120	Paper and Pulp-----	Nov. 17	III	115
100	Paperboard Manufacturers-----	Nov. 8	II	537
176	Paper Distributing Trade-----	Dec. 23	IV	375
193	Paper, Folding — Box-----	Dec. 30	IV	591
144	Paper Making Machine Builders-----	Dec. 7	III	543
167	Paper, Set Up — Box Manufacturing-----	Dec. 18	IV	243
190	Paper Stationery and Tablet Manufacturing-----	Dec. 30	IV	559
166	Paper, Waxed-----	Dec. 18	IV	233
147	Parking Trade, Motor-Vehicle Storage and-----	Dec. 7	III	577
105	Parts, Automotive — and Equipment Manu- facturing-----	Nov. 8	II	599
	Permanent Mold, Aluminum—Castings Sup- plement-----	Dec. 18	IV	224
10	Petroleum-----	Aug. 19	I	147
	Administration given to Secretary of Interior-----	Aug. 29	I	730
	Prohibition of Transportation of Unlaw- ful Production-----	July 11	I	713
	Prohibition of Transportation of Unlaw- ful Production-----	July 14	I	714
85	Petroleum Equipment Industry & Trade (American)-----	Nov. 2	II	339
	Pewter, Chromium Plate and Miscellaneous-----	Dec. 23	IV	389
180	Photo-Engraving-----	Dec. 23	IV	429
12	Photographic Manufacturing-----	Aug. 19	I	209
91	Piano Manufacturing-----	Nov. 4	II	435
124	Picture, Motion-----	Nov. 27	III	215
22	Picture, Motion—Laboratory-----	Sept. 7	I	299
79	Pillow, Novelty Curtain, Draperies, Bed- spreads & Novelty-----	Nov. 1	II	263
192	Pipe, Cast Iron Pressure-----	Dec. 30	IV	579
18	Pipe, Cast Iron Soil-----	Sept. 7	I	259
185	Pipe, Concrete—Manufacturing-----	Dec. 30	IV	497
131	Pipe Nipple Manufacturing-----	Nov. 27	III	379
136	Pipe, Vitrified Clay Sewer—Manufacturing-----	Nov. 27	III	445
	Planning and Fair Practice Agency for Ship- building and Ship—Repairing Industry-----	Sept. 22	I	701
	Plastic Refractories-----	Dec. 18	IV	255
	Plated Flatware-----	Dec. 23	IV	389
	Plated Hollow Ware-----	Dec. 23	IV	389
	Plated Toiletware and Novelties-----	Dec. 23	IV	389
f 86	Playthings, Toy and-----	Nov. 4	II	353
115	Plug, Wood-----	Nov. 14	III	47
63	Plumbago Crucible-----	Oct. 23	II	67
97	Polishing, Buffing and—Composition-----	Nov. 4	II	501
159	Polishing, Dry and—Mop Manufacturing-----	Dec. 15	IV	141
96	Polishing Wheel, Buff and—Industry-----	Nov. 4	II	491
184	Polish, Shoe and Leather Finish — and Cement Manufacturing-----	Dec. 30	IV	485
126	Porcelain, Chinaware and — Manufacturing-----	Nov. 27	III	273

Code No.	Industry	Date, 1933	Vol.	Page
130	Powers, Delegating further functions and — to the Administrator for Industrial Recovery	Dec. 30	IV	689
	Precious Jewelry Producing	Nov. 27	III	365
192	President's Reemployment Agreement exempting employers in towns of less than 2,500 population	Oct. 23	II	699
	President's Reemployment Agreement Modification	Oct. 11	I	734
106	Pressure, Cast Iron — Pipe	Dec. 30	IV	579
172	Printer's Rollers	Nov. 8	II	611
	Printing, Emergency requirement as to further limitation of hours of — machine operation in the Finishing Branch of the Cotton Textile Industry	Dec. 18	IV	707
172	Printing, Rayon & Silk Dyeing and	Dec. 21	IV	311
	Printing, Silk and Rayon Dyeing and — Industry, temporary code approved	July 22	I	718
172	Procedure to be followed for tariff relief under Section 3 (e) of the National Industrial Recovery Act	Oct. 23	II	700
	Proceedings, Providing for notice of — and matters in the administration of the National Industrial Recovery Act	Dec. 21	IV	687
172	Productive machinery operation, Stay of code provisions as to — for the Cotton Textile Industry	July 30	IV	691
	Proofing, Automobile Fabrics — and Backing Division	Dec. 15	IV	84
120	Providing for notice of proceedings and matters in the administration of the National Industrial Recovery Act	Dec. 21	IV	687
	Pulp, Paper and	Nov. 17	III	115
26	Pump, Gasoline — Manufacturing	Sept. 18	I	349
57	Pump Manufacturing	Oct. 11	I	673
148	Pyrotechnic Manufacturing	Dec. 17	III	591
129	Radio Broadcasting	Nov. 27	III	353
172	Rainwear Division	Dec. 15	IV	113
	Rayon and Silk Dyeing and Printing	Dec. 21	IV	311
14	Rayon and Synthetic Yarn Producing	Aug. 26	I	223
172	Rayon, Silk and — Dyeing and Printing Industry, temporary code approved	July 22	I	718
	Recovery, Delegating further functions and powers to the Administrator for Industrial	Dec. 30	IV	689
173	Recovery, Providing for notice of proceedings and matters in the administration of the National Industrial — Act	Dec. 21	IV	687
	Refining, Smelting and — of Secondary Metals into Brass and Bronze Alloys in Ingot Form	Dec. 21	IV	325
168	Refractories	Dec. 18	IV	255
181	Refrigerator, Commercial	Dec. 23	IV	441
183	Refrigerator, Household Ice	Dec. 30	IV	473
127	Reinforcing Materials Fabricating	Nov. 27	III	285
60	Retail Drug Trade	Oct. 21	II	27
182	Retail Food and Grocery Grade	Dec. 30	IV	457
	Retail Food and Grocery Trade—labor provisions	Nov. 15	III	633
46	Retailing, Motor Vehicle—Trade	Oct. 3	I	563
142	Retail Jewelry Trade	Nov. 27	III	517
33	Retail Lumber, Lumber Products, Building Materials, and Building Specialities	Oct. 3	I	417

Code No.	Industry	Date, 1933	Vol.	Page
60	Retail Trade	Oct. 21	II	27
	Extension of effective date	Nov. 27	III	660
	Stay of Minimum wage provisions as to outside salesmen and drug store delivery employees for the	Nov. 8	IV	692
	Revision — Bituminous Coal	Sept. 29	I	702
68	Road Machinery Manufacturing	Oct. 31	II	137
76	Rock Crusher Manufacturing	Nov. 1	II	231
106	Rollers, Printers'	Nov. 8	II	611
	Rolling, Steel and — Mill Castings Supplement	Dec. 18	IV	228
171	Rolling Steel Door	Dec. 21	IV	297
99	Roofing, Asphalt Shingle and — Manufacturing	Nov. 6	II	523
	Rubber Flooring Division	Dec. 15	IV	88
	Rubber Footwear Division	Dec. 15	IV	93
	Rubber, Hard — Division	Dec. 15	IV	98
156	Rubber Manufacturing	Dec. 15	IV	69
	Rubber, Mechanical — Goods Division	Dec. 15	IV	104
	Rubber, Sponge — Division	Dec. 15	IV	108
	Rubber Sundries Division	Dec. 15	IV	110
174	Rubber Tire Manufacturing	Dec. 21	IV	335
	Runner Brick, Sleeve, Nozzle, and — and Tuyeres.	Dec. 18	IV	255
45	Saddlery Manufacturing	Oct. 3	I	551
	Salesmen, Stay of minimum wage provisions as to outside — and drug store delivery employees for the Retail Trade	Nov. 8	IV	692
20	Salt Producing	Sept. 7	I	277
	Sand, Administrative approval of Industrial — Division of the Crushed Stone, Sand and Gravel, and Slag Industries	Dec. 27	IV	707
109	Sand, Crushed Stone — and Gravel and Slag Industries	Nov. 10	II	641
	Sand, Miscellaneous Nonferrous — Castings Supplement	Dec. 18	IV	222
169	Savings, Building and Loan Associations	Dec. 21	IV	279
52	Savings, Mutual — Bank	Oct. 9	I	623
191	Scavenger, Cinders, Ashes, and — Trade	Dec. 30	IV	569
114	Scientific Apparatus	Nov. 14	III	31
112	Screen, All-Metal Insect	Nov. 14	III	9
173	Secondary, Smelting and Refining of — Metals into Brass and Bronze Alloys in Ingot Form	Dec. 21	IV	325
167	Set Up Paper Box Manufacturing	Dec. 18	IV	243
136	Sewer, Vitrified Clay — Pipe Manufacturing	Nov. 27	III	445
99	Shingle, Asphalt — and Roofing Manufacturing	Nov. 6	II	523
2	Shipbuilding and Ship repairing	July 26	I	25
	Amendment #1	Sept. 22	I	701
184	Shoe and Leather Finish, Polish, and Cement Manufacturing	Dec. 30	IV	485
44	Shoe, Boot and	Oct. 3	I	541
102	Shovel, Dragline & Crane	Nov. 8	II	563
	Silica Refractories	Dec. 18	IV	255
	Silk and Rayon Dyeing and Printing Industry, temporary code approved	July 22	I	718
172	Silk, Rayon and — Dyeing and Printing	Dec. 21	IV	311
48	Silk Textile	Oct. 7	I	587
	Silk Textile, Curtailment of machine hours for the — Industry	Dec. 23	IV	705
177	Silverware Manufacturing	Dec. 23	IV	389
194	Skirt, Blouse and — Manufacturing	Dec. 30	IV	605

Code No.	Industry	Date, 1933	Vol.	Page
	Slag, Administrative approval of Industrial Sand Division of the Crushed Stone, Sand and Gravel, and — Industries	Dec. 27	IV	707
109	Slag, Crushed Stone, Sand & Gravel and — Industry	Nov. 10	II	641
	Sleeve, Nozzle, and Runner Brick & Tuyeres	Dec. 18	IV	255
173	Smelting and Refining of Secondary Metals into Brass and Bronze Alloys in Ingot Form	Dec. 21	IV	325
83	Soap and Glycerine Manufacturing	Nov. 2	II	317
	Sole, Heel and — Division	Dec. 15	IV	101
	Southern division, Allocation of states to the — under the Cotton Garment Industry	Dec. 30	IV	710
	Southern Section, Stay of wage provision for the — under the Cotton Cloth Glove Manufacturing Industry	Dec. 20	IV	712
	Special Refractories	Dec. 18	IV	255
122	Special Tool, Die and Machine Shop	Nov. 17	III	187
65	Specialty, Advertising	Oct. 31	II	97
	Sponge Rubber Division	Dec. 15	IV	108
50	Sprinkler, Automatic	Oct. 9	I	605
190	Stationery, Paper — and Tablet Manufacturing	Dec. 30	IV	559
	Statistical, Central — Board, Appointment of	July 27	I	724
	Statistical, providing for submission of — information by persons subject to codes	Dec. 7	III	662
	Stay, Disapproval of exception and termination of — under the code of fair competition for the Cotton Textile Industry	Nov. 6	IV	685
	Stay for the Dress Manufacturing Industry and Cotton Garment Industry	Dec. 14	IV	699
	Stay, for the Hotel Industry	Dec. 29	IV	708
	Stay of code provisions as to productive machinery operation for the Cotton Textile Industry	July 30	IV	691
	Stay of effective date of Article VIII for Bankers	Dec. 11	IV	696
	Stay of minimum wage provisions as to outside salesmen and drug store delivery employees for the Retail Trade	Nov. 8	IV	692
	Stay of wage-hour provisions for the Hotel Industry	Dec. 2	IV	694
	Stay of wage provisions for the Southern Section under the Cotton Cloth Glove Manufacturing Industry	Dec. 30	IV	712
	Steel and Rolling Mill Castings Supplement	Dec. 18	IV	228
82	Steel Casting	Nov. 2	II	299
11	Steel, Iron and	Aug. 19	I	171
171	Steel, Rolling — Door	Dec. 21	IV	297
62	Steel Tubular and Firebox Boiler	Oct. 23	II	57
179	Stereotyping, Electrotyping and	Dec. 23	IV	415
	Sterling Flatwear	Dec. 23	IV	389
	Sterling Hollow Ware	Dec. 23	IV	389
	Sterling Novelties	Dec. 23	IV	389
	Sterling Toiletware	Dec. 23	IV	389
116	Stick, Mop	Nov. 14	III	57
95	Stock Exchange Firms	Nov. 4	II	481
	Stone, Administration approval of Industrial Sand Division of the Crushed, — Sand and Gravel, and Slag Industries	Dec. 27	IV	707
109	Stone, Crushed —, Sand and Gravel, and Slag Industries	Nov. 10	II	641
158	Stone Finishing Machinery and Equipment	Dec. 15	IV	129

Code No.	Industry	Date, 1933	Vol.	Page
88	Storage, Business Furniture — Equipment and Filing Supply	Nov. 4	II	383
40	Storage, Electric — and Wet Primary Battery	Oct. 3	I	499
147	Storage, Motor Vehicle — and Parking Trade	Dec. 7	III	577
123	Structural Clay Products	Nov. 27	III	197
	Sugar, Beet — labor provision	Oct. 27	II	682
5	Suit, Coat and Denial (See Coat and Suit).	Aug. 4	I	51
	Sundries, Rubber — Division	Dec. 15	IV	110
	Supplement (Automobile Manufacturing) No 1. Funeral Vehicle and Ambulance Subdivision	Nov. 8	II	671
37	Supplies, Builders — Trade	Oct. 3	I	469
61	Supplies, Industrial — and Machinery Distributors Trade	Oct. 23	II	47
88	Supply, Business Furniture, Storage Equipment and Filing	Nov. 4	II	383
90	Supply, Funeral	Nov. 4	II	421
	Suspended Walls and Arches	Dec. 18	IV	255
94	Suspender, Men's Garter — and Belt	Nov. 4	II	471
14	Synthetic, Rayon and — Yarn Producing	Aug. 26	I	223
190	Tablet, Paper Stationery and — Manufacturing	Dec. 30	IV	559
13	Tackle, Fishing	Aug. 19	I	217
154	Tank, Metal	Dec. 15	IV	47
	Tariff, procedure to be followed for — relief under section 3 (e) of the N.I.R.A.	Oct. 23	II	700
	Temporary changes of Article IV for the Hosiery Industry	Dec. 14	IV	701
	Temporary hours modification for the Leather and Woolen Knit Glove Industry	Dec. 6	IV	695
	Termination, Disapproval of exception and — of stay under the code of fair competition for the Cotton Textile Industry	Nov. 6	IV	685
74	Terra Cotta Manufacturing	Oct. 31	II	209
27	Textile Bag	Sept. 18	I	361
	Amendment No. 1	Dec. 23	IV	671
1	Textile, Cotton (See Cotton Textile) for the Silk — Industry.	July 9	I	1
	Textile, Curtailment of machine hours	Dec. 23	IV	705
	Textile, disapproval of exception and termination of stay under the code of fair competition for the Cotton — Industry	Nov. 6	IV	685
	Textile, Emergency requirement as to further limitation of hours of machine operation in Carded Yarn Group of the Cotton — Industry	Dec. 15	IV	703
	Textile, Emergency requirement as to further limitation of hours of printing machine operation in the Finishing Branch of the Cotton — Industry	Dec. 18	IV	704
	Textile Finishing, temporarily placed under Cotton Textile Industry	July 21	I	716
	Textile, Further extension of time for certain manufacturers to elect not to be bound under the code of fair competition for the Upholstery and Drapery — Industry	Dec. 11	IV	686
	Textile, Limitation of machine hours for the Cotton — Industry	Dec. 2	IV	693
35	Textile Machinery Manufacturing	Oct. 3	I	449
69	Textile, Millinery and Dress Trimming Braid and	Oct. 31	II	149
48	Textile, Silk	Oct. 7	I	587

Code No.	Industry	Date, 1933	Vol.	Page
	Textile, Stay of code provisions as to productive machinery operation for the Cotton — Industry	July 30	IV	691
3	Textile, Wool	July 26	I	33
8	Theatrical, Legitimate Full-Length Dramatic & Musical	Aug. 16	I	81
54	Throwing	Oct. 11	I	643
150	Tile, Asphalt and Mastic	Dec. 7	III	617
92	Tile, Floor and Wall Clay — Manufacturing	Nov. 4	II	443
9	Timber, Lumber and — Products	Aug. 19	I	95
	Amendments No. 1 & 2 & 3 & 4. (See Lumber and Timber Products.)			
	Denial of Application for exemption by Greensboro Lumber Co.	Oct. 20	II	696
174	Tire, Rubber — Manufacturing	Dec. 21	IV	335
	Toiletware, Plated — and Novelties	Dec. 23	IV	389
	Toiletware, Sterling	Dec. 23	IV	389
139	Tool, Machine — and Equipment Distributing	Nov. 27	III	485
103	Tool, Machine — and Forging Machinery	Nov. 8	II	577
122	Tool, Special — Die, & Machine Shop	Nov. 17	III	187
86	Toy and Playthings	Nov. 4	II	353
60	Trade, Retail and Retail Drug	Oct. 21	II	27
28	Transit	Sept. 18	I	371
111	Transport, Air	Nov. 14	III	1
160	Trapping, Fur — Contractors	Dec. 15	IV	151
69	Trimming, Millinery and Dress — Braid and Textile	Oct. 31	II	149
62	Tubular, Steel — and Firebox Boiler	Oct. 23	II	57
	Tuyères, Sleeve, Nozzle, and Runner Brick and	Dec. 18	IV	255
	Twine, Cordage and — Temporarily placed under Cotton Textile Industry	July 27	I	725
	Twine, Cordage and — Temporarily placed under Cotton Textile Industry Modification of Ex. O. of July 27, 1933, placing Cordage and Twine Industry temporarily under Cotton Textile Industry	Oct. 30	II	695
51	Umbrella Manufacturing	Oct. 9	I	613
23	Underwear and Allied Products Manufacturing	Sept. 18	I	309
	Temporarily placed under Cotton Textile Industry	July 21	I	717
	Stay Extended	Oct. 20	II	697
125	Upholstery and Drapery Textile	Nov. 27	III	259
	Further extension of time for certain manufacturers to elect not to be bound under the code of fair competition for the — Industry	Dec. 11	IV	686
153	Valve and Fittings Manufacturing	Dec. 15	IV	29
71	Varnish, Paint — and Lacquer Manufacturing	Oct. 31	II	169
46	Vehicle, Motor — Retailing Trade	Oct. 3	I	563
147	Vehicle, Motor — Storage and Parking Trade	Dec. 7	III	577
188	Velvet	Dec. 30	IV	539
136	Vitrified Clay Sewer Pipe Manufacturing	Nov. 27	III	445
	Wage, Stay of — hours provisions for the Hotel Industry	Dec. 2	IV	694
	Wage, Stay of minimum — provisions as to outside salesmen and drug store delivery employees for the Retail Trade	Nov. 8	IV	692

Code No.	Industry	Date, 1933	Vol.	Page
92	Wall, Floor and — Clay Tile.....	Nov. 4	II	443
19	Wall Paper Manufacturing.....	Sept. 7	I	267
	Amendment No. 1.....	Dec. 30	IV	677
	Walls, Suspended — and Arches.....	Dec. 18	IV	255
137	Warm Air Furnace Manufacturing.....	Nov. 27	III	461
93	Washing & Ironing Machine Manufacturing..	Nov. 4	II	461
149	Waste, Machined — Manufacturing.....	Dec. 7	III	607
178	Watch Case Manufacturing.....	Dec. 23	IV	403
140	Waterproofing, Dampproofing, Caulking Com- pounds and Concrete Floor Treatments Manufacturing.....	Nov. 27	III	497
166	Waxed Paper.....	Dec. 18	IV	233
96	Wheel, Buff and Polishing.....	Nov. 4	II	491
170	Wheel, Grinding.....	Dec. 21	IV	287
163	Wholesale Automotive Trade.....	Dec. 18	IV	185
	Wholesale Food and Grocery Trade — labor provisions.....	Nov. 15	III	645
32	Wire Covering, Knitting, Braiding and — Ma- chine.....	Oct. 3	I	411
41	Women's Belt.....	Oct. 3	I	511
186	Wood, End Grain Strip — Bloek.....	Dec. 30	IV	511
115	Wood Plug.....	Nov. 14	III	47
87	Woolen, Leather and — Knit Glove.....	Nov. 4	II	367
	Woolen, Temporary hours modification for the Leather and — Knit Glove Industry....	Dec. 6	IV	695
143	Wool Felt Manufacturing.....	Nov. 27	III	535
3	Wool Textile.....	July 26	I	33
	Yarn, Emergency requirement as to further limitation of hours of machinery operation in Carded — Group of the Cotton Textile Industry.....	Dec. 15	IV	703
14	Yarn, Rayon and Synthetic — Producing.....	Aug. 26	I	223

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